

At 5:26 p.m., Lt. Governor Woo presiding.

SB 241 was taken up for consideration on motion of Senator Bair:

SB 241 - AN ACT TO AMEND CHAPTER 68, TITLE 21, DELAWARE CODE, RELATING TO PENALTIES FOR CERTAIN OFF-HIGHWAY VEHICLES.

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.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Bair and the roll call vote taken which revealed 20 Senators voting YES and 1 (Neal) voting NO; therefore, the Amendment was declared adopted.

The roll call vote on SB 241 w SA 1, 2 was then taken and revealed 20 Senators voting YES and 1 (Zimmerman) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following Committee reports were announced:

From the Insurance and Elections Committee: SB 247 - 5 Merits; HB 167 w HA 2, 3, 4 - 5 Merits.

From the Judiciary Committee: SB 227 - 1 Favorable, 3 Merits; SB 228 - 1 Favorable, 3 Merits; SB 231 - 4 Merits; SB 239 - 4 Merits; HB 78 w HA 1, 2 - 4 Merits; HB 79 - 4 Merits; HB 177 w HA 1 - 4 Merits; HB 195 w HA 1 - 4 Merits; HB 221 - 4 Merits; SB 243 - 1 Favorable, 3 Merit; SB 250 - 4 Merits.

From the Community Affairs Committee: SB 249 - 4 Merits; SB 253 - 1 Favorable, 3 Merits; HB 66 w HA 1, 2 - 1 Favorable, 3 Merits; HB 253 w HA 1 - 4 Merits.

From the Health-Social Services/Aging Committee: SS 1 for SB 38 - 5 Merits.

From the Revenue and Taxation Committee: SB 238 - 3 Favorable, 3 Merits.

SB 254 was introduced and assigned to Community Affairs Committee:

SB 254 - AN ACT TO AMEND TITLE 9, 10 AND 12 OF THE DELAWARE CODE RELATING TO INCREASE OF SALARY FOR PARTICULAR KENT COUNTY OFFICIALS. Sponsors: Senators Minner, Cook, Vaughn, Adams, Torbert; Representatives Outten, B. Ennis, Clark, Buckworth, Caulk, Quillen, Barnes.

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 19, 1985

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Regina C. Dudziec, 332 E. Roosevelt Avenue, New Castle, DE 19720, to be appointed as a member of the Tax Appeals Board for a three year term to replace Nettie C. Reilly, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
June 19, 1985

To the Senate of the 133rd 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 E. Malarkey, 203 Haven Lake Ave., Milford, DE 19963, to be reappointed as State Bank Commissioner for a term of four years to expire January 12, 1989.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
June 20, 1985

At 5:45 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 20, 1985.

The Senate reconvened at 3:35 p.m., June 20, 1985, Lt. Governor Woo presiding.

HB 265 was reported out of the Revenue and Taxation Committee - 5 Merits.

The following legislation was introduced:

SB 255 - AN ACT TO AMEND CHAPTER 1, TITLE 13, DELAWARE CODE, RELATING TO PROHIBITIONS ON INTER-RACIAL MARRIAGES AND MARRIAGES BETWEEN PAUPERS. Sponsors: Senators McDowell, Knox, Holloway; Representatives Sills, Plant. Assigned to Judiciary Committee.

SB 257 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE RELATING TO STATE TAX DEDUCTIONS FOR RESIDENT VETERANS. Sponsor: Senator McBride. Assigned to Revenue and Taxation Committee.

SB 258 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE USE OF NUMBER PLATES FOR MANUFACTURERS AND DEALERS WHILE TEACHING A PERSON TO OPERATE A MOTOR VEHICLE. Sponsors: Senator Torbert, Representatives Spence, Davis; Senators Minner, Adams, Vaughn, Citro, Neal. Assigned to Public Safety Committee.

SB 259 - AN ACT TO AMEND CHAPTERS 3, 27, 42 AND 83, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ISSUANCE, RENEWAL, SUSPENSION OR REVOCATION OF DRIVER'S LICENSES. Sponsors: Senator Torbert, Representatives Spence, Davis; Senators Minner, Adams, Vaughn, Citro, Neal. Assigned to Public Safety Committee.

SB 260 - AN ACT TO AMEND CHAPTERS 21 AND 80, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION AND LICENSING OF MOTOR VEHICLES AND DRIVERS AND THE ELIMINATION OF THE VEHICLE SAFETY COMPACT. Sponsors: Senator Torbert, Representatives Spence, Davis; Senators Adams, Vaughn, Citro, Neal. Assigned to Public Safety Committee.

SB 261 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION AND LICENSING OF MOTOR VEHICLES AND DRIVERS. Sponsors: Senator Torbert, Representatives Spence Davis; Senators Minner, Adams, Vaughn, Citro, Neal. Assigned to Public Safety Committee.

SB 262 - AN ACT TO AMEND CHAPTER 63, TITLE 21, DELAWARE CODE, RELATING TO LICENSING OF USED-VEHICLE DEALERS. Sponsors: Senator Torbert, Representatives Spence, Davis; Senators Minner, Adams, Vaughn, Citro, Neal. Assigned to Public Safety Committee.

SB 256 - AN ACT TO AMEND VOLUME 64, CHAPTER 137, LAWS OF DELAWARE TO CORRECT A DRAFTING ERROR. Sponsor: Senator Cordrey. Assigned to Executive Committee.

SB 263 - AN ACT TO AMEND TITLE 10, DELAWARE CODE, CHAPTER 45, RELATING TO JURY SELECTION AND SERVICE. Sponsors: Senator Sharp, Representative Spence. Assigned to Judiciary Committee.

SB 264 - AN ACT TO AMEND TITLE 6, CHAPTER 50 OF THE DELAWARE CODE RELATING TO AUTOMOBILE WARRANTIES AND DISPUTE RESOLUTION OF PROCEDURES FOR DEFECTIVE AUTOMOBILES. Sponsors: Senators Arnold, Sharp, Neal; Representatives Taylor, Oberle. Assigned to Finance Committee.

SB 265 - AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, BY GIVING THE FIRE PREVENTION COMMISSION THE AUTHORITY TO APPOINT AND/OR EMPLOY ALL PERSONNEL IN THE FIRE MARSHAL'S OFFICE. Sponsors: Senators Vaughn, Adams, Zimmerman, Torbert, Martin, Minner; Representatives B. Ennis, C. Cordrey, Clark, Plant, Reynolds, Spence. Assigned to Public Safety Committee.

SA 2 to HB 178. Sponsor: Senator Arnold. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 145 w SA 1, 2; HB 292, HB 46; HB 280 w HA 1; SB 130 w SA 1; HB 30 w HA 1; HB 211 w HA 1** and adopted **HCR 70; HCR 71; HCR 72; HCR 73; SCR 64.**

The following legislation was introduced:

HB 46 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO SEXUAL HARASSMENT BY EMPLOYEES OF THE STATE. Sponsors: Representatives Roy, Smith, Taylor, Reynolds, Buckworth, Boykin, D. Ennis, Davis, Petrilli, Soles, Jester; Senators Citro, Minner, Cook. Assigned to Executive Committee.

HB 280 w HA 1 - AN ACT TO AMEND CHAPTERS 7, 17 AND 61 OF TITLE 18 DELAWARE CODE BY PROVIDING FOR ONE-TIME LICENSING AND APPOINTMENTS OF INSURANCE AGENTS, BROKERS, SURPLUS LINES BROKERS, CONSULTANTS AND FRATERNAL REPRESENTATIVES, CHANGING THE FEES THEREFOR AND DELETING REFERENCES TO LIMITED REPRESENTATIVES. Sponsors: Representatives D. Ennis, Free, Boykin, Brady, VanSant; Senators Berndt, McDowell, Sharp. Assigned to Natural Resources and Environmental Control Committee.

HB 292 - AN ACT TO AMEND CHAPTER 7, TITLE 18, OF THE DELAWARE CODE BY CHANGING THE ANNUAL STATEMENT FILING FEE FOR INSURERS, AND BY ADDING A FILING FEE CHARGE FOR FORM FILINGS AND RATE CHANGES SUBMITTED TO THE DEPARTMENT OF INSURANCE FOR REVIEW. Sponsors: Representatives D. Ennis, Free, Boykin, Brady, Bennett, VanSant; Senators Berndt, McDowell, Sharp. Assigned to Natural Resources and Environmental Control Committee.

HB 30 w HA 1 - AN ACT TO AMEND CHAPTER 32, TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP LIFE INSURANCE FOR STATE EMPLOYEES. Sponsors: Representatives Gilligan and George. Assigned to Insurance and Elections Committee.

HB 211 w HA 1 - AN ACT TO AMEND CHAPTER 68, TITLE 21 OF THE DELAWARE CODE RELATING TO OFF-HIGHWAY VEHICLES. Sponsors: Representatives Clark, Anderson, Bennett, Brady, Buckworth, Campanelli, Carey, Caulk, C. Cordrey, Davis, B. Ennis, Gilligan, Jester, Jonkiert, Mack, Outten, Reynolds, Sills, Steele, VanSant, West, Wingate; Senators Cook, Holloway, Marshall, McDowell, Torbert, Vaughn. Assigned to Public Safety Committee.

SA 3 to HB 136. Sponsor: Senator Zimmerman. Placed with the Bill.

The following Committee reports were announced:

From the Banking Committee: **SB 225** - 5 Merits.

From the Executive Committee: **HB 6** - 6 Merits.

From the Agriculture Committee: **HB 111 w HA 2** - 3 Merits.

From the Administrative Services/Energy Committee: **SB 240** - 1 Favorable, 5 Merits; **HB 104** - 6 Merits; **HB 172** - 6 Merits.

From the Revenue and Taxation Committee: **HB 269** - 5 Merits.

At 3:50 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 43rd Legislative Day.

43RD LEGISLATIVE DAY June 20, 1985

The Senate convened at 3:50 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Rev. Jerry Reynolds (Cedars Church of Christ).

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

LEGISLATIVE ADVISORY #11 received from Office of Counsel to the Governor was read which informed the Senate that the Governor signed the following legislation on June 19, 1985: **SB 77** (Volume 65, Chapter 18, Laws of Delaware), **SB 84** (Volume 65, Chapter 19, Laws of Delaware), **SB 94** (Volume 65, Chapter 20, Laws of Delaware), **SB 102** (Volume 65, Chapter 21, Laws of Delaware), **SB 115** (Volume 65, Chapter 22, Laws of Delaware), **SB 141** (Volume 65, Chapter 23, Laws of Delaware), **SB 142** (Volume 65, Chapter 24, Laws of Delaware), **HB 198** (Volume 65, Chapter 25, Laws of Delaware).

LEGISLATIVE ADVISORY #12 received from Office of Counsel to the Governor was read which informed the Senate that the Governor signed **HJR 14** on June 20, 1985.

Senator Bair introduced her son and his friend to the Senate.

Senator Arnold introduced Rev. Reynold's wife, Jean, to the Senate.

Sensors Slatcher and Vaughn marked PRESENT.

HB 78 w HA 1, 2 was taken up for consideration on motion of Senator Sharp:

HB 78 w HA 1, 2 - AN ACT TO AMEND CHAPTER 25, TITLE 29, DELAWARE CODE RELATING TO THE POWERS, DUTIES AND AUTHORITY OF THE STATE DEPARTMENT OF JUSTICE.

Sensors Berndt, Cook, Holloway, McBride 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 returned to the House.

SCR 68 was introduced and considered for adoption on motion of Senator Holloway:

SCR 68 - COMMENDING JERRY REYNOLDS, MINISTER OF THE CEDARS CHURCH OF CHRIST AND HIS CONGREGATION FOR THEIR HUMANITARIAN EFFORTS IN RAISING IN EXCESS OF SEVEN MILLION DOLLARS FOR ETHIOPIAN RELIEF. Sponsors: Senators Holloway, Arnold; Representatives Sills, Roy.

All the Senators were added as co-sponsors of the Resolution after which the roll call vote was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

HB 111 w HA 2 was taken up for consideration on motion of Senator Adams:

HB 111 w HA 2 - AN ACT TO AMEND CHAPTER 83, TITLE 9 OF THE DELAWARE CODE RELATING TO THE VALUATION OF LAND DEVOTED TO AGRICULTURAL, HORTICULTURAL OR FORESTRY USE.

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 172 was taken up for consideration on motion of Senator McDowell:

HB 172 - AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF MEDICAL PRACTICE DISCIPLINARY PROCEEDINGS.

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.

HB 6 was taken up for consideration on motion of Senator Adams:

HB 6 - AN ACT TO AMEND CHAPTER 5, TITLE 1 OF THE DELAWARE CODE RELATING TO LEGAL HOLIDAYS, AND DESIGNATING RETURN DAY AS A HALF-DAY HOLIDAY IN SUSSEX COUNTY.

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

YES: Senators Adams, Arnold, Bair, Citro, Connor, Cook, Cordrey, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Slatcher, Torbert, Vaughn - 17.

NOT VOTING: Senators Minner, Zimmerman - 2.

ABSENT: Senators Berndt, Holloway - 2.

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

The following Committee reports were announced:

From the Judiciary Committee: HB 179 w HA 1, 2 - 5 Merits; HB 180 w HA 2 - 5 Merits; HB 181 - 5 Merits.

On motion of Senator Sharp (without objection), the necessary rules were suspended for consideration of HB 179 w HA 1, 2; HB 180 w HA 2 and HB 181.

HB 179 w HA 1, 2 - AN ACT TO AMEND TITLE II, CHAPTER 35 OF THE DELAWARE CODE RELATING TO WITNESSES.

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

HB 180 w HA 2 - AN ACT TO AMEND SUBPART F., SUBCHAPTER VI, CHAPTER 5, TITLE II, DELAWARE CODE RELATING TO INTERFERING WITH CHILD WITNESSES.

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

Consideration of HB 181 was deferred on motion of Senator Sharp.

HB 79 was taken up for consideration on motion of Senator Sharp:

HB 79 - AN ACT TO AMEND CHAPTER 90, TITLE II OF THE DELAWARE CODE RELATING TO THE VIOLENT CRIMES COMPENSATION BOARD AND CONFLICTS OF INTEREST.

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 4:36 p.m. a short recessed was called for changing of Tape and reconvened at 4:38 p.m., Lt. Governor Woo presiding.

HB 292 and HB 280 w HA 1 which had been assigned to Natural Resources and Environmental Control Committee were reassigned to Insurance and Elections Committee.

HB 104 was taken up for consideration on motion of Senator McDowell:

HB 104 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO BUDGET AND FISCAL REGULATION.

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

HB 84 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 84 w HA 1 - AN ACT TO AMEND TITLE 31, DELAWARE CODE TO AUTHORIZE THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES TO ENTER INTO INTERSTATE AGREEMENTS PERTAINING TO ADOPTION ASSISTANCE; ESTABLISHING PROCEDURES FOR INTERSTATE SERVICES PAYMENTS; AND PROVIDING FOR THE ADOPTION OF RELATED REGULATIONS.

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 167 w HA 2, 3, 4 was taken up for consideration on motion of Senator Sharp:

HB 167 w HA 2, 3, 4 - AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.

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

HB 265 was taken up for consideration on motion of Senator Marshall:

HB 265 - AN ACT TO RECONFIRM THE CONSTITUTED AUTHORITY STATUS OF NORTHERN DELAWARE INDUSTRIAL DEVELOPMENT CORPORATION TO ISSUE REVENUE BONDS ON BEHALF OF THE STATE OF DELAWARE FOR THE LIMITED PURPOSE OF REFUNDING, REISSUING OR MODIFYING BONDS ISSUED IN 1966 AND 1967 FOR PHOENIX STEEL CORPORATION.

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

HB 195 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 195 w HA 1 - AN ACT TO AMEND CHAPTER 84, TITLE II OF THE DELAWARE CODE RELATING TO THE DELAWARE POLICE TRAINING PROGRAM.

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.

HS 1 for HB 185 was reported out of the Judiciary Committee: 5 Merits.

HS 1 for HB 185 was then taken up for consideration under suspension of the necessary rules on motion of Senator Sharp:

HS 1 for HB 185 - AN ACT TO AMEND CHAPTER 31, TITLE 21 OF THE DELAWARE CODE RELATING TO NONDRIVER IDENTIFICATION CARDS.

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

HB 202 w HA 1 was taken up for consideration on motion of Senator Sharp who then yielded to Senator Zimmerman to floor manage the Bill:

HB 202 w HA 1 - AN ACT TO AMEND CHAPTER 92, TITLE II, DELAWARE CODE, RELATING TO THE RIGHTS OF LAW ENFORCEMENT OFFICERS.

During discussion of the Bill and the Amendments offered to it, the privilege of the floor was extended to Myron Steele, State F.O.P. Lodge.

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:

YES: Senators Adams, Cook, Cordrey, Minner, Vaughn - 5.

NO: Senators Bair, Berndt, Connor, Knox, Marshall, Martin, McBride, Torbert, Zimmerman - 9.

NOT VOTING: Senators Holloway, McDowell, Sharp, Slatcher - 4.

ABSENT: Senators Arnold, Citro, Neal - 3.

Therefore, the Amendment was declared defeated.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Adams and the roll call vote taken which revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Minner, Sharp, Slatcher, Vaughn - 8.

NO: Senators Arnold, Bair, Berndt, Connor, Knox, Marshall, Martin, McBride, McDowell, Neal, Torbert, Zimmerman - 12.

ABSENT: Senator Citro - 1.

Therefore, the Amendment was declared defeated.

The roll call vote on HB 202 w HA 1 was then taken and revealed 18 Senators voting YES and 3 (Adams, Cordrey, Slatcher) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 167 w HA 2, 3, 4 was lifted from the table for consideration on motion of Senator Sharp and then immediately laid on the table on further motion of the Senator.

HB 265 was lifted from the table for consideration on motion of Senator Marshall and the roll call vote taken which revealed 20 Senators voting YES and 1 (Cordrey) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 181 was taken up for consideration on motion of Senator Sharp:

HB 181 - AN ACT TO AMEND CHAPTER 43, TITLE 10, DELAWARE CODE RELATING TO TESTIMONY OF CHILDREN.

SA 1 to the Bill (sponsored by Senator Torbert) was introduced and considered for adoption on motion of Senator Torbert. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (McDowell) voting NO; therefore, the Amendment was declared adopted.

The roll call vote on HB 181 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.

HB 66 w HA 1, 2 was taken up for consideration on motion of Senator Minner:

HB 66 w HA 1, 2 - AN ACT TO AMEND CHAPTER 8, TITLE 22 AND CHAPTER 3, TITLE 9 OF THE DELAWARE CODE RELATING TO MUNICIPAL AND COUNTY REGULATION OF FIREARMS.

The roll call vote on the Bill was 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.

At 5:46 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 6:37 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Education Committee: SB 229 - 5 Merits; SB 246 - 1 Favorable, 4 Merits; SB 252 - 2 Favorable, 3 Merits; SB 235 - 5 Merits; HJR 3 w HA 1 - 4 Merits.

From the Agriculture Committee: HB 98 w HA 1 - 6 Merits.

At 6:38 p.m., Lt. Governor Woo presiding.

At 6:40 p.m. on motion of Senator Sharp, the Senate recessed until 1:30 p.m., June 25, 1985.

The Senate reconvened at 2:05 p.m., June 25, 1985, Lt. Governor Woo presiding.

The following Committee reports were announced:

From the Public Safety Committee: SB 258 - 4 Merits; SB 259 - 4 Merits; SB 260 - 4 Merits; SB 261 - 4 Merits; SB 262 - 4 Merits; SB 265 - 4 Merits; HB 211 w HA 1 - 4 Merits.

From the Executive Committee: SB 256 - 5 Merits.

The following legislation was introduced:

SB 266 - AN ACT TO AMEND CHAPTER 20, TITLE 15, DELAWARE CODE, RELATING TO REGISTRATION OF VOTERS. Sponsors: Senators McDowell, Martin, Minner, McBride, Vaughn, Sharp, Holloway, Marshall, Zimmerman, Torbert, Adams; Representatives Jonkiert, Houghton, Soles, B. Ennis, Plant, Sills, Wingate, Anderson, Outten, Jester, Bennett, VanSant, George, Campanelli, West, Gilligan, Brady, Spence. Assigned to Insurance and Elections Committee.

SB 267 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 20, TITLE 15, DELAWARE CODE, RELATING TO REGISTRATION BY MAIL. Sponsors: Senators McDowell, Martin, Minner, McBride, Adams, Torbert, Zimmerman, Marshall, Holloway, Sharp, Vaughn; Representatives Houghton, Soles, B. Ennis, Spence, Jonkiert, Davis, Mack, Sills, Wingate, Anderson, Jester, Brady, Clark, George, Campanelli, Bennett, Outten, VanSant, West, Plant, Gilligan. Assigned to Insurance and Elections Committee.

SB 268 – AN ACT TO AMEND CHAPTER 23, TITLE 15 OF THE DELAWARE CODE RELATING TO PENALTIES FOR VIOLATIONS OF THE STATE ELECTION LAWS. Sponsors: Senators McDowell, Martin, McBride, Minner, Vaughn, Sharp, Holloway, Marshall, Zimmerman, Torbert, Adams; Representatives Campanelli, Houghton, B. Ennis, Davis, Soles, Sills, Jonkiert, Mack, Outten, Wingate, Anderson, Bennett, Clark, Jester, Brady, Plant, Gilligan, West, VanSant, George, Spence. Assigned to Insurance and Elections Committee.

SB 269 – AN ACT TO AMEND CHAPTER 81, TITLE 9 OF THE DELAWARE CODE RELATING TO EXEMPTION FROM TAXATION OF OFF-STREET PARKING FACILITIES. Sponsors: Senators Marshall, Arnold; Representative George. Assigned to Community Affairs Committee.

SA 1 to HB 167. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 4 and SA 5 to HB 136. Sponsor: Senator Zimmerman. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 246 w HA 1; SB 32; SB 213; SB 133; SB 210 w SA 1; SB 163 w SA 1; SB 216 w HA 1; SB 70; SB 54 w SA 1; HA 1; HB 337; HB 219 w HA 2; HB 294; HB 283 w HA 2; HB 282 w HA 1; HB 150; HB 231 w HA 1; HB 232; HB 266; HB 291; HB 241; HB 243; HB 290; SB 20; SB 153 w HA 1, SA 1; SB 78 w SA 1, 2; SB 197; SB 185; SB 172; SB 169 and adopted SJR 6 and SCR 68.**

The following legislation was introduced:

HB 246 – AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE RELATING TO FREEDOM OF INFORMATION. Sponsors: Representatives Taylor, Roy, Gilligan; Senators Bair, McDowell, Minner. Assigned to Administrative Services/Energy Committee.

HB 150 – AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO COMMUNITY CARE FOR FRAIL OR FUNCTIONALLY IMPAIRED ADULTS. Sponsors: Representatives Steele, Maroney, Buckworth, Boykin, Fallon, Taylor, Reynolds, Spence, Petrilli, Mack, VanSant; Senators Holloway, Bair, Arnold, Berndt, Marshall, Minner, Slatcher, Neal, Knox, Citro, Torbert. Assigned to Health-Social Services/Aging Committee.

HB 219 w HA 2 – AN ACT TO AMEND CHAPTER 55, TITLE 25 OF THE DELAWARE CODE RELATING TO NOTICE OF RENT INCREASES. Sponsors: Representatives Anderson, Clark, D. Ennis, Soles; Senator Bair. Assigned to Administrative Services/Energy Committee.

HB 231 w HA 1 – AN ACT TO AMEND TITLES 10, 13, 29 AND 30 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT. Sponsors: Representative Maroney, Senator Holloway; Representatives Buckworth, Sills, Steele; Senator Connor. Assigned to Judiciary Committee.

HB 232 – AN ACT TO AMEND TITLE 13, DELAWARE CODE RELATING TO INTERSTATE WITHHOLDING FOR THE PAYMENT OF SUPPORT. Sponsors: Representative Maroney, Senator Holloway; Representatives Buckworth, Sills, Steele; Senator Connor. Assigned to Judiciary Committee.

HB 241 – AN ACT TO PERMIT ABNER X. MILLER TO CONTINUE EMPLOYMENT WITH THE DELAWARE STATE HOSPITAL AS LAUNDRY MANAGER AFTER ATTAINING THE AGE OF 70. Sponsor: Representative Outten. Assigned to Administrative Services/Energy Committee.

HB 243 – AN ACT TO AMEND ARTICLE 6, TITLE 6 OF THE DELAWARE CODE RELATING TO BULK TRANSFERS. Sponsor: Representative Wingate. Assigned to Finance Committee.

HB 266 w HA 1 – AN ACT TO AMEND CHAPTER 8, TITLE 29 OF THE DELAWARE CODE RELATING TO THE BOUNDARY LINES OF CERTAIN DISTRICT. Sponsor: Representative Taylor. Assigned to Community Affairs Committee.

HB 283 w HA 2 – AN ACT TO AMEND CHAPTER 9, TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISHING IN TIDAL WATERS; SALE, TRADE OR BARTER OF FOOD FISH; FOOD FISHING EQUIPMENT PERMITS, REQUIREMENTS AND RESTRICTIONS, AREAS RESTRICTED FOR USING CERTAIN FISHING EQUIPMENT; INTERFERING WITH FISHING EQUIPMENT; GILL NETS, USE OF ELECTRIC LIGHTS; AND JURISDICTION OVER VIOLATIONS AND FORFEITURE PROCEEDINGS. Sponsors: Representatives Carey, Caulk, Barnes, Buckworth, West, Wingate; Senators Minner, Cook, Vaughn, Knox, Slatcher, Arnold, Berndt. Assigned to Natural Resources and Environmental Control Committee.

HB 290 – AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Representative Mack, Senator Marshall. Assigned to Labor and Industrial Relations Committee.

HB 291 – AN ACT TO AMEND PART III, TITLE 19, OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Representative Mack, Senator Marshall. Assigned to Labor and Industrial Relations Committee.

HB 294 – AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE MEDICAL PRACTICES ACT AND THE REPORTING OF WOUNDS OR INJURIES CAUSED BY FIREARMS, STABBINGS, OR POISONINGS. Sponsors: Representatives Reynolds, Spence, Mack, Boykin, Smith, Buckworth, Taylor, Davis, Steele, Houghton, VanSant, Brady, Anderson, Clark, C. Cordrey, Wingate, Gilligan, B. Ennis. Assigned to Administrative Services/Energy Committee.

HB 282 – AN ACT TO AMEND CHAPTER 9, TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISHING IN TIDAL WATERS; CORRECTION OF PERTINENT DATA BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL; THE FINFISHERIES DEVELOPMENT FUND; AND ENFORCEMENT OF REPORTING REQUIREMENTS. Sponsors: Representatives Carey, Caulk, Barnes, Buckworth, West, Wingate; Senators Minner, Cook, Vaughn, Knox, Slatcher, Arnold, Berndt. Assigned to Natural Resources and Environmental Control Committee.

HB 337 - AN ACT ENTITLED "THE TAX REDUCTION ACT OF 1985", WHICH AMENDS CHAPTER 11, TITLE 30 OF THE DELAWARE CODE, RELATING TO THE REDUCTION OF PERSONAL INCOME TAX RATES. Sponsors: Representatives Petrilli, George, Oberle, Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Hebner, Mack, Maroney, Quillen, Reynolds, Roy, Smith, Spence, Steele, Taylor, Anderson, Bennett, Brady, Campanelli, Clark, C. Cordrey, B. Ennis, Gilligan, Houghton, Jester, Sills, Jonkiert, Outten, Plant, Soles, VanSant, West, Wingate; Senators Arnold, Bair, Citro, Connor, Knox, Neal. Assigned to Revenue and Taxation Committee.

SA 1 to HB 32. Sponsor: Senator Vaughn. Placed with the Bill.

SA 3 to SB 58. Sponsor: Senator Bair. Placed with the Bill.

The following Committee reports were announced:

From the Community Affairs Committee: **SB 254** - 3 Merits; **HB 178** - 3 Merits.

SB 54 w SA 1, HA 1 was laid on the table on motion of Senator Torbert.

SB 216 w HA 1 was laid on the table on motion of Senator Sharp.

At 2:25 p.m. on motion of Senator Cordrey, the Senator adjourned to immediately convene for the 44th Legislative Day.

44TH LEGISLATIVE DAY

June 25, 1985

The Senate convened at 2:25 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

HB 167 w HA 2, 3, 4 was taken up for consideration on motion of Senator Sharp:

HB 167 w HA 2, 3, 4 - AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.

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

The privilege of the floor was extended to Gary Dalton, Senate Attorney.

The Amendment was then laid on the table on motion of Senator Zimmerman.

Senator Adams marked PRESENT.

The roll call vote on **HB 167 w HA 2, 3, 4** was then taken and revealed 18 Senators voting YES, 1 (Zimmerman) NOT VOTING, and 2 (Holloway and McBride) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 136 w HA 2 which had been deferred for final consideration was taken up for consideration on motion of Senator Zimmerman.

SA 2, SA 3, SA 4 to the Bill which had been placed with the Bill were stricken at the request of Senator Zimmerman.

SA 5 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Zimmerman.

The privilege of the floor was extended to Gary Dalton, Senate Attorney.

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

SS 1 for SB 38 was taken up for consideration on motion of Senator Holloway:

SS 1 for SB 38 - AN ACT TO AMEND PART I, SUBCHAPTER II, TITLE 16 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE STATE BOARD OF HEALTH; AND PROVIDING FOR THE REGULATION OF HOME HEALTH CARE; AND CHAPTER 93, TITLE 16 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF A HOME HEALTH AGENCY.

On motion of Senator Holloway, **SS 1 for SB 38** was adopted in lieu of the Original.

SA 1 to SS 1 for SB 38 was introduced by Senator Bair and considered for adoption on her motion. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Citro and McDowell) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on **SS 1 for SB 38 w SA 1** was then taken and revealed 20 Senators voting YES and 1 (McBride) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 136 w HA 2 was lifted from the table for consideration on motion of Senator Zimmerman.

SA 5 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Zimmerman.

The privilege of the floor was extended to William C. Wagner, II (Division of Fish and Wild Life, Department of Natural Resources and Environmental Control) after which the roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Vaughn) NOT VOTING; therefore, the Amendment was declared adopted.

The roll call vote on **HB 136 w HA 2, SA 5** was then taken and revealed 19 Senators voting YES, 1 (Vaughn) NOT VOTING, and 1 (Arnold) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

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

SB 227 - AN ACT TO AMEND CHAPTER 39, TITLE 10 OF THE DELAWARE CODE RELATING TO PLEADING AND PRACTICE IN THE COURTS OF THE STATE OF DELAWARE.

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

SB 243 was taken up for consideration on motion of Senator Vaughn:

SB 243 - AN ACT TO AMEND CHAPTER 83, TITLE 29, DELAWARE CODE, RELATING TO THE BOARD OF PENSION TRUSTEES.

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

SB 253 was taken up for consideration on motion of Senator Connor:

SB 253 - AN ACT TO AMEND CHAPTER 121, VOLUME 32, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO ESTABLISH A BOARD OF WATER AND LIGHT COMMISSIONERS FOR THE CITY OF NEW CASTLE".

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

SB 227 was lifted from the table for consideration on motion of Senator Vaughn.

SA 1 to the Bill was introduced by Senator Vaughn and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 227 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 231 was taken up for consideration on motion of Senator Arnold:

SB 231 - AN ACT TO AMEND TITLE II, SECTION 4214, DELAWARE CODE, RELATING TO HABITUAL CRIMINALS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Holloway and Zimmerman) ABSENT; 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 Sharp:

SB 235 - AN ACT TO AMEND CHAPTER 41, TITLE 14 OF THE DELAWARE CODE RELATING TO A MOMENT OF SILENT REFLECTION IN PUBLIC SCHOOLS.

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

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Holloway, Marshall, Martin, McBride, Neal, Sharp, Slatcher, Torbert, Vaughn - 16.

NO: Senators Cordrey, Knox - 2.

NOT VOTING: Senators McDowell, Minner, Zimmerman - 3.

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

Lt. Governor Woo recognized and welcomed to the Senate, Dr. Mishoe, President of Delaware State College.

SB 229 was taken up for consideration on motion of Senator Vaughn:

SB 229 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 19, RELATING TO TAX RATES IN SCHOOL DISTRICTS WHICH TRAVERSE COUNTY BOUNDARY LINES.

At 3:55 p.m., Senator Sharp presiding.

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 203 was taken up for consideration on motion of Senator Slatcher:

SB 203 - AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD RELATING TO SUPPLEMENTAL TAX ASSESSMENTS".

At 3:57 p.m., Lt. Governor Woo presiding.

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 258 was taken up for consideration on motion of Senator Torbert:

SB 258 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE USE OF NUMBER PLATES FOR MANUFACTURERS AND DEALERS WHILE TEACHING A PERSON TO OPERATE A MOTOR VEHICLE.

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 225 was taken up for consideration on motion of Senator Cordrey:

SB 225 - AN ACT TO AMEND AN ACT, BEING CHAPTER 63, VOL. 12, LAWS OF DELAWARE ENTITLED "AN ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK," AS AMENDED, BY AMENDING SECTION 4 THEREOF TO ALLOW MEMBERS OF THE BOARD OF DIRECTORS TO BORROW FUNDS DEPOSITED WITH ARTISANS' SAVINGS BANK.

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

At 4:03 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:50 p.m., Lt. Governor Woo presiding.

The following Committee reports were announced:

From the Labor and Industrial Relations Committee: **SB 232** – 5 Merits.

From the Agriculture Committee: **HB 93 w HA 1** – 1 Favorable, 5 Merits.

The following legislation was introduced:

SB 270 – AN ACT AMENDING CHAPTERS 13 AND 15, TITLE 30 OF THE DELAWARE CODE RELATING TO INHERITANCE AND ESTATE TAXES. Sponsors: Senator Cordrey, Representatives Oberle, Steele, Wingate, Hebner, Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Free, Mack, Maroney, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Taylor, Anderson, Bennett, Brady, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, VanSant, West; Senators Sharp, Cook, Adams, McBride, Minner, Torbert, Vaughn, Zimmerman, Marshall, Holloway, Martin, Arnold, Bair, Citro, Connor, Knox, Neal, Slatcher. Laid on the table on motion of Senator Cordrey.

SB 272 – AN ACT TO AMEND CHAPTER 41, PART III, TITLE 9 OF THE DELAWARE CODE RELATING TO KENT COUNTY; AND CONFERRING CERTAIN POWERS UPON THE KENT COUNTY GOVERNMENT. Sponsors: Senators Cook, Minner, Torbert, Vaughn, Adams; Representatives Clark, B. Ennis, Buckworth, Caulk, Quillen, Barnes. Assigned to Community Affairs Committee.

SJR 9 – PROVIDING FOR THE CREATION OF A BLUE RIBBON TASK FORCE TO STUDY THE CREATION OF A DELAWARE PORT AUTHORITY AND APPROPRIATION THEREFORE. Sponsors: Senators Berndt, Knox, Neal, Marshall, Sharp, Holloway; Representatives Jonkiert, Boykin, Free, Roy. Laid on the table on motion of Senator Berndt.

SA 1 to SB 254. Sponsor: Senator Vaughn. Placed with the Bill.

SB 271 – AN ACT AWARDDING SPECIAL PENSION BENEFITS TO DONALD R. HARTWIG, 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 MADE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsor: Senator Martin. Laid on the table on motion of Senator Martin.

HB 231 w HA 1 and **HB 232** which had been assigned to Judiciary Committee were reassigned to Health-Social Services/Aging Committee.

SB 252 was taken up for consideration on motion of Senator Zimmerman:

SB 252 – AN ACT TO AMEND CHAPTER 34, TITLE 14, DELAWARE CODE, BY ESTABLISHING A DELAWARE SCHOLARS PROGRAM.

The privilege of the floor was extended to John F. Corrozi (Delaware Postsecondary Education Commission), Gary Gaulker (Controller General's Office) and Gary Dalton (Senate Attorney).

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

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

SB 256 – AN ACT TO AMEND VOLUME 64, CHAPTER 137, LAWS OF DELAWARE TO CORRECT A DRAFTING ERROR.

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

SB 259 – AN ACT TO AMEND CHAPTERS 3, 27, 42 and 83, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ISSUANCE, RENEWAL, SUSPENSION OR REVOCATION OF DRIVER'S LICENSES.

The privilege of the floor was extended to Richard E. Young (Division of Motor Vehicles) after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Holloway, Knox, Martin, Minner, Neal, Slatcher, Torbert, Vaughn, Zimmerman – 16.

NO: Senators Cordrey, Marshall, McBride, McDowell, Sharp – 5.

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

SB 261 was taken up for consideration on motion of Senator Torbert:

SB 261 – AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION AND LICENSING OF MOTOR VEHICLES AND 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.

SB 262 was taken up for consideration on motion of Senator Torbert:

SB 262 – AN ACT TO AMEND CHAPTER 63, TITLE 21, DELAWARE CODE, RELATING TO LICENSING OF USED-VEHICLE DEALERS.

Senator Minner requested that her named be removed as a co-sponsor of the Bill.

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

HJR 3 w HA 1 was taken up for consideration on motion of Senator McBride:
HJR 3 w HA 1 - TO CREATE A COMMITTEE ON THE ESTABLISHMENT OF COOPERATIVE PROGRAMS BETWEEN PUBLIC AND HIGHER EDUCATION IN THE VOCATIONAL-TECHNICAL AREAS.

The Resolution was then laid on the table on further motion of Senator McBride.

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

HB 47 - AN ACT TO AMEND CHAPTER 85, TITLE 14 AND CHAPTER 1, TITLE 8 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF STUDENT RECORDS OF PRIVATE POSTSECONDARY SCHOOLS, COLLEGES AND UNIVERSITIES.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Holloway, Marshall, Neal) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 48 w HA 1 was taken up for consideration on motion of Senator McBride:

HB 48 w HA 1 - AN ACT TO AMEND CHAPTER 85, TITLE 14 OF THE DELAWARE CODE RELATING TO PRIVATE BUSINESS AND TRADE SCHOOLS.

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 216 which had previously passed the Senate was lifted from the table for reconsideration on motion of Senator Sharp, as now amended by HA 1.

The roll call vote on SB 216 w HA 1 was 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 54 w SA 1 which had previously passed the Senate was lifted from the table for reconsideration on motion of Senator Torbert, as now further amended by HA 1.

The roll call vote on SB 54 w SA 1, HA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn - 18.

NO: Senator McBride - 1.

NOT VOTING: Senators McDowell, Zimmerman - 2.

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

SENATE CONSENT CALENDAR #11 and SENATE CONSENT CALENDAR #12 were read in and considered jointly on motion of Senator Minner:

SENATE CONSENT CALENDAR #11:

SCR 65 - CONGRATULATING THE KIRKWOOD WARRIORS FOR FINISHING FIRST AND THE CONCORD COUGARS FOR FINISHING SECOND IN THE UNDER 12 DIVISION OF THE DELAWARE YOUTH SOCCER ASSOCIATION BICENTENNIAL CUP. Sponsors: Senators Arnold, Bair, Sharp, Knox; Representatives Roy, Gilligan, Taylor, Davis.

SCR 66 - RECOGNIZING SATURDAY, JUNE 29, 1985, AS TONY LEWANDOWSKI DAY IN DELAWARE AND RECOGNIZING THE COURAGE AND TENACITY OF THIS SPECIAL YOUNG MAN. Sponsors: Senators Marshall, Representative Jonkiert.

SCR 67 - HONORING NICOLE IVY WILLIAMSON UPON HER SELECTION AS MISS DELAWARE NATIONAL PRETEEN AT THE STATE CONTEST HELD ON MAY 26, 1985. Sponsors: Senator McBride, Representative Spence.

HCR 69 - REQUESTING THE UNITED STATES ARMY CORPS OF ENGINEERS TO EXPEDITE COMPLETION OF THE SOUTH DIKE PROJECT. Sponsors: Representatives Jester, Clark, C. Cordrey; Senators Berndt, Minner, Vaughn.

SENATE CONSENT CALENDAR #12:

SR 50 - COMMENDING THE DELAWARE FARM BUREAU AND THE UNIVERSITY OF DELAWARE EXTENSION SERVICE FOR THEIR 1985 EFFORTS TO FAMILIARIZE SCHOOL CHILDREN, INCLUDING INNER-CITY YOUTH, WITH FARM ANIMALS AND THE IMPORTANCE OF AGRICULTURE IN THEIR EVERYDAY LIVES. Sponsor: Senator Holloway.

SCR 69 - COMMENDING THE RED CLAY CONSOLIDATED SCHOOL DISTRICT FOR INITIATING A PILOT PROGRAM FOR LATCHKEY CHILDREN AND ALSO COMMENDING THE GANNETT FOUNDATION FOR PROVIDING THE GRANT. Sponsors: Senators McDowell, Citro, McBride, Arnold, Sharp, Marshall.

SCR 70 - CONGRATULATING NADA ANN JONES OF NEWARK FOR MERITORIOUS PERFORMANCE IN EDUCATION ON THE OCCASION OF OBTAINING A MASTER'S DEGREE IN EDUCATION IN UNDER FIVE YEARS. Sponsors: Senator Martin, Representative Anderson.

HCR 70 - CONGRATULATING NICOLE IVY WILLIAMSON UPON WINNING THE MISS DELAWARE PRE-TEEN PAGEANT. Sponsors: Representative Spence, Senator McBride.

HCR 71 - REQUESTING THE SUPERINTENDENT OF THE DELAWARE STATE POLICE DIRECT THE DELAWARE STATE POLICE TO ADOPT A MORE AGGRESSIVE APPROACH TOWARD PROTECTING PROPERTY OWNERS FROM DAMAGES TO CROPS AND OTHER PROPERTY CAUSED BY OPERATORS OF OFF-HIGHWAY VEHICLES. Sponsors: Representatives Clark, Campanelli, VanSant, Jester, B. Ennis, Buckworth, West, Caulk, Carey, Houghton, Barnes, Adams, C. Cordrey; Senators Slatcher, Cook, Adams, Minner.

HCR 72 - URGING THE CONGRESS OF THE UNITED STATES TO PASS HOUSE BILL NO. 1875, WHICH PROVIDES FOR A GREATER BALANCE IN THE PROPORTION OF MILITARY CHAPLAINS OF DIFFERENT FAITHS REPRESENTED AMONG THE TOTAL MEMBERSHIP OF THE ARMED FORCES. Sponsors: Representatives VanSant, Brady, C. Cordrey, B. Ennis, Houghton, Jester, Mack, Outten, Reynolds, Sills, Taylor.

HCR 73 - RECOGNIZING OCTOBER 26, 1985 AS MULE APPRECIATION DAY IN THE STATE OF DELAWARE. Sponsors: Representative Buckworth, Senator Torbert.

* * * * *

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

SB 271 which had been laid on the table was lifted and assigned to Executive Committee on motion of Senator Martin.

SJR 9 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Berndt:

SJR 9 - PROVIDING FOR THE CREATING OF A BLUE RIBBON TASK FORCE TO STUDY THE CREATION OF A DELAWARE PORT AUTHORITY AND APPROPRIATION THEREFORE.

Senator McDowell requested that he be added as co-sponsor after which the roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 71 was introduced and considered for adoption on motion of Senator Adams:

SCR 71 - EXTENDING SYMPATHY TO SUSSEX COUNTY COUNCILMAN WILLIAM D. STEVENSON AND HIS FAMILY UPON LEARNING OF HIS WIFE'S DEATH ON JUNE 18, 1985. Sponsors: Senators Adams, R. Cordrey, Slatcher, Minner; Representatives Barnes, Carey, Fallon, West, C. Cordrey, Steele, Wingate.

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.

SJR 10 was introduced and laid on the table on motion of Senator Zimmerman:

SJR 10 - DIRECTING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO TAKE IMMEDIATE ACTION, INCLUDING CONDEMNATION PROCEEDINGS IF NECESSARY, TO SECURE THE LAND NECESSARY TO BEGIN CONSTRUCTION OF THE AUTHORIZED PEDESTRIAN OVERPASS OF U.S. 13 AT DELAWARE STATE COLLEGE. Sponsor: Senator Zimmerman.

At 6:24 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 26, 1985.

The Senate reconvened at 2:07 p.m., June 26, 1985, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 255; HB 256; HB 257; HB 258; HB 261; HB 284 w HA 1** and adopted **HJR 9 w HA 1**.

The following Committee reports were announced:

From the Health-Social Services/Aging Committee: **HB 231 w HA 1 - 5 Merits; HB 232 - 5 Merits.**

The following legislation was introduced:

SB 273 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 10, TITLE 14 OF THE DELAWARE CODE, RELATING TO NOMINATIONS OF SCHOOL BOARD MEMBERS. Sponsors: Senators Cook, Minner, Torbert, Vaughn, Zimmerman, Adams; Representatives Bennett, Clark, B. Ennis, Outten, Buckworth, Caulk, Quillen, Barnes. Assigned to Education Committee.

SB 274 - AN ACT TO AMEND CHAPTER 43, TITLE 9, DELAWARE CODE, RELATING TO THE ELIMINATION OF PENSION BRIDGING FOR KENT COUNTY EMPLOYEES. Sponsors: Senators Cook, Minner, Torbert, Vaughn, Zimmerman, Adams; Representatives Bennett, Clark, B. Ennis, Outten, Buckworth, Caulk, Quillen, Barnes. Assigned to Community Affairs Committee.

SB 275 - AN ACT TO AMEND TITLE 18, CHAPTER 65 OF THE DELAWARE CODE BY PLACING THE STATE INSURANCE COVERAGE OFFICE UNDER THE DIRECTION AND SUPERVISION OF THE DEPARTMENT OF PERSONNEL. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert, Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Insurance and Elections Committee.

SB 276 - AN ACT TO AMEND SUBCHAPTERS I AND III, CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO THE DEPRECIATION OF CONTRIBUTIONS IN AID OF CONSTRUCTION. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SB 277 - AN ACT TO AMEND CHAPTER 19, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF NURSING. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Labor and Industrial Relations Committee.

SA 1 to SB 270. Sponsor: Senator Marshall. Placed with the Bill.

SA 1 to SB 252. Sponsor: Senator Zimmerman. Placed with the Bill.

SB 279 - AN ACT TO AMEND TITLE 24, CHAPTER 27, DELAWARE CODE, RELATING TO THE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SB 280 - AN ACT TO AMEND CHAPTER 3, TITLE 18, OF THE DELAWARE CODE BY PROVIDING FOR A GENERAL ADMINISTRATIVE PENALTY FOR VIOLATIONS OF ANY PROVISIONS OF THE DELAWARE INSURANCE CODE. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Insurance and Elections Committee.

SB 281 - AN ACT TO AMEND CHAPTER 35, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF EXAMINERS OF PSYCHOLOGISTS. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SB 282 - AN ACT TO AMEND TITLE 24, CHAPTER 37, DELAWARE CODE RELATING TO THE BOARD OF EXAMINERS OF SPEECH/LANGUAGE PATHOLOGISTS, AUDIOLOGISTS AND HEARING AID DISPENSERS. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SA 2 to SB 270. Sponsor: Senator Cordrey. Placed with the Bill.

HB 277 - AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, BEING "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE", AS AMENDED, RELATING TO ASSESSMENT AND COLLECTION OF TAXES, AND ELECTIONS. Sponsors: Representative Steele, Senator Cordrey. Assigned to Community Affairs Committee.

HB 278 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO APPOINT A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES WHICH SHALL ESTABLISH, CONTROL AND REGULATE AN ELECTRIC LIGHT PLANT, WATER WORKS AND A SEWER SYSTEM FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS" BEING CHAPTER 196, VOLUME 22, LAWS OF DELAWARE, TO AUTHORIZE SPECIAL ASSESSMENTS OR AREA CONNECTION CHARGES UPON LOTS AND LAND BENEFITING FROM IMPROVEMENTS TO THE WATER SYSTEM, THE SANITARY SEWER SYSTEM, AND THE ELECTRIC SYSTEM. Sponsors: Representative Wingate; Senators Minner, R. Cordrey. Assigned to Executive Committee.

SB 275 which had been assigned to Insurance and Elections Committee was reassigned to Administrative Services/Energy Committee.

SB 277 which had been assigned to Labor and Industrial Relations Committee was reassigned to Administrative Services/Energy Committee.

SB 280 which had been assigned to Insurance and Elections Committee was reassigned to Administrative Services/Energy Committee.

HB 255 - AN ACT TO AMEND CHAPTER 11, TITLE 12 OF THE DELAWARE CODE RELATING TO UNCLAIMED OR ABANDONED PROPERTY. Sponsor: Representative Petrilli. Assigned to Judiciary Committee.

HB 256 - AN ACT TO REPEAL CHAPTER 35, TITLE 30 OF THE DELAWARE CODE RELATING TO EXPRESS COMPANIES, AND TO REPEAL CHAPTER 37, TITLE 30 OF THE DELAWARE CODE RELATING TO THE IMPOSITION OF A TAX ON THE BUSINESS OF TRANSPORTING PASSENGERS BY STEAM POWER, AND TO AMEND CHAPTER 54, TITLE 30 OF THE DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX AND CHAPTER 53, TITLE 30, OF THE DELAWARE CODE, RELATING TO COMMISSIONS PAID TO CIGARETTE TAX AFFIXING AGENTS. Sponsors: Representatives Petrilli, Boykin, Anderson, Brady, VanSant; Senator Marshall. Assigned to Revenue and Taxation Committee.

HB 257 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE PERSONAL INCOME TAX OF MEMBERS OF THE ARMED FORCES ON DEATH AND THE DEFINITION OF RESIDENT FOR PERSONAL INCOME TAX PURPOSES. Sponsors: Representatives Petrilli, Boykin, Anderson, Brady, VanSant; Senator Marshall. Assigned to Revenue and Taxation Committee.

HB 258 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE, RELATING TO PARTNERSHIP TAX RETURNS AND PENALTIES FOR FAILURE TO FILE PARTNERSHIP TAX RETURNS AND RELATED INFORMATION. Sponsors: Representatives Petrilli, Boykin, Anderson, Brady, VanSant; Senator Marshall. Assigned to Revenue and Taxation Committee.

HB 261 - AN ACT TO AMEND CHAPTER 11, TITLE 12 OF THE DELAWARE CODE TO PROVIDE FOR THE ESCHEAT TO THE STATE OF INTANGIBLE OWNERSHIP INTERESTS IN CORPORATION WHEN DIVIDENDS OR OTHER DISTRIBUTIONS THEREON HAVE BEEN ABANDONED. Sponsors: Representatives Petrilli, Boykin, Anderson, Brady, VanSant; Senator Marshall. Assigned to Judiciary Committee.

HJR 9 w HA 1 - CREATING A HOUSING DEVELOPMENT TRUST FUND STUDY COMMISSION; PROVIDING FOR MEMBERSHIP, ORGANIZATION, AND PURPOSE OF THE COMMISSION; AND REQUIRING A REPORT TO THE LEGISLATURE AND THE GOVERNOR. Sponsors: Representatives Sills, Barnes, D. Ennis, George, Gilligan, Maroney, Outten; Senators Holloway, Knox, McBride. Assigned to Health-Social Services/Aging Committee.

HB 284 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISHING IN TIDAL WATERS AND MARKING REQUIREMENTS FOR FISHING EQUIPMENT. Sponsors: Representatives Carey, Caulk, Barnes, Buckworth, West, Wingate; Senators Minner, Cook, Vaughn, Knox, Slatcher, Arnold, Berndt. Assigned to Natural Resources and Environmental Control Committee.

The Secretary announced that a message from the House informed the Senate that it had passed HB 164 w HA 2, 4, 5, 6.

The following Committee reports were announced:

From the Public Safety Committee: SB 245 - 5 Merits.

From the Agriculture Committee: HB 119 w HA 1 - 4 Merits.

From the Community Affairs Committee: SB 269 - 3 Merits; SB 272 - 3 Merits.

The following legislation was introduced:

HB 164 w HA 2, 4, 5, 6 - AN ACT TO AMEND TITLES 24, 29 AND 30 OF THE DELAWARE CODE RELATING TO OCCUPATIONAL THERAPY; AND PROVIDING FOR A DELAWARE OCCUPATIONAL THERAPY ACT. Sponsors: Representatives Buckworth, Caulk, Houghton, Maroney, Campanelli, Jonkiert, Davis, Steele, Carey, VanSant, George; Senators Holloway, Torbert. Assigned to Health-Social Services/Aging Committee.

At 2:29 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 45th Legislative Day.

45TH LEGISLATIVE DAY June 26, 1985

The Senate convened at 2:29 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

HB 164 w HA 2, 4, 5, 6 which had been assigned to Health-Social Services/Aging Committee was reassigned to Administrative Services/Energy Committee.

SB 270 was taken up for consideration on motion of Senator Cordrey:

SB 270 - AN ACT AMENDING CHAPTERS 13 AND 15, TITLE 30 OF THE DELAWARE CODE RELATING TO INHERITANCE AND ESTATE TAXES.

Senators Citro, McBride, Connor marked PRESENT.

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

YES: Senators Adams, Arnold, Bair, Citro, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Sharp, Slatcher, Vaughn, Zimmerman - 17.

NO: Senator McDowell - 1.

NOT VOTING: Senators Berndt, Connor, Torbert - 3.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cordrey 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 Robert Chastant (Division of Revenue).

The roll call vote on SB 270 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 1 was taken up for consideration on motion of Senator Sharp:

SB 1 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE, TO INCREASE THE ALLOWABLE DEDUCTION FOR PERSONAL EXEMPTION FROM \$800 to \$1,000, AND RELATING TO REQUIREMENT TO FILE ON DELAWARE STATE INCOME TAX.

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 Cordrey, and without objection, the roll call vote on SB 270 w SA 1, 2 was rescinded.

On motion of Senator Cordrey, and without objection, the necessary rules were suspended for consideration of SB 270.

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

YES: Senators Adams, Arnold, Bair, Citro, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Sharp, Slatcher, Vaughn, Zimmerman - 17.

NO: Senators Berndt, McDowell - 2.

NOT VOTING: Senators Connor, Torbert - 2.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator 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 270 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 254 was taken up for consideration on motion of Senator Minner:

SB 254 - AN ACT TO AMEND TITLE 9, 10 AND 12 OF THE DELAWARE CODE RELATING TO INCREASE OF SALARY FOR PARTICULAR KENT COUNTY OFFICIALS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Vaughn and the roll call vote taken which revealed 19 Senators voting YES, 1 (Zimmerman) NOT VOTING, and 1 (Bair) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill was taken up for consideration on motion of Senator Minner and the roll call vote taken which revealed 19 Senators voting YES, 1 (Zimmerman) NOT VOTING, and 1 (Bair) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 254 w SA 1, 2 was then taken and revealed 20 Senators voting YES and 1 (Zimmerman) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 272 was taken up for consideration on motion of Senator Cook:

SB 272 - AN ACT TO AMEND CHAPTER 41, PART III, TITLE 9 OF THE DELAWARE CODE RELATING TO KENT COUNTY; AND CONFERRING CERTAIN POWERS UPON THE KENT COUNTY GOVERNMENT.

SA 1 to the Bill (sponsored by Senator Neal and Slatcher) was introduced and considered for adoption.

The privilege of the floor was extended to Crawford J. Carroll (Mayor, of Dover, Delaware) after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Berndt, Citro, Neal, Slatcher, Zimmerman - 5.

NO: Senators Adams, Arnold, Bair, Connor, Cook, Cordrey, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn - 15.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment was declared defeated.

The roll call vote on SB 272 was then taken and revealed 20 Senators voting YES and 1 (Zimmerman) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 273 was taken up for consideration under suspension of the necessary rules on motion of Senator Cook:

SB 273 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 10, TITLE 14 OF THE DELAWARE CODE, RELATING TO NOMINATIONS OF SCHOOL BOARD MEMBERS.

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.

At 3:30 p.m., the Senate recessed for change of tape and reconvened at 3:31 p.m., Lt. Governor Woo presiding.

Lt. Governor Woo introduced to the Senate the Lt. Governor of Girls' State, Christine Oswald.

SB 274 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

SB 274 - AN ACT TO AMEND CHAPTER 43, TITLE 9, DELAWARE CODE, RELATING TO THE ELIMINATION OF PENSION BRIDGING FOR KENT COUNTY EMPLOYEES.

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

HB 232 - AN ACT TO AMEND TITLE 13, DELAWARE CODE RELATING TO INTERSTATE WITHHOLDING FOR THE PAYMENT OF SUPPORT.

The privilege of the floor was extended to Susan Paikin (Family Court) 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.

SCR 72 was introduced and laid on the table on motion of Senator McDowell:

SCR 72 - EXTENDING AN OFFICIAL WELCOME TO THE CHINESE JOURNALISTS WHO ARE VISITING THE GREAT STATE OF DELAWARE AND WISHING THEM A VERY ENLIGHTENING AND ENJOYABLE STAY. Sponsors: Senators McDowell, Cordrey, Sharp, Bair, Arnold; Representatives George, Gilligan, Hebner, Soles, Oberle.

On motion of Senator Connor (without objection) all the Senators were added as co-sponsors to the Resolution.

HB 231 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 231 w HA 1 - AN ACT TO AMEND TITLES 10, 13, 29, AND 30 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT.

The privilege of the floor was extended to Susan Paikin (Family Court), and Joseph P. Miller (Bureau of Child Support Enforcement).

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.

Lt. Governor Woo introduced the following members of the Chinese Journalists Delegation from the People's Republic of China: QIN Chuan, Head Director-General, RENMIN RIBAO (PEOPLE'S DAILY), MA Da, Editor-in-Chief, WEN HUI BAO (WEN HUI DAILY), SHE Shiguang, Director-General, CHINA'S YOUTH, CHEN li, Deputy Editor-in-Chief, CHINA DAILY, CHEN Suizhi (Head of European-North American Divisions, International Department, All China Journalists Association), JING Xianfu (Washington Correspondent, PEOPLE'S DAILY), Jan Carol Berris (V.P., National Commission on U. S. - China Relations) and Carl Crook (interpreter).

SCR 72 was lifted from the table for consideration on motion of Senator McDowell and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 252 was taken up for consideration on motion of Senator Zimmerman:

SB 252 - AN ACT TO AMEND CHAPTER 34, TITLE 14, DELAWARE CODE, BY ESTABLISHING A DELAWARE SCHOLARS PROGRAM.

SA 1 and SA 2 to the Bill were stricken on motion of Senator Zimmerman.

SA 3 to the Bill was introduced by Senator Zimmerman and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Marshall) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 252 w SA 3 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 246 was taken up for consideration on motion of Senator Zimmerman:

SB 246 - AN ACT TO AMEND CHAPTER 34, TITLE 14, DELAWARE CODE, RELATING TO STATE-FINANCED SCHOLARSHIPS ON THE BASIS OF NEED.

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 223 was taken up for consideration on motion of Senator McDowell:

SB 223 - AN ACT TO AMEND CHAPTER 66, TITLE 16, AND CHAPTER 11, TITLE 30, OF THE DELAWARE CODE BY REQUIRING SMOKE DETECTORS IN ALL RESIDENTIAL UNITS AND PROVIDING A TAX CREDIT FOR THE INSTALLATION THEREOF.

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

The roll call vote on SA 223 w SA 1 was then taken and revealed:

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

NO: Senators Arnold, Bair, Citro, Cordrey, Knox, McBride, Neal, Slatcher, Zimmerman - 9.

ABSENT: Senator Berndt - 1.

Therefore, the Bill was declared defeated since a 2/3 vote was required for passage.

SB 240 was taken up for consideration on motion of Senator Minner:

SB 240 - AN ACT TO AMEND TITLE 29, CHAPTER 69 OF THE DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTS.

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

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

SB 249 - AN ACT TO AMEND CHAPTER 143, VOLUME 57, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF SOUTH BETHANY."

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 232 was taken up for consideration on motion of Senator Cordrey:

SB 232 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION COVERAGE FOR VOLUNTEER AMBULANCE COMPANIES.

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 Cordrey (without objection), the roll call vote on SB 223 w SA 1 was rescinded and the Bill restored to the Calendar and laid on the table.

At 4:40 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:44 p.m., Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 179 w SA 1, HA 1, 2.

SB 245 was taken up for consideration on motion of Senator Vaughn:

SB 245 - AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, BY ESTABLISHING A FIRE MARSHAL'S ADVISORY BOARD AND A FIRE SCHOOL ADVISORY BOARD.

SA 1 to the Bill was introduced by Senator Vaughn and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 16 Senators voting YES and 5 (Citro, Cook, Holloway, Minner, Torbert) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 245 w SA 1 was then taken and revealed:

YES: Senators Adams, Berndt, Connor, Cook, Cordrey, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 17.

NO: Senators Arnold, Bair - 2.

ABSENT: Senators Citro, Holloway - 2.

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

SCR 73 was introduced and considered for adoption on motion of Senator Zimmerman:

SCR 73 - PROVIDING FOR THE DESIGNATION OF OCTOBER 10TH AS JAMES E. MILLER DAY IN DELAWARE. Sponsors: Senators Zimmerman, Vaughn, Cook, Minner, Torbert; Representatives Outten, Bennett, Clark, B. Ennis, Buckworth, Quillen, Barnes, Caulk.

Senator Adams was added as co-sponsor of the Resolution at his request after which the roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Holloway and Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

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

SB 228 - AN ACT TO AMEND TITLE 11, CHAPTER 65 OF DELAWARE CODE, TO CLARIFY THE CIRCUMSTANCES UNDER WHICH CLASS A FELONS AND FELONY SEX OFFENDERS MAY BE OUTSIDE THE CONFINES OF THE CORRECTIONAL INSTITUTION TO WHICH THEY ARE CLASSIFIED.

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 238 was taken up for consideration on motion of Senator Marshall:

SB 238 - AN ACT TO AMEND TITLES 5, 6 AND 30 OF THE DELAWARE CODE BY REVISING THE PROVISIONS OF THE DELAWARE BANKING LAWS RESTRICTING PARTICIPATION BY BANKS IN EXPORT TRADING COMPANIES; AND BY PROVIDING STATE ANTITRUST EXEMPTION FOR ACTIVITIES OF EXPORT TRADING COMPANIES PERMITTED BY FEDERAL LAW; BY PROVIDING AN EXEMPTION FROM THE TAXATION OF NET INCOME FOR EXPORT TRADING COMPANIES; AND BY PROVIDING FOR THE EXEMPTION OF EXPORT TRADING COMPANIES FROM THE PROVISION OF THE MERCANTILE TAX.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (McDowell) voting NO, and 1 Zimmerman (NOT VOTING); therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 269 was taken up for consideration on motion of Senator Marshall:

SB 269 - AN ACT TO AMEND CHAPTER 81, TITLE 9 OF THE DELAWARE CODE RELATING TO EXEMPTION FROM TAXATION OF OFF-STREET PARKING FACILITIES.

The privilege of the floor was extended to Gary Dalton (Senate Attorney) after which the Bill was laid on the table on motion of Senator Marshall.

HB 178 was taken up for consideration on motion of Senator Minner:

HB 178 - AN ACT TO RE-INCORPORATE THE TOWN OF NEWPORT.

Senator Minner deferred to Senator Sharp to floor-manage the Bill.

SA 1 and SA 2 to the Bill which had been placed with the Bill were stricken at the request of the sponsor of the Amendments, Senator Arnold.

The roll call vote on HB 178 was then taken and revealed:

YES: Senators Adams, Bair, Citro, Connor, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 17.

NOT VOTING: Senator Arnold - 1.

ABSENT: Senators Berndt, Knox, Neal - 3.

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

HB 253 w HA 1 was taken up for consideration on motion of Senator Minner:

HB 253 w HA 1 - AN ACT TO AMEND CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" BY REQUIRING THAT VOTERS IN MUNICIPAL ELECTIONS BE UNITED STATES CITIZENS AND BY ELIMINATING THE CAP ON FUNDING A PENSION OR HEALTH AND WELFARE PLAN FOR TOWN EMPLOYEES.

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

SB 179 w SA 1 which had passed the Senate, was taken up for reconsideration as now further amended by HA 1, 2.

The roll call vote on SB 179 w SA 1, HA 1, 2 was then taken and revealed 18 Senators voting YES and 3 (Berndt, Knox, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

At 6:58 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 27, 1985.

The Senate reconvened at 2:44 p.m., June 27, 1985, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 252; HB 142 w HA 1, 2; HB 307 w HA 1; HB 227; HB 90; HB 303; HB 306; HB 319; HB 300 w HA 1; HB 310 w HA 1; HB 174; HB 224; HB 273; HB 276 w HA 2; SB 151 and adopted HJR 17 and SCR 54 w HA 1.

The following Committee reports were announced:

From the Administrative Services/Energy Committee: SS 1 for SB 56 - 7 Merits.

From the Public Safety Committee: SB 221 - 1 Favorable, 5 Merits.

From the Executive Committee: SB 271 - 6 Merits; HB 278 - 1 Favorable, 4 Merits.

From the Finance Committee HB 243 - 6 Merits.

From the Community Affairs Committee: HB 277 - 3 Merits.

From the Health-Social Services/Aging Committee: HJR 9 w HA 1 - 5 Merits.

The following legislation was introduced:

SB 278 - 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, 1986; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY OF THE STATE OF DELAWARE. Sponsors: Senator Cook and Representative Bennett; Senators Holloway, McBride, Vaughn, Slatcher, Adams, Cordrey, Marshall, Martin, McDowell, Minner, Sharp, Torbert, Zimmerman; Representatives Soles, Davis, Clark, Caulk, B. Ennis, Outten, Wingate. Assigned to Finance Committee.

SB 283 - AN ACT TO AMEND CHAPTER 3, TITLE 3 OF THE DELAWARE CODE BY CREATING A DELAWARE AGRICULTURAL MARKETING FUND. Sponsor: Senator Adams. Assigned to Agriculture Committee.

SB 284 - AN ACT TO AMEND TITLE II OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE; AND PROVIDING FOR THE REGULATION OF CERTAIN ELECTRONIC WEAPONS. Sponsors: Senator McBride, Representative Jonkiert. Assigned to Judiciary Committee.

SB 285 - AN ACT TO AMEND CHAPTER 101, SUBCHAPTER VII, TITLE 29 OF THE DELAWARE CODE RELATING TO AGENCIES AFFECTED BY THE ADMINISTRATIVE PROCEDURES ACT. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SB 286 - AN ACT TO AMEND VOLUME 63, CHAPTER 286, LAWS OF DELAWARE, RELATING TO THE EMPLOYEE SUGGESTION AWARDS COMMITTEE. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SB 287 - AN ACT TO AMEND CHAPTER 1, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE STATE BOARD OF ACCOUNTANCY. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SB 288 - AN ACT TO AMEND CHAPTER II, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE BOARD OF DENTAL EXAMINERS. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SB 289 - AN ACT TO AMEND SUBCHAPTERS I, II, III, CHAPTER I, TITLE 26, DELAWARE CODE, RELATING TO ACCESS BY THE PUBLIC SERVICE COMMISSION TO BOOKS AND RECORDS OF CORPORATIONS AND OTHER ENTITIES AFFILIATED WITH PUBLIC UTILITIES, DEFINING SUCH AFFILIATED INTEREST AND ESTABLISHING THE BURDEN OF PROOF AS TO THE REASONABLENESS OF TRANSACTIONS BETWEEN UTILITIES AND AFFILIATED INTERESTS. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SB 290 - AN ACT TO AMEND PART II, CHAPTER 21, TITLE 21, DELAWARE CODE RELATING TO SECTION 2118 REQUIREMENT OF INSURANCE FOR ALL MOTOR VEHICLES REGISTERED IN THE STATE. Sponsors: Senator Torbert, Representatives Spence, B. Ennis. Assigned to Public Safety Committee.

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

SA 1 to SB 244 - Sponsor: Senator Connor. Placed with the Bill.

HB 90 - AN ACT TO APPROPRIATE MONEY TO THOMAS LAWRENCE WINTERBOTTOM, SR., A VETERAN ELIGIBLE FOR THE BONUS PAID BY THE STATE PURSUANT TO THE VETERAN'S MILITARY PAY ACT NO. II, BUT WHO DID NOT RECEIVE HIS BONUS. Sponsor: Representative Steele. Assigned to Executive Committee.

HB 142 w HA 1, 2 - AN ACT TO AMEND CHAPTER 5, TITLE 31 OF THE DELAWARE CODE TO AUTHORIZE THE DEPARTMENT OF HEALTH AND SOCIAL SERVICE TO INCREASE AID TO FAMILIES WITH DEPENDENT CHILDREN. Sponsors: Representative Sills, Senator Holloway. Assigned to Health-Social Services/Aging Committee.

HB 174 - AN ACT TO AMEND CHAPTER 57, TITLE 25 OF THE DELAWARE CODE RELATING TO LANDLORD/TENANT APPEAL PROCEDURES. Sponsors: Representatives D. Ennis, Spence; Senator Holloway. Assigned to Administrative Services/Energy Committee.

HB 224 - AN ACT TO AMEND CHAPTER 57, TITLE 25, OF THE DELAWARE CODE TO REQUIRE LANDLORDS TO CHANGE THE LOCKS OF PREMISES RETURNED TO THEM AS A RESULT OF A SUMMARY PROCEEDING FOR POSSESSION FOR THE PROTECTION OF FUTURE TENANTS. Sponsors: Representatives D. Ennis, Oberle. Assigned to Administrative Services/Energy Committee.

HB 227 - AN ACT TO AMEND CHAPTERS 51 AND 53, TITLE 3 AND CHAPTER 81, TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON APPLE PROMOTION, THE PROMOTION OF APPLES AND TAX UPON APPLES. Sponsors: Representatives Caulk, Carey, Clark, C. Cordrey, Mack. Assigned to Agriculture Committee.

HB 252 - AN ACT TO AMEND CHAPTER 25, TITLE 3 OF THE DELAWARE CODE RELATING TO DEALERS IN AGRICULTURAL PRODUCTS. Sponsors: Representatives C. Cordrey, Carey, Caulk, Clark, Mack; Senators Adams, Connor, Cook, Slatcher, Vaughn. Assigned to Agriculture Committee.

HB 273 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO REGISTRATION OF VEHICLES. Sponsors: Representatives B. Ennis, Jonkiert, VanSant, Spence, West, Clark, Campanelli, Outten, Reynolds, Brady, Davis, C. Cordrey, Houghton; Senators Vaughn, Torbert. Assigned to Public Safety Committee.

HB 276 w HA 2 - AN ACT TO AMEND SECTION 706, CHAPTER 7, TITLE 21 OF THE DELAWARE CODE REGARDING DISPOSITION OF FINES AND COSTS. Sponsors: Representatives Oberle, Davis, Smith, Petrilli, Spence, Roy, D. Ennis; Senators Martin, Arnold. Assigned to Public Safety Committee.

HB 300 w HA 1 - AN ACT TO AMEND CHAPTER 11, TITLE 28 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF BINGO. Sponsor: Representative C. Cordrey. Assigned to Community Affairs Committee.

HB 303 - AN ACT TO AMEND SECTION 960(d), PART D, SUBCHAPTER III, CHAPTER 9, TITLE 10, DELAWARE CODE, RELATING TO APPEALS FROM THE FAMILY COURT OF THE STATE OF DELAWARE. Sponsors: Representative Reynolds, Senator McBride; Representative Spence. Assigned to Judiciary Committee.

HB 306 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO REQUIRING APPROVAL OF THE DELAWARE PUBLIC SERVICE COMMISSION PRIOR TO TRANSFER OF CONTROL OF A DELAWARE PUBLIC UTILITY. Sponsors: Representatives Barnes, Buckworth, Quillen, Roy, Caulk, B. Ennis, Outten, Clark, Bennett; Senators McDowell, Slatcher, Adams. Assigned to Administrative Services/Energy Committee.

Senator Connor introduced the 1984 Pushmobile Derby Champion, Jeff Griffith, and his father, family and friend to the Senate.

HB 307 w HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 18 OF THE DELAWARE CODE RELATING TO POLITICAL CONTRIBUTIONS BY INSURERS. Sponsors: Representatives Jonkiert, Buckworth, Quillen, West. Assigned to Insurance and Elections Committee.

HB 310 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, RELATING TO HEALTH AND LIFE INSURANCE CARRIERS REPORTING THEIR GROSS PREMIUMS AND MAKING PAYMENTS TO ALL NONPROFIT ORGANIZATIONS WITHIN THIS STATE THAT PROVIDE AMBULANCE OR RESCUE SERVICES INCLUDING ORGANIZATIONS SUCH AS VOLUNTEER FIRE COMPANIES, THE VETERANS OF FOREIGN WARS AND THE AMERICAN LEGION. Sponsors: Representatives West, Mack, Corrozi, Sills, Jonkiert, Fallon, Spence, Reynolds, Wingate, Gilligan, Bennett, Oberle, Anderson, Boykin, Brady, Carey, B. Ennis, Plant, Steele, Houghton, C. Cordrey, Jester, Clark, Buckworth, Caulk, VanSant, Barnes, Outten, Roy; Senators Martin, Holloway, Torbert, Cordrey, Minner, Cook, McBride, Adams, Sharp, Marshall. Assigned to Insurance and Elections Committee.

HB 319 - AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE, RELATING TO PUBLIC ASSISTANCE. Sponsors: Representative Maroney, Senator Holloway. Assigned to Health-Social Services/Aging Committee.

HJR 17 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1986. Sponsors: Representative Corrozi, Senator Cordrey; Representatives George, Petrilli; Senators Berndt, Cook. Assigned to Finance Committee.

SCR 54 which had previously been adopted by the Senate was taken up for reconsideration as now further amended by **HA 1**. The roll call vote on **SCR 54 w HA 1** was then taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

At 3:05 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 46th Legislative Day.

46TH LEGISLATIVE DAY June 27, 1985

The Senate convened at 3:05 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

LEGISLATIVE ADVISORY #13 received from Office of Counsel to the Governor was read which informed the Senate that the Governor signed on June 26, 1985 SB 3 (Volume 65, Chapter 26, Laws of Delaware), SB 152 (Volume 65, Chapter 28, Laws of Delaware), HB 81 (Volume 65, Chapter 29, Laws of Delaware), HB 105 (Volume 65, Chapter 30, Laws of Delaware), HB 127 (Volume 65, Chapter 31, Laws of Delaware), HB 149 w HA 1 (Volume 65, Chapter 32, Laws of Delaware), HB 236 (Volume 65, Chapter 33, Laws of Delaware), HB 237 (Volume 65, Chapter 34, Laws of Delaware); on June 27 the Governor signed SB 42 w SA 3, 4, 5 (Volume 65, Chapter 27, Laws of Delaware).

* * * * *

HB 269 was taken up for consideration on motion of Senator Marshall:

HB 269 - AN ACT TO AMEND CHAPTER 5 OF TITLE 28, AND CHAPTER 23, TITLE 30, DELAWARE CODE, RELATING TO THE STATE TAX AND LICENSEE'S COMMISSIONS ON CONTRIBUTIONS TO PARI-MUTUEL AND TOTALIZATOR POOLS CONDUCTED OR MADE AT HARNESS RACING TRACKS, AND STATE LICENSE FEES FOR HARNESS RACING MEET OPERATORS, AND HARNESS RACE HORSE OWNERS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Neal) voting NO, and 1 (Adams) NOT VOTING; 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 Adams:

HB 98 w HA 1 - AN ACT TO AMEND CHAPTER 3, TITLE 21, DELAWARE CODE, RELATING TO THE REGISTRATION, TITLING AND LIENING OF MOTOR VEHICLES.

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

HB 278 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO APPOINT A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES WHICH SHALL ESTABLISH, CONTROL AND REGULATE AN ELECTRIC LIGHT PLANT, WATER WORKS AND A SEWER SYSTEM FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS" BEING CHAPTER 196, VOLUME 22, LAWS OF DELAWARE, TO AUTHORIZE SPECIAL ASSESSMENTS OR AREA CONNECTION CHARGES UPON LOTS AND LAND BENEFITING FROM IMPROVEMENTS TO THE WATER SYSTEM, THE SANITARY SEWER SYSTEM, AND THE ELECTRIC SYSTEM.

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 291 was introduced and for considered on motion of Senator Cordrey under suspension of the necessary rules:

SB 291 - AN ACT TO AMEND TITLES 23, CHAPTER 21, DELAWARE CODE, RELATING TO LICENSING AND REGISTRATION OF MOTOR BOATS. Sponsor: Senator Cordrey.

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

SB 271 was taken up for consideration on motion of Senator Martin:

SB 271 - AN ACT AWARDDING SPECIAL PENSION BENEFITS TO DONALD R. HARTWIG, 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 MADE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

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

HB 277 was taken up for consideration on motion of Senator Minner:

HB 277 - AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, BEING "AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE", AS AMENDED, RELATING TO ASSESSMENT AND COLLECTION OF TAXES, AND ELECTIONS.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (McBride) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 243 was taken up for consideration on motion of Senator Cook:

HB 243 - AN ACT TO AMEND ARTICLE 6, TITLE 6 OF THE DELAWARE CODE RELATING TO BULK TRANSFERS.

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 265 was taken up for consideration on motion of Senator Vaughn:

SB 265 - AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, BY GIVING THE FIRE PREVENTION COMMISSION THE AUTHORITY TO APPOINT AND/OR EMPLOY ALL PERSONNEL IN THE FIRE MARSHAL'S OFFICE.

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

YES: Senators Adams, Cordrey, Holloway, Marshall, Martin, McDowell, Minner, Neal, Torbert, Vaughn, Zimmerman - 11.

NO: Senators Arnold, Bair, Connor, Knox - 4.

NOT VOTING: Senators Berndt, Citro, Cook, McBride, Sharp - 5.

ABSENT: Senator Slatcler - 1.

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

HB 221 was taken up for consideration on motion of Senator Sharp:
HB 221 - AN ACT TO AMEND TITLES 10 AND 11, DELAWARE CODE, RELATING TO VIOLATION OF PROBATION CASES.

The privilege of the floor was extended to Gary Dalton (Senate Attorney).

SA 1 to the Bill (sponsored by Senator Bair) was introduced and considered for adoption on motion of Senator Bair. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Zimmerman) voting NO; therefore, the Amendment was declared adopted.

The roll call vote on HB 221 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.

At 3:55 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:51 p.m., Lt. Governor Woo presiding.

The following legislation was introduced:

SA 1 to SB 288. Sponsor: Senator McDowell. Placed with the Bill.

SA 3 to HB 93 as Amended. Sponsor: Senator McBride. Placed with the Bill.

SA 1 to SB 287. Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to HB 93. Sponsor: Senator Adams. Placed with the Bill.

SA 2 to HB 93. Sponsor: Senator Berndt. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 73; SCR 72; SCR 71; SCR 70; SCR 69; SCR 67; SCR 66; SCR 65.

SB 271 was lifted from the table for consideration on motion of Senator Martin.

The privilege of the floor was extended to Donald McArdle, State Pension Office.

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

On motion of Senator Adams, the Governor's nomination for appointment of Joseph S. Yucht was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Earp F. Jennings, Jr., was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of David C. Eppes was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES, 1 (Berndt) NOT VOTING, and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Arthur F. DiSabatino, was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Vaughn) voting NO; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Ronald E. Cheeseman was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the appointment was declared confirmed.

HB 93 w HA 1 was taken up for consideration on motion of Senator Adams:

HB 93 w HA 1 - AN ACT TO AMEND PART VI, TITLE 3 OF THE DELAWARE CODE, TO PROVIDE FOR THE HUMANE KILLING OF ANIMALS HELD IN A SHELTER.

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:

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

NO: Senators Arnold, Bair, Berndt, Connor, Knox, Neal, Slatcher - 7.

NOT VOTING: Senators Holloway, McDowell - 2.

ABSENT: Senator Citro - 1.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Berndt and the roll call vote taken; however, the roll call was laid on the table before being announced on motion of the Senator.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator McBride and the roll call vote taken which revealed 20 Senators voting YES and 1 (Citro) ABSENT; therefore, the Amendment was declared adopted.

On motion of Senator Berndt, SA 4 and SA 5 to the Bill were stricken.

The privilege of the floor was extended to Patricia W. Prescott (Delaware Humane Association) after which the roll call vote on HB 93 w HA 1, SA 1, 3 was taken and revealed:

YES: Senators Adams, Citro, Connor, Cook, Cordrey, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 14.

NO: Senators Arnold, Bair, Berndt, Holloway, Knox, Marshall, Neal - 7.

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

SB 269 was lifted from the table for consideration on motion of Senator Marshall.

The privilege of the floor was extended to Richard Heffron, representing the City of Wilmington.

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

At 6:10 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 28, 1985.

The Senate reconvened at 2:34 p.m., June 28, 1985, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 122; HB 315; HB 357; HB 345; HB 355; HB 323; HB 356 w HA 1, 2; HB 151 w HA 1, 2, 3; HS 1 for HB 311 w HA 1, 3; SB 126; SB 233; SB 191; SB 225; SB 117; SB 182; SB 104 w HA 1; SB 205; SB 116; SS 1 for SB 38 w SA 1; SS 1 for SB 27 w SA 1 and adopted HJR 18; HJR 13; SCR 52; SCR 80; SCR 79; SCR 78; SCR 77; SCR 76; SCR 75; HJR 15.

The following Committee reports were announced:

From the Public Safety Committee: HB 215 w HA 1 - 5 Merits; SB 290 - 4 Merits; HB 273 - 4 Merits.

From the Health-Social Services/Aging Committee: HB 319 - 4 Merits; HB 142 w HA 1, 2 - 5 Merits.

From the Community Affairs Committee: HB 300 w HA 1 - 3 Merits.

From the Agriculture Committee: SB 283 - 6 Merits; HB 227 - 6 Merits; HB 252 - 6 Merits.

From the Executive Committee: HB 90 - 5 Merits.

From the Administrative Services/Energy Committee: SB 287 - 7 Merits; SB 288 - 7 Merits; SB 289 - 7 Merits; SB 286 - 7 Merits; SB 282 - 7 Merits; SB 281 - 7 Merits; SB 280 - 7 Merits; SB 279 - 7 Merits; SB 277 - 7 Merits; SB 285 - 7 Merits; SB 251 - 7 Merits; HB 113 - 7 Merits; HB 294 - 7 Merits; HB 306 - 6 Merits; HB 164 w HA 2, 4, 5, 6 - 5 Merits.

From the Judiciary Committee: HB 255 - 4 Merits; HB 303 - 4 Merits; SB 284 - 5 Merits.

From the Insurance and Elections Committee: HB 280 w HA 1 - 4 Merits; HB 292 - 4 Merits.

The following legislation was introduced:

SB 292 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MANDATORY SEAT BELT USAGE. Sponsors: Senators Neal, Holloway; Representatives Spence, Maroney. Assigned to Public Safety Committee.

SB 293 - AN ACT TO AMEND SECTION 201, SUBCHAPTER II, TITLE 26 OF THE DELAWARE CODE, RELATING TO GENERAL JURISDICTION AND POWERS OF THE PUBLIC SERVICE COMMISSION. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SB 294 - AN ACT TO AMEND CHAPTER 73, TITLE 6 OF THE DELAWARE CODE RELATING TO THE REGISTRATION PROCEDURE FOR BROKER DEALERS, INVESTMENT ADVISORY AND AGENTS. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Finance Committee.

SB 295 - AN ACT TO AMEND CHAPTER 50, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE DEVELOPMENT OFFICE. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Executive Committee.

SB 296 - AN ACT TO AMEND SECTION 202, SUBCHAPTER II, TITLE 26 OF THE DELAWARE CODE RELATING TO LIMITATIONS ON THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SB 297 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO MANDATORY SAFETY BELT USAGE IN CERTAIN MOTOR VEHICLES AND THE EFFECT OF SAFETY BELT USE UPON INSURANCE RATES. Sponsor: Senator Holloway. Assigned to Public Safety Committee.

SB 298 - AN ACT TO AMEND CHAPTER 14, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE BOARD OF ELECTRICAL EXAMINERS. Sponsors: Senator McDowell, Representative Roy. Assigned to Administrative Services/Energy Committee.

SB 299 - AN ACT TO AMEND CHAPTER 15, TITLE 28 OF THE DELAWARE CODE, RELATING TO THE DELAWARE GAMING CONTROL BOARD. Sponsors: Senator McDowell, Representative Roy. Assigned to Community Affairs Committee.

SB 300 - AN ACT TO AMEND CHAPTER 21, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE BOARD OF EXAMINERS IN OPTOMETRY. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SB 302 - AN ACT TO AMEND CHAPTERS 3, 5, 9 AND 13, TITLE 10, DELAWARE CODE PROVIDING FOR THE RESIDENCE OF PARTICULAR STATE COURT JUDGES. Sponsors: Senators Adams, Cordrey, Cook; Representative Barnes. Assigned to Judiciary Committee.

SB 303 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, §2, OF THE CONSTITUTION OF THE STATE OF DELAWARE PROVIDING FOR THE RESIDENCE OF THE JUSTICES OF THE SUPREME COURT, AND OF THE OTHER STATE JUDGES. Sponsors: Senators Adams, Cordrey, Cook; Representative Barnes. Assigned to Judiciary Committee.

SA 2 to SB 207. Sponsor: Senator Holloway. Placed with the Bill.

HB 350 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1986; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Representative Corrozi, Senator Cook; Representatives Bennett, Davis, Quillen, Smith, Soles; Senators Berndt, Holloway, McBride, Slatcher, Vaughn. Assigned to Finance Committee.

HS 1 for HB 311 w HA 1, 3 - AN ACT AMENDING CHAPTER 50, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE FIRST STATE IMPROVEMENT FUND. Sponsors: Representatives Oberle, Hebner, Smith, Quillen, Roy, Petrilli, Fallon, Free, Maroney, Barnes, Buckworth, Corrozi, D. Ennis, Mack, Spence, Boykin, Davis, Carey, Caulk, Reynolds, Steele, Taylor, George, Brady, Jester, Anderson, Gilligan, C. Cordrey, Houghton, Wingate, Sills, B. Ennis, Plant, VanSant, West, Outten; Senators Bair, Arnold, Slatcher, Berndt, Connor, Knox. Assigned to Finance Committee.

HB 31 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 18 OF THE DELAWARE CODE RELATING TO PROPERTY INSURANCE CONTRACTS. Sponsors: Representatives West, VanSant, Anderson, Houghton, Jonkiert, Quillen, Clark, C. Cordrey, Buckworth, Steele, Carey, B. Ennis, Plant, Jester. Assigned to Insurance and Elections Committee.

HB 65 w HA 1 - AN ACT TO AMEND CHAPTER II, TITLE 30, DELAWARE CODE, RELATING TO PERSONAL INCOME TAXES BY ALLOWING A CREDIT FOR MEMBERS OF DELAWARE VOLUNTEER FIRE COMPANY AUXILIARIES FOR CERTAIN EXPENSES. Sponsors: Representative Gilligan, Senator Minner. Assigned to Revenue and Taxation Committee.

HB 107 w HA 1 - AN ACT TO AMEND CHAPTER 14, TITLE 24 DELAWARE CODE RELATING TO CERTIFICATION AND REGISTRATION OF ELECTRICAL CONTRACTORS. Sponsor: Representative Davis. Assigned to Administrative Services/Energy Committee.

HB 122 - AN ACT AWARDED A SERVICE CONNECTED DISABILITY PENSION TO LARRY C. JOHNSON AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER THE PENSION PROVIDED AS IF THE AWARD WERE MADE PURSUANT TO SECTION 8324, CHAPTER 83, SUBCHAPTER II, TITLE II OF THE DELAWARE CODE. Sponsors: Representatives Brady, Anderson, Caulk, C. Cordrey, B. Ennis, D. Ennis, Gilligan, Houghton Jester, Outten, Reynolds, Sills, Soles, VanSant; Senators Bair, Berndt, Marshall, Martin, McDowell, Minner. Assigned to Judiciary Committee.

HB 141 w HA 1 - AN ACT TO AMEND CHAPTERS 3, 7, 21, 23, 27, 31, 41, 42 AND 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE PENALTY PROVISION OF THE MOTOR VEHICLE CODE. Sponsors: Representatives Davis, Reynolds, Spence, Houghton, Barnes, VanSant, B. Ennis, Oberle. Assigned to Judiciary Committee.

HB 151 w HA 2, 3 - AN ACT TO AMEND CHAPTER 6, TITLE 29, DELAWARE CODE, RELATING TO GOVERNING THE USE OF AN CONDUCT ON STATE LAND. Sponsors: Representatives Taylor, Roy; Senator Martin. Assigned to Natural Resources and Environmental Control Committee.

HB 152 - AN ACT TO AMEND SECTION 9801, CHAPTER 98, TITLE 10 OF THE DELAWARE CODE RELATING TO JUSTICE OF THE PEACE COURT COSTS. Sponsors: Representatives Davis, Reynolds, Spence, Barnes, Oberle, Houghton, VanSant, B. Ennis. Assigned to Judiciary Committee.

HB 156 - AN ACT TO AMEND CHAPTER 55, TITLE 25 OF THE DELAWARE CODE, TO REQUIRE A LANDLORD TO DISCLOSE THE TENANT'S CANCELLATION RIGHTS ON THE FACE OF THE APPLICATION FORM. Sponsors: Representatives Soles, Anderson, D. Ennis; Senators Bair, Martin, Minner. Assigned to Administrative Services/Energy Committee.

HB 199 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE BOARD OF VETERINARY MEDICINE. Sponsors: Representatives Davis, Roy, Houghton; Senators McDowell, Martin. Assigned to Administrative Services/Energy Committee.

HB 225 - AN ACT TO AMEND CHAPTER 60A, TITLE 29, DELAWARE CODE RELATING TO DEFERRED COMPENSATION FOR PUBLIC OFFICERS OR EMPLOYEES OF THE STATE. Sponsors: Representatives Taylor, Roy, B. Ennis, Gilligan; Senators Berndt, Arnold, Marshall. Assigned to Executive Committee.

HB 268 w HA 1 - AN ACT TO AMEND CHAPTER 25, TITLE 30, DELAWARE CODE, RELATING TO CONTRACTOR'S LICENSE REQUIREMENTS AND TAXES. Sponsors: Representatives B. Ennis, Jonkiert, Spence, Clark, Outten, West, Taylor; Senators Vaughn, Minner. Assigned to Revenue and Taxation Committee.

HB 295 - AN ACT TO AMEND TITLE 17, CHAPTER 8, SECTION 804, DELAWARE CODE RELATING TO CONTRACTOR AND SUBCONTRACTOR DISPUTES ON STATE CONTRACTS. Sponsors: Representative Taylor, Senator Martin. Assigned to Judiciary Committee.

HB 279 - AN ACT TO AMEND CHAPTER 64, TITLE 7, DELAWARE CODE, RELATING TO THE DISPOSAL OF GARBAGE IN MUNICIPALITIES THAT TRAVERSE STATE BOUNDARIES. Sponsors: Representative Cordrey; Senator Slatcher. Assigned to Natural Resources and Environmental Control Committee.

HB 296 w HA 1 - AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE RELATING TO CLARIFYING THE DEFINITION OF STREETS RECEIVING MUNICIPAL STREET AID. Sponsors: Representatives Taylor, Roy; Senators Martin, Sharp, Arnold. Assigned to Revenue and Taxation Committee.

HB 315 - AN ACT TO AMEND CHAPTER 53, TITLE 30 OF THE DELAWARE CODE, RELATING TO THE TOBACCO PRODUCTS TAX. Sponsors: Representatives Petrilli, Hebner, Smith, Oberle, Quillen, Roy, Fallon, Free, Maroney, Barnes, Buckworth, Corrozi, D. Ennis, Spence, Boykin, Davis, Carey, Caulk, Reynolds, Steele, Taylor; Senators Marshall, Bair, Slatcher, Knox, Torbert, Martin. Assigned to Revenue and Taxation Committee.

HB 323 - AN ACT TO AMEND TITLES 23, 24, 28 AND 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF BUSINESS AND OCCUPATIONAL REGULATION. Sponsors: Representative Roy, Senator McDowell. Assigned to Administrative Services/Energy Committee.

HB 342 - AN ACT TO AMEND CHAPTER 5, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ERECTION OF TRAFFIC SIGNS. Sponsor: Representative Mack. Assigned to Public Safety Committee.

HB 345 - AN ACT TO AMEND CHAPTER 34, TITLE 19 OF THE DELAWARE CODE RELATING TO COUNSELING, TRAINING AND PLACEMENT ACTIVITIES. Sponsors: Representatives Bennett, Anderson, Brady, Campanelli, Caulk, Clark, C. Cordrey, Davis, B. Ennis, Gilligan, Houghton, Jester, Mack, Outten, Sills, Soles, Spence, Steel, VanSant, Wingate. Assigned to Labor and Industrial Relations Committee.

HB 355 - AN ACT TO AMENDING CHAPTER 61, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF AN INDIRECT COSTS SPECIAL FUND ACCOUNT. Sponsors: Representative Corrozi, Senator Cook; Representatives Bennett, Davis, Quillen, Smith, Soles; Senators Berndt, Holloway, McBride, Slatcher, Vaughn. Assigned to Finance Committee.

HB 356 w HA 1, 2 - AN ACT TO AMEND CHAPTER 21, TITLE 23 DELAWARE CODE, AND BY CREATING A NEW CHAPTER 22, 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. Sponsors: Representatives Oberle, Buckworth, Reynolds, Maroney, Corrozi, Spence, Roy, Carey, Steele, D. Ennis, Fallon, Boykin, Campanelli, Bennett, George, Soles, Brady, Jester, Anderson, West, Plant, Gilligan, B. Ennis. Assigned to Natural Resources and Environmental Control Committee.

HB 357 - AN ACT TO AMEND CHAPTER 258, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE 'THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE' TO BORROW \$1,000,000.00 AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF PROVIDING A SEWAGE DISPOSAL PLANT AND SYSTEM IN THE TOWN OF SELBYVILLE AND TO CONTROL AND REGULATE THE SAME" TO PROVIDE SPECIFICALLY THAT THE PRINCIPAL AND INTEREST SHALL NOT BE TAXABLE, TO PROVIDE A MAXIMUM BONDED INDEBTEDNESS FOR PURPOSES OF THIS ACT NOT TO EXCEED \$2,000,000.00, AND TO PROVIDE THAT THE ELECTION MAY BE BY PAPER BALLOT. Sponsors: Representative Steele, Senator Cordrey. Assigned to Community Affairs Committee.

SS 1 for SB 244 - AN ACT TO ADD A NEW CHAPTER 74, TITLE 7 OF THE DELAWARE CODE, RELATING TO THE PREVENTION, DETECTION INVESTIGATION, AND CORRECTION OF UNDERGROUND STORAGE TANK LEAKS. Sponsors: Senator McDowell, Representatives Carey, Soles, Smith; Senator Berndt. Assigned to Natural Resources and Environmental Control Committee.

HJR 13 - DECLARING JULY 14-19, 1985 AS POW/MIA RECOGNITION WEEK IN THE STATE OF DELAWARE AND ACKNOWLEDGING WITH APPRECIATION THE SACRIFICES MADE BY OUR PRISONERS OF WAR. Sponsors: Representatives Brady, Hebner and all Representatives; Senators Vaughn, Arnold and all Senators. Assigned to Executive Committee.

HJR 15 - IN RECOGNITION OF MR. AND MRS. D. "BUCK" VERNON FORD IN CONCEIVING, DEVELOPING AND EXPANDING THE CHAUNCEY O. SIMPSON MEMORIAL REST AREA, NORTH OF SMYRNA, AND FURTHER DIRECTING THE DEPARTMENT OF TRANSPORTATION TO PROVIDE AN APPROPRIATE PLAQUE IN THEIR HONOR. Sponsors: Representative B. Ennis, Senator Vaughn; Representatives Clark, Bennett, Jester, Anderson, Brady, C. Cordrey, Gilligan, Houghton, Outten, Reynolds, Sills, Smith, VanSant, West, Wingate; Senators Cook, Torbert, McBride, Minner. Laid on the table on motion of Senator Zimmerman.

HJR 16 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1985. Sponsors: Representative Corrozi, Senator Cordrey; Representatives George, Petrilli; Senators Berndt, Cook. Assigned to Finance Committee.

HJR 18 - PROVIDING FOR THE ESTABLISHMENT OF A MOBILE HOME STUDY COMMISSION TO STUDY THE PROBLEMS AND ISSUES RELATING TO MOBILE HOME RESIDENTS, BUSINESS ENDEAVORS, THE RAMIFICATIONS AND IMPLICATIONS OF MOBILE HOME PROBLEMS AND ISSUES FOR THE PUBLIC IN GENERAL; FURTHER PROVIDING STAFF ASSISTANCE AND THE ISSUANCE OF A FINAL REPORT OF THEIR FINDINGS AND RECOMMENDATIONS. Sponsors: Representatives Wingate, Steele, VanSant, Outten, Gilligan, Jester, Caulk, Carey, Maroney; Senators Minner, Slatcher, Cordrey. Assigned to Highways and Transportation Committee.

SS 1 for SB 244 was placed with the Original in the Natural Resources and Environmental Control Committee.

SA 2 to SB 287. Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to HB 291. Sponsor: Senator Bair. Placed with the Bill.

SA 1 to SS 1 for SB 244. Sponsor: Senator McDowell. Placed with the Bill.

SB 244 was reported out of the Natural Resources and Environmental Control Committee: 4 Merits, 1 Unfavorable.

At 3:08 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 47th Legislative Day.

**47TH LEGISLATIVE DAY
June 28, 1985**

The Senate convened at 3:08 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

SS 1 for SB 244 was adopted in lieu of the Original and taken up for consideration on motion of Senator McDowell:

SS 1 for SB 244 - AN ACT TO AMEND A NEW CHAPTER 74, TITLE 7 OF THE DELAWARE CODE, RELATING TO THE PREVENTION, DETECTION, INVESTIGATION, AND CORRECTION OF UNDERGROUND STORAGE TANK LEAKS.

Senators Cordrey and Holloway marked PRESENT.

SA 1 to the Bill (sponsored by Senator McDowell) was introduced and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsored by Senator Connor) was introduced and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Citro) ABSENT; therefore, the Amendment was declared adopted.

SS 1 for SB 244 w SA 1, 2 was then laid on the table on motion of Senator McDowell.

HB 306 was taken up for consideration on motion of Senator McDowell:

HB 306 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO REQUIRING APPROVAL OF THE DELAWARE PUBLIC SERVICE COMMISSION PRIOR TO TRANSFER OF CONTROL OF A DELAWARE PUBLIC UTILITY.

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 310 w HA 1 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 310 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, RELATING TO HEALTH AND LIFE INSURANCE CARRIERS REPORTING THEIR GROSS PREMIUMS AND MAKING PAYMENTS TO ALL NONPROFIT ORGANIZATIONS WITHIN THIS STATE THAT PROVIDE AMBULANCE OR RESCUE SERVICES INCLUDING ORGANIZATIONS SUCH AS VOLUNTEER FIRE COMPANIES, THE VETERANS OF FOREIGN WARS AND THE AMERICAN LEGION.

From 3:45 p.m to 3:46 p.m. the Senate recessed for change of Tape.

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

YES: Senators Adams, Citro, Connor, Cook, Holloway, Minner, Neal, Slatcher, Vaughn, Zimmerman - 10

NO: Senators Cordrey, Marshall, McBride - 3.

NOT VOTING: Senators Bair, Berndt, Martin, McDowell, Sharp, Torbert - 6.

ABSENT: Senators Arnold, Knox - 2.

Therefore, the Amendment was declared defeated.

The roll call vote on **SA 1 to HB 310 w HA 1** was rescinded on motion of Senator Adams and the Bill laid on the table.

HB 164 w HA 2, 4, 5, 6 was taken up for consideration on motion of Senator McDowell:

HB 164 w HA 2, 4, 5, 6 - AN ACT TO AMEND TITLES 24, 29 AND 30 OF THE DELAWARE CODE RELATING TO OCCUPATIONAL THERAPY; AND PROVIDING FOR A DELAWARE OCCUPATIONAL THERAPY ACT.

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

HB 113 was taken up for consideration on motion of Senator McDowell:

HB 113 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO EMPLOYMENT OF PENSIONERS.

The privilege of the floor was extended to Don McArdle, (State Pension Office) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Knox, Marshall) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 292 was taken up for consideration on motion of Senator Sharp:

HB 292 - AN ACT TO AMEND CHAPTER 7, TITLE 18, OF THE DELAWARE CODE BY CHANGING THE ANNUAL STATEMENT FILING FEE FOR INSURERS, AND BY ADDING A FILING FEE CHARGE FOR FORM FILINGS AND RATE CHANGES SUBMITTED TO THE DEPARTMENT OF INSURANCE FOR REVIEW.

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

HB 280 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 280 w HA 1 - AN ACT TO AMEND CHAPTERS 7, 17 AND 61 OF TITLE 18 DELAWARE CODE BY PROVIDING FOR ONE-TIME LICENSING AND APPOINTMENTS OF INSURANCE AGENTS, BROKERS, SURPLUS LINES BROKERS, CONSULTANTS AND FRATERNAL REPRESENTATIVES, CHANGING THE FEES THEREFOR AND DELETING REFERENCES TO LIMITED REPRESENTATIVES.

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

HB 290 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

HB 290 - AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

HB 174 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

HB 174 - AN ACT TO AMEND CHAPTER 57, TITLE 25 OF THE DELAWARE CODE RELATING TO LANDLORD/TENANT APPEAL PROCEDURES.

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

HB 224 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

HB 224 - AN ACT TO AMEND CHAPTER 57, TITLE 25, OF THE DELAWARE CODE TO REQUIRE LANDLORDS TO CHANGE THE LOCKS OF PREMISES RETURNED TO THEM AS A RESULT OF A SUMMARY PROCEEDING FOR POSSESSION FOR THE PROTECTION OF FUTURE TENANTS.

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

SS 1 for SB 244 w SA 1, 2 was lifted from the table for consideration on motion of Senator McDowell SA 1 to SA 2 to the Bill (sponsored by Senator Connor) was introduced.

On motion of Senator Connor, the roll call vote on SA 2 to the Bill was rescinded without objection.

The roll call vote on SA 1 to SA 2 to SS 1 for SB 244 was taken and revealed 19 Senators voting YES and 2 (Holloway, Knox) ABSENT; therefore, the Amendment was declared adopted.

SA 2 w SA 1 to the Bill was then considered for adoption on motion of Senator Connor and the roll call vote taken which revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SS 1 for SB 244 w SA 1, SA 2 w SA 1 was then taken and revealed 19 Senators voting YES, 1 (Adams) voting NO, and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 291 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

HB 291 - AN ACT TO AMEND PART III, TITLE 19, OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

The Secretary announced that a message from the House informed the Senate that it had passed HB 293.

HB 293 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Zimmerman:

HB 293 – AN ACT TO AMEND CHAPTER 60, PART VII, TITLE 7, DELAWARE CODE, RELATING TO THE DEFINITION OF PERSON.

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

HB 291 was lifted from the table for consideration on motion of Senator Marshall.

SA 1 to the Bill (sponsored by Senator Bair) was introduced and considered for adoption on her motion. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on **HB 291 w SA 1** was taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 319 was taken up for consideration on motion of Senator Holloway:

HB 319 – AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE, RELATING TO PUBLIC ASSISTANCE.

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 19 Senators voting YES, 1 (McBride) voting NO and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 262 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

HB 262 – AN ACT TO AMEND CHAPTER 74, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ISSUING OFFICERS FOR THE ISSUANCE OF BONDS, NOTES AND REVENUE NOTES; AND APPROVAL OF CONTRACTS ENTERED INTO BY ISSUERS CREATED BY THE STATE.

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 255 was taken up for consideration on motion of Senator Sharp:

HB 255 – AN ACT TO AMEND CHAPTER 11, TITLE 12 OF THE DELAWARE CODE RELATING TO UNCLAIMED OR ABANDONED PROPERTY.

At 4:46 p.m., Senator McDowell 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.

HB 258 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

HB 258 – AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE, RELATING TO PARTNERSHIP TAX RETURNS AND PENALTIES FOR FAILURE TO FILE PARTNERSHIP TAX RETURNS AND RELATED INFORMATION.

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 256 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

HB 256 – AN ACT TO REPEAL CHAPTER 35, TITLE 30 OF THE DELAWARE CODE RELATING TO EXPRESS COMPANIES, AND TO REPEAL CHAPTER 37, TITLE 30 OF THE DELAWARE CODE RELATING TO THE IMPOSITION OF A TAX ON THE BUSINESS OF TRANSPORTING PASSENGERS BY STEAM POWER, AND TO AMEND CHAPTER 54, TITLE 30 OF THE DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX AND CHAPTER 53, TITLE 30, OF THE DELAWARE CODE, RELATING TO COMMISSIONS PAID TO CIGARETTE TAX AFFIXING AGENTS.

The privilege of the floor was extended to Robert Chastant.

At 4:55 p.m., Lt. Governor Woo presiding.

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

HB 276 w HA 2 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules:

HB 276 w HA 2 – AN ACT TO AMEND SECTION 706, CHAPTER 7, TITLE 21 OF THE DELAWARE CODE REGARDING DISPOSITION OF FINES AND COSTS.

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

HB 215 w HA 1 – AN ACT TO AMEND CHAPTER 21, TITLE 21 DELAWARE CODE, RELATING TO ELIMINATION OF PENALTY FOR FAILURE TO SIGN REGISTRATION CARD.

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 294 was taken up for consideration on motion of Senator McDowell:

HB 294 – AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE MEDICAL PRACTICES ACT AND THE REPORTING OF WOUNDS OR INJURIES CAUSED BY FIREARMS, STABBINGS, OR POISONINGS.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Neal) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

Lt. Governor Woo introduced to the Senate Rita Justice, New Castle Executive.

HB 303 was taken up for consideration on motion of Senator Sharp:

HB 303 – AN ACT TO AMEND SECTION 960(d), PART D, SUBCHAPTER III, CHAPTER 9, TITLE 10, DELAWARE CODE, RELATING TO APPEALS FROM THE FAMILY COURT OF THE STATE OF DELAWARE.

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

HB 177 w HA 1 – AN ACT TO AMEND CHAPTER 95, TITLE 10 OF THE DELAWARE CODE RELATING TO JUSTICE OF THE PEACE COURT JUDGMENT AND EXECUTION DOCKETS.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Arnold)

ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 300 w HA 1 was taken up for consideration on motion of Senator McDowell:

HB 300 w HA 1 – AN ACT TO AMEND CHAPTER II, TITLE 28 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF BINGO.

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

YES: Senators Adams, Bair, Citro, Connor, Cordrey, Knox, Martin, McBride, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman – 15.

NO: Senator McDowell – 1.

NOT VOTING: Senators Berndt, Marshall – 2.

ABSENT: Senators Arnold, Cook, Holloway – 3.

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

HB 266 w HA 1 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules:

HB 266 w HA 1 – AN ACT TO AMEND CHAPTER 8, TITLE 29 OF THE DELAWARE CODE RELATING TO THE BOUNDARY LINES OF CERTAIN DISTRICT.

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

HB 252 was taken up for consideration on motion of Senator Adams:

HB 252 – AN ACT TO AMEND CHAPTER 25, TITLE 3 OF THE DELAWARE CODE RELATING TO DEALERS IN AGRICULTURAL PRODUCTS.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Arnold)

ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 90 was taken up for consideration on motion of Senator Adams:

HB 90 – AN ACT TO APPROPRIATE MONEY TO THOMAS LAWRENCE WINTERBOTTOM, SR., A VETERAN ELIGIBLE FOR THE BONUS PAID BY THE STATE PURSUANT TO THE VETERAN'S MILITARY PAY ACT NO. II, BUT WHO DID NOT RECEIVE HIS BONUS.

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 142 w HA 1, 2 was taken up for consideration on motion of Senator Holloway:

HB 142 w HA 1, 2 – AN ACT TO AMEND CHAPTER 5, TITLE 31 OF THE DELAWARE CODE TO AUTHORIZE THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO INCREASE AID TO FAMILIES WITH DEPENDENT CHILDREN.

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

HB 211 w HA 1 – AN ACT TO AMEND CHAPTER 68, TITLE 21 OF THE DELAWARE CODE RELATING TO OFF-HIGHWAY VEHICLES.

The privilege of the floor was extended to William Walls, Senate Attorney.

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

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Torbert, Vaughn, Zimmerman – 17.

NO: Senators Cordrey, Minner – 2.

ABSENT: Senators Holloway, Slatcher – 2.

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

HJR 3 w HA 1 was taken up for consideration on motion of Senator McBride:

HJR 3 w HA 1 – TO CREATE A COMMITTEE ON THE ESTABLISHMENT OF COOPERATIVE PROGRAMS BETWEEN PUBLIC AND HIGHER EDUCATION IN THE VOCATIONAL-TECHNICAL AREAS.

The privilege of the floor was extended to Representative Bennett after which the roll call vote on the Resolution was taken and revealed 17 YES and 4 (Citro, Holloway, Slatcher, Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 277 was taken up for consideration on motion of Senator McDowell:

SB 277 – AN ACT TO AMEND CHAPTER 19, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF NURSING.

SA 1 to the Bill (sponsored by Senator Arnold) was introduced and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 16 Senators voting YES and 5 (Berndt, Citro, Holloway, Knox, Slatcher) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 277 w SA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Bair, Connor, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn – 16.

NO: Senator Zimmerman – 1.

ABSENT: Senators Berndt, Citro, Holloway, Knox – 4.

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

SB 279 was taken up for consideration on motion of Senator McDowell:

SB 279 – AN ACT TO AMEND TITLE 24, CHAPTER 27, DELAWARE CODE, RELATING TO THE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS.

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

SB 281 was taken up for consideration on motion of Senator McDowell:

SB 281 – AN ACT TO AMEND CHAPTER 35, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF EXAMINERS OF PSYCHOLOGISTS.

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

SB 282 was taken up for consideration on motion of Senator McDowell:

SB 282 – AN ACT TO AMEND TITLE 24, CHAPTER 37, DELAWARE CODE RELATING TO THE BOARD OF EXAMINERS OF SPEECH/LANGUAGE PATHOLOGISTS, AUDIOLOGISTS AND HEARING AID DISPENSERS.

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

SB 288 was taken up for consideration on motion of Senator McDowell:

SB 288 – AN ACT TO AMEND CHAPTER II, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE BOARD OF DENTAL EXAMINERS.

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

The roll call vote on SB 288 was then taken and revealed:

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn – 18.

NO: Senator Zimmerman – 1.

NOT VOTING: Senator Holloway – 1.

ABSENT: Senator Slatcher – 1.

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

SB 287 was taken up for consideration on motion of Senator McDowell:

SB 287 – AN ACT TO AMEND CHAPTER 1, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE STATE BOARD OF ACCOUNTANCY.

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

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Slatcher, Torbert, Vaughn – 17.

NOT VOTING: Senators Cordrey, Sharp, Zimmerman – 3.

ABSENT: Senator Holloway – 1.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsored by Senator McDowell) was introduced and considered for adoption on motion of Senator McDowell. The roll call vote on the Amendment was taken and revealed 16 Senators voting YES and 5 (Citro, Connor, Holloway, Marshall, Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

At 6:20 p.m., Senator Sharp presiding.

The roll call vote on SB 287 w SA 1, 2 was then taken and revealed 19 Senators voting YES, 1 (Zimmerman) NOT VOTING, and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 280 was taken up for consideration on motion of Senator McDowell:

SB 280 – AN ACT TO AMEND CHAPTER 3, TITLE 18, OF THE DELAWARE CODE BY PROVIDING FOR A GENERAL ADMINISTRATIVE PENALTY FOR VIOLATIONS OF ANY PROVISIONS OF THE DELAWARE INSURANCE CODE.

SA 1 to the Bill (sponsored by Senator McDowell) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Holloway, Minner) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 280 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.

SB 289 was taken up for consideration on motion of Senator McDowell:

SB 289 – AN ACT TO AMEND SUBCHAPTERS I, II, III, CHAPTER 1, TITLE 26, DELAWARE CODE, RELATING TO ACCESS BY THE PUBLIC SERVICE COMMISSION TO BOOKS AND RECORDS OF CORPORATIONS AND OTHER ENTITIES AFFILIATED WITH PUBLIC UTILITIES, DEFINING SUCH AFFILIATED INTEREST AND ESTABLISHING THE BURDEN OF PROOF AS TO THE REASONABLENESS OF TRANSACTIONS BETWEEN UTILITIES AND AFFILIATED INTERESTS.

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

SB 293 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 293 – AN ACT TO AMEND SECTION 201, SUBCHAPTER II, TITLE 26 OF THE DELAWARE CODE, RELATING TO GENERAL JURISDICTION AND POWERS OF THE PUBLIC SERVICE COMMISSION.

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

SB 296 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 296 – AN ACT TO AMEND SECTION 202, SUBCHAPTER II, TITLE 26 OF THE DELAWARE CODE RELATING TO LIMITATIONS ON THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION.

At 6:39 p.m., Lt. Governor Woo presiding.

Senator McDowell then moved that the Bill be laid on the table. The roll call vote on the tabling motion was taken and revealed 18 Senators voting YES and 3 (Arnold, Bair, Berndt) voting NO; therefore, the motion prevailed and the Bill was tabled.

SB 300 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 300 – AN ACT TO AMEND CHAPTER 21, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE BOARD OF EXAMINERS IN OPTOMETRY.

SA 1 to the Bill (sponsored by Senator Holloway) was introduced and considered for adoption on his motion. 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.

SA 2 to the Bill (sponsored by Senator Bair) was introduced and considered for adoption on motion of Senator Bair.

The privilege of the floor was extended to Jeffrey S. Marlin (Pearle Vision Centers, Cole National Corporation) after which SA 2 was laid on the table on motion of Senator Bair.

The roll call vote on SB 300 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Bair) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 295 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 295 – AN ACT TO AMEND CHAPTER 50, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE DEVELOPMENT OFFICE.

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 65 w HA 1 was taken up for consideration on motion of Senator Marshall:

HB 65 w HA 1 – AN ACT TO AMEND CHAPTER II, TITLE 30, DELAWARE CODE, RELATING TO PERSONAL INCOME TAXES BY ALLOWING A CREDIT FOR MEMBERS OF DELAWARE VOLUNTEER FIRE COMPANY AUXILIARIES FOR CERTAIN EXPENSES.

All the Senators were added as co-sponsors of 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 returned to the House.

On motion of Senator McDowell, the roll call vote on SB 295 was lifted and announced:

YES: Senators Adams, Arnold, Bair, Berndt, Cook, Cordrey, Knox, Marshall, Martin, McDowell, Slater, Torbert – 12.

NO: Senators Citro, Connor, Holloway, McBride, Minner, Neal, Sharp, Vaughn, Zimmerman – 9.

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

SB 299 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 299 – AN ACT TO AMEND CHAPTER 15, TITLE 28 OF THE DELAWARE CODE, RELATING TO THE DELAWARE GAMING CONTROL BOARD.

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

SB 301 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook:

SB 301 - AN ACT AUTHORIZING THE TRANSFER OF FUNDS FROM BUDGET OFFICE CONTINGENCY (10-02-004) (SALARIES & OEC) TO THE UNIVERSITY OF DELAWARE, OPERATION (90-01-001) FOR THE PURPOSE OF CONTINUING THE COOPERATIVE EXTENSION FARM SAFETY PROGRAM. Sponsors: Senator Cook, Representative Caulk; Senators Adams, Minner; Representative Clark.

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

HJR 15 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Vaughn:

HJR 15 - IN RECOGNITION OF MR. AND MRS. D. "BUCK" VERNON FORD IN CONCEIVING, DEVELOPING AND EXPANDING THE CHAUNCEY O. SIMPSON MEMORIAL REST AREA, NORTH OF SMYRNA, AND FURTHER DIRECTING THE DEPARTMENT OF TRANSPORTATION TO PROVIDE AN APPROPRIATE PLAQUE IN THEIR HONOR.

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

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

SCR 77 - COMMENDING FLORENCE V. STACKLER ON HER ELECTION AS PRESIDENT AND HER YEARS OF SERVICE ON THE LADIES AUXILIARY OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION. Sponsors: Senator Connor; Representatives Reynolds, Mack, Spence.

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

At 7:21 p.m. on motion of Senator Sharp, the Senate recessed until 5:00 p.m., June 30, 1985

The Senate reconvened at 5:41 p.m., June 30, 1985, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 297; HB 314; HB 289; HB 288; HB 287; HB 286; SB 2; SB 5; SB 161; SB 235; HB 313 w HA 1; SB 100 w SA 1; SB 194; SB 254 w SA 1, 2, HA 1; SB 280 w SA 1; SB 157; SB 201 w HA 1, 2, 3; HB 56; SB 231; HB 124 w HA 1, 2, 3; HB 329 w HA 1; HB 245 w HA 1; SB 174; HB 80 w HA 1; HB 316 w HA 1; HB 358; HB 373; SB 37 w HA 1; SS 1 for SB 244; SB 129; SB 272; SB 269; SB 136; SB 203; SB 224; SB 249; SB 121; SB 160; SB 159; SB 243; SB 196 w SA 1; SB 63 w SA 1; SB 106; SB 25; SB 229.

The following legislation was introduced:

SA 1 to HB 141. Sponsor: Senator Neal. Placed with the Bill.

SA 1 to HB 282. Sponsor: Senator Zimmerman. Placed with the Bill.

SB 304 - AN ACT TO AMEND TITLE 29 AND 31 OF THE DELAWARE CODE RELATING TO THE PRESENT DIVISION OF YOUTH REHABILITATION SERVICES OF THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES, PROVIDING A NEW NAME FOR SAID DIVISION; AND PROVIDING A NEW NAME FOR THE ADVISORY COUNCIL FOR SAID DIVISION. Sponsors: Senators McDowell, Bair, Holloway; Representatives Maroney, Buckworth, VanSant. Assigned to Health-Social Services/Aging Committee.

SB 305 - AN ACT TO AMEND CHAPTER 90, TITLE 29 DELAWARE CODE RELATING TO THE COMPOSITION OF THE DIVISIONAL ADVISORY COUNCILS OF THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES. Sponsors: Senators McDowell, Bair, Holloway; Representatives Maroney, Buckworth, VanSant. Assigned to Health-Social Services/Aging Committee.

SB 306 - AN ACT TO AMEND CHAPTER 90, TITLE 29 OF THE DELAWARE CODE RELATING TO RESIDENTIAL MENTAL HEALTH TREATMENT SERVICES PROVIDED BY THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES. Sponsors: Senators McDowell, Bair, Holloway; Representatives Maroney, Buckworth, VanSant. Assigned to Health-Social Services/Aging Committee.

SB 307 - AN ACT TO AMEND CHAPTER 27, TITLE 30 OF THE DELAWARE CODE, RELATING TO MANUFACTURERS' LICENSE REQUIREMENTS AND TAXES. Sponsors: Senator Marshall, Representative D. Ennis; Senators Cook, Knox, Bair, Arnold, Berndt, Citro, Connor, Neal, Slatcher; Representatives Free, Taylor, Reynolds, Hebner, Oberle, Barnes, Outten, Bennett, George, Gilligan, Petrilli, Corrozi, Boykin, Roy, Davis, Fallon, Caulk, Maroney, VanSant, Quillen, Buckworth, Brady. Laid on the table on motion of Senator Marshall.

SB 308 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION. Sponsors: Senator McDowell, Representative Roy; Senators Arnold, Marshall, Neal, Torbert; Representatives Boykin, B. Ennis, Houghton, Taylor. Assigned to Administrative Services/Energy Committee.

SA 1 to HS 1 for HB 311. Sponsor: Senator Knox. Placed with the Bill.

HB 80 w HA 1 - AN ACT TO AMEND CHAPTER 6, TITLE 29 OF THE DELAWARE CODE PROVIDING FOR ATTORNEY'S FEES FOR SMALL BUSINESSES IN ACTIONS INVOLVING A STATE AGENCY. Sponsors: Representatives Boykin, Outten, Barnes, Clark, C. Cordrey, Corrozi Petrilli, Spence, VanSant; Senators Bair, R. Cordrey, McDowell, Neal, Zimmerman. Assigned to Judiciary Committee.

HB 124 w HA 1, 2, 3 – AN ACT TO AMEND CHAPTER 5, TITLE II, DELAWARE CODE RELATING TO DESECRATION OF A BURIAL PLACE. Sponsor: Representative Quillen. Assigned to Judiciary Committee.

HB 245 w HA 1 – AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE TO ALLOW SPECIAL PLATES FOR THE CHIEF MAGISTRATE. Sponsors: Representatives Spence, Oberle. Assigned to Public Safety Committee.

HB 286 – AN ACT TO AMEND CHAPTERS 3, 21, 23, 25 AND 31, TITLE 21 OF THE DELAWARE CODE RELATING TO CERTAIN FEES COLLECTED BY THE DIVISION OF MOTOR VEHICLES. Sponsors: Representatives Spence, Davis; Senators Adams, Sharp, Vaughn, Citro, Neal. Assigned to Public Safety Committee.

HB 287 – AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO APPEALS FROM UNFAVORABLE DECISIONS REGARDING SUSPENSION AND REVOCATION OF LICENSE FOR REFUSAL TO SUBMIT TO CHEMICAL TESTS OR PROBABLE CAUSE. Sponsors: Representatives Spence, Davis; Senators Torbert, Adams, Minner, Sharp, Vaughn, Citro, Neal. Assigned to Public Safety Committee.

HB 288 – AN ACT TO AMEND CHAPTER 23, TITLE 21 OF THE DELAWARE CODE RELATING TO RETAINING SURRENDERED CERTIFICATES OF TITLE. Sponsors: Representatives Spence, Davis; Senators Torbert, Adams, Minner, Sharp, Vaughn, Citro, Neal. Assigned to Public Safety Committee.

HB 289 – AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO PEDESTRIANS. Sponsors: Representatives Spence, Davis; Senators Torbert, Adams, Minner, Sharp, Vaughn, Citro, Neal. Assigned to Public Safety Committee.

HB 297 – AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTS. Sponsors: Representative Taylor, Senator Martin. Assigned to Administrative Services/Energy Committee.

HB 313 w HA 1 – AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE TO ADD A NEW CHAPTER RELATING TO MOTOR CARRIER SAFETY; PROVIDING FOR THE IMPOSITION OF DUTIES UPON THE DEPARTMENT OF PUBLIC SAFETY, THE STATE POLICE AND OTHER POLICE OFFICERS; PRESCRIBING PENALTIES AND FURTHER PROVIDING FOR ENFORCEMENT OF THIS ACT. Sponsors: Representative Spence, Senator Torbert; Representatives Reynolds, Houghton, Davis; Senators Adams, Sharp, Vaughn, Citro, Neal. Assigned to Public Safety Committee.

HB 314 – AN ACT TO AMEND CHAPTER 52, TITLE 30, OF THE DELAWARE CODE RELATING TO THE MOTOR CARRIER FUEL PURCHASE LAW. Sponsors: Representative Spence, Senator Torbert; Representatives Davis; Senators Minner, Adams, Vaughn, Citro, Neal. Assigned to Revenue and Taxation Committee.

HB 316 w HA 1 – AN ACT TO AMEND CHAPTER 53, TITLE II OF THE DELAWARE CODE RELATING TO THE TRANSFER OF CASES TO COURT OF COMMON PLEAS. Sponsors: Representatives Reynolds, Davis, Spence, VanSant; Senator Connor. Assigned to Judiciary Committee.

HB 329 w HA 1 – AN ACT TO AMEND CHAPTER 45, TITLE 10, DELAWARE CODE, RELATING TO JURY SELECTION AND SERVICE. Sponsors: Representative Spence, Senator Sharp; Representatives Reynolds, VanSant, Taylor, Caulk, Houghton, B. Ennis, Free; Senator Connor. Assigned to Judiciary Committee.

HB 358 – AN ACT TO AMEND SECTION 1001, TITLE 5 OF THE DELAWARE CODE TO AMEND THE DEFINITION OF A "QUALIFYING ASSOCIATION" AND A "QUALIFYING CORPORATION" UNDER THE CONSUMER CREDIT BANK ACT. Sponsors: Representatives D. Ennis, Petrilli. Assigned to Banking Committee.

HB 373 – AN ACT ENTITLED "THE OCCUPATIONAL AND BUSINESS LICENSES AND TAXES AMENDMENTS OF 1985", AMENDING CHAPTER 29, TITLE 30, DELAWARE CODE, RELATING TO THE EXEMPTION OF MANUFACTURERS FROM THE WHOLESALE TAX; AND AMENDING CHAPTER 27, TITLE 30, DELAWARE CODE, RELATING TO THE MANUFACTURER LICENSE TAX RATE, A MONTHLY DEDUCTION FROM GROSS RECEIPTS AND FILING REQUIREMENTS; AND AMENDING CHAPTER 29, TITLE 30, DELAWARE CODE, RELATING TO THE WHOLESALE LICENSE TAX WITH RESPECT TO A MONTHLY DEDUCTION FROM GROSS RECEIPTS; AND AMENDING CHAPTER 21, TITLE 30, DELAWARE CODE, RELATING TO GENERAL PROVISIONS CONCERNING OCCUPATIONAL AND BUSINESS LICENSES AND TAXES. Sponsors: Representative D. Ennis, Senator Marshall; Representatives Free, Taylor, Reynolds, Hebner, Oberle, Barnes, Outten, Bennett, George, Gilligan, Petrilli, Corrozi, Boykin, Roy, Davis, Fallon, Caulk, Maroney, VanSant, Quillen, Buckworth, Brady; Senators Cook, Knox, Bair, Arnold, Berndt, Citro, Connor, Neal, Slatcher. Assigned to Revenue and Taxation Committee.

SB 37 returned from the House with HA 1. Sponsor: Senator Martin. Assigned to Highways and Transportation Committee.

SB 201 returned from the House with HA 1, 2, 3. Sponsor: Senator McBride. Assigned to Judiciary Committee.

SB 254 w SA 1, 2 returned from the House with HA 1. Sponsor: Senator Minner. Assigned to Judiciary Committee.

HB 56 - AN ACT TO ALLOW FOR THE EXCHANGE OF LANDS LOCATED IN THE CITY OF DOVER, KENT COUNTY, DELAWARE, BETWEEN THE STATE OF DELAWARE AND DORIS R. DORZBACK AND DONNA D. STONE. Sponsors: Representative Bennett, Senator Zimmerman, Representative Outten, Senators Cordrey, Cook. Assigned to Administrative Services/Energy Committee.

SB 37 (HA 1) was laid on the table on motion of Senator Martin.

SB 201 (HA 1, 2, 3) was laid on the table on motion of Senator McBride.

The following Committee reports were announced:

From the Administrative Services/Energy Committee: **HB 246 w HA 1 - 7 Merits.**

From the Insurance and Elections Committee: **HB 31 w HA 1 - 5 Merits; HB 307 w HA 1 - 5 Merits.**

From the Judiciary Committee: **HB 141 w HA 1 - 6 merits; HB 158 - 6 Merits; HB 230 - 6 Merits.**

From the Executive Committee: **HJR 13 - 5 Merits.**

Lt. Governor Woo introduced Senator Arnold's family who were present in the Chamber.

Senator Minner introduced her son and his family to the Senate.

Senator Sharp introduced Lt. Governor Woo's wife, Katy, to the Senate.

At 6:05 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 48th Legislative Day.

48TH LEGISLATIVE DAY June 30, 1985

The Senate convened at 6:05 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

SB 283 was taken up for consideration on motion of Senator Adams:

SB 283 - AN ACT TO AMEND CHAPTER 3, TITLE 3 OF THE DELAWARE CODE BY CREATING A DELAWARE AGRICULTURAL MARKETING 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 sent to the House for consideration.

SB 284 was laid on the table on motion of Senator McBride.

HB 246 w HA 1 was taken up for consideration on motion of Senator McDowell:

HB 246 w HA 1 - AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE RELATING TO FREEDOM OF INFORMATION.

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

SB 251 was taken up for consideration on motion of Senator Marshall:

SB 251 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC BEVERAGES.

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

SJR 7 was taken up for consideration on motion of Senator Holloway under suspension of the necessary rules:

SJR 7 - DIRECTING THE COMMISSIONER OF CORRECTION TO PROMULGATE INMATE RULES OF CONDUCT FOR EACH ADULT INSTITUTION UNDER HIS JURISDICTION.

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

SB 58 was laid on the table on motion of Senator McDowell.

SS 1 for SB 56 was taken up for consideration on motion of Senator Holloway:

SS 1 for SB 56 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF SOCIAL WORK EXAMINERS.

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

HB 158 was taken up for consideration on motion of Senator Sharp:

HB 158 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE I, SECTION 4 OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE COMPOSITION OF GRAND JURIES.

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

HB 282 w HA 1 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules:

HB 282 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISHING IN TIDAL WATERS; CORRECTION OF PERTINENT DATA BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL; THE FINFISHERIES DEVELOPMENT FUND; AND ENFORCEMENT OF REPORTING REQUIREMENTS.

The privilege of the floor was extended to Gary Dalton, Senate Attorney.

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

The roll call vote on **HB 282 w HA 1, SA 1** was then taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 266 w HA 1 was taken up for consideration on motion of Senator Minner:

HB 266 w HA 1 - AN ACT TO AMEND CHAPTER 8, TITLE 29 OF THE DELAWARE CODE RELATING TO THE BOUNDARY LINES OF CERTAIN DISTRICT.

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

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Knox, Marshall, Martin, Neal, Sharp, Slatcher, Vaughn - 15.

NO: Senators McBride, McDowell, Minner, Torbert, Zimmerman - 5.

NOT VOTING: Senator Holloway - 1.

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

HB 31 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 31 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 18 OF THE DELAWARE CODE RELATING TO PROPERTY INSURANCE CONTRACTS.

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 230 was taken up for consideration on motion of Senator Sharp:

HB 230 - AN ACT TO AMEND CHAPTER 20, TITLE 13 OF THE DELAWARE CODE RELATING TO THE COMMISSION ON FAMILY LAW.

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 241 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

HB 241 - AN ACT TO PERMIT ABNER X. MILLER TO CONTINUE EMPLOYMENT WITH THE DELAWARE STATE HOSPITAL AS LAUNDRY MANAGER AFTER ATTAINING THE AGE OF 70.

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.

HJR 9 w HA 1 was taken up for consideration on motion of Senator Holloway:

HJR 9 w HA 1 - CREATING A HOUSING DEVELOPMENT TRUST FUND STUDY COMMISSION; PROVIDING FOR MEMBERSHIP, ORGANIZATION, AND PURPOSE OF THE COMMISSION; AND REQUIRING A REPORT TO THE LEGISLATURE AND THE GOVERNOR.

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.

HJR 18 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules:

HJR 18 - PROVIDING FOR THE ESTABLISHMENT OF A MOBILE HOME STUDY COMMISSION TO STUDY THE PROBLEMS AND ISSUES RELATING TO MOBILE HOME RESIDENTS, BUSINESS ENDEAVORS, THE RAMIFICATIONS AND IMPLICATIONS OF MOBILE HOME PROBLEMS AND ISSUES FOR THE PUBLIC IN GENERAL; FURTHER PROVIDING STAFF ASSISTANCE AND THE ISSUANCE OF A FINAL REPORT OF THEIR FINDINGS AND RECOMMENDATIONS.

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 156 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

HB 156 - AN ACT TO AMEND CHAPTER 55, TITLE 25 OF THE DELAWARE CODE, TO REQUIRE A LANDLORD TO DISCLOSE THE TENANT'S CANCELLATION RIGHTS ON THE FACE OF THE APPLICATION FORM.

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

HB 307 w HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 18 OF THE DELAWARE CODE RELATING TO POLITICAL CONTRIBUTIONS BY INSURERS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Minner and Zimmerman) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 219 w HA 2 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

HB 219 w HA 2 - AN ACT TO AMEND CHAPTER 55, TITLE 25 OF THE DELAWARE CODE RELATING TO NOTICE OF RENT INCREASES.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Cordrey) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 141 w HA 1 was taken up for consideration on motion of Senator Sharp:
HB 141 w HA 1 - AN ACT TO AMEND CHAPTERS 3, 7, 21, 23, 27, 31, 41, 42 AND 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE PENALTY PROVISIONS OF THE MOTOR VEHICLE CODE.

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

YES: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Torbert, Vaughn - 17.

NO: Senators Minner, Zimmerman - 2.

ABSENT: Senators Arnold, Slatcher - 2.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Representative Davis.

The roll call vote on HB 141 w HA 1, SA 1 was then taken; however, Senator Bair moved that the roll call be tabled before being announced.

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

YES: Senators Arnold, Bair, Berndt, Connor, Cook, Knox, Neal - 7.

NO: Senators Adams, Citro, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 14.

Therefore, the motion was defeated and the roll call vote on the Bill was announced:

YES: Senators Bair, Berndt, Connor, Knox, Martin, Neal, Torbert - 7.

NO: Senators Adams, Arnold, Cook, Cordrey, Holloway, Marshall, McBride, McDowell, Minner, Sharp, Slatcher, Vaughn, Zimmerman - 13.

ABSENT: Senator Citro - 1.

Therefore, the Bill was declared defeated.

SB 307 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

SB 307 - AN ACT TO AMEND CHAPTER 27, TITLE 30 OF THE DELAWARE CODE, RELATING TO MANUFACTURERS' LICENSE REQUIREMENTS AND TAXES.

The privilege of the floor was extended to Robert Chastant (Division of Revenue) and Louis H. Papineau, Jr. (Delaware Development Office).

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

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Knox, Marshall, Martin, Neal, Slatcher - 13.

NO: Senators Minner, Zimmerman - 2.

NOT VOTING: Senators Holloway, McBride, McDowell, Sharp, Torbert, Vaughn - 6.

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

At 8:06 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 9:16 p.m., Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 238; SB 162; SB 258; SB 259; SB 261; SB 262; HB 302 w HA 1, 2, 3; HB 312 w HA 1, 2; SB 44 w SA 1, 2; HB 5 w HA 1; HB 204 w HA 1.

HB 302 w HA 1, 2, 3 was introduced and assigned to Natural Resources and Environmental Control Committee:

HB 302 w HA 1, 2, 3 - AN ACT TO AMEND CHAPTER 5, TITLE 7, PART I OF THE DELAWARE CODE RELATING TO THE REQUIREMENTS AND FEES FOR DELAWARE RESIDENT AND NON-RESIDENT HUNTING, TRAPPING AND FISHING LICENSES. Sponsors: Representatives Barnes, Bennett; Senators Torbert, Knox, Bair.

SR 53 was introduced and considered for adoption on motion of Senator Marshall:

SR 53 - CONGRATULATING THE MEMBERS OF THE BARTKOWSKI FAMILY OF WILMINGTON (HEDGEVILLE) AND THE MANY CONCERNED FRIENDS WHO PARTICIPATED IN THE SUCCESSFUL "WE LIKE TONY" LEWANDOWSKI FUND RAISING COMMITTEE AND EVENTS. Sponsor: Senator Marshall.

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

Senator Adams introduced 2 members of the Agriculture Bureau to the Senate - Jack Tarburton and Sherman Stevenson.

SENATE CONSENT CALENDAR #13 was introduced and considered for adoption on motion of Senator Minner. The Consent Calendar was comprised of the following:

SR 48 - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT THE PROPOSED PUBLIC SALE OF CONRAIL ON THE FREE MARKET. Sponsors: Senators Martin, Marshall, Connor, Citro.

SR 52 - COMMENDING DR. ALI Z. HAMELI FOR BEING CHOSEN A MEMBER OF THE TEAM OF FORENSIC EXPERTS TO STUDY THE REMAINS OF JOSEF MENGELE, "ANGEL OF DEATH", IN BRAZIL. Sponsors: Senators Bair and Holloway.

SCR 74 - COMMENDING THE UNIVERSITY OF DELAWARE BLUE HENS BASEBALL TEAM AND COACH BOB HANNAH ON THEIR OUTSTANDING 1985 SEASON. Sponsors: Senators Neal, Arnold; Representatives Soles, Taylor.

SCR 75 - REQUESTING THE STATE TREASURER AND THE DIRECTOR OF THE DIVISION OF MOTOR VEHICLES TO EXAMINE THE FEASIBILITY OF IMPLEMENTING CERTAIN PROGRAMS AND PROCEDURES IN AN EFFORT TO LOCATE AND IDENTIFY MISSING CHILDREN. Sponsors: Senator McBride; Representatives Barnes, Buckworth.

SCR 76 - CONGRATULATING SAMUEL E. HOUES UPON HIS RETIREMENT AFTER 30 YEARS OF STATE SERVICE IN THE DEPARTMENT OF LABOR. Sponsors: Senator Marshall; Representatives Oberle, Spence.

SCR 78 - WELCOMING TO THE SENATE CHAMBER THE DELEGATES OF THE 1985 GIRLS STATE, AND COMMENDING THE AMERICAN LEGION LADIES AUXILIARY, DEPARTMENT OF DELAWARE, FOR THEIR CONTINUED SPONSORSHIP OF THIS PROGRAM. Sponsors: Senator Minner, Representative Jester.

SCR 79 - CREATING A CHILD SERVICES TASK FORCE TO EVALUATE THE PERFORMANCE OF THE DEPARTMENT OF SERVICES TO CHILDREN, YOUTH, AND THEIR FAMILIES, IDENTIFY REMAINING UNMET NEEDS OF CHILDREN, AND RECOMMEND LEGISLATIVE PROGRAMS TO DEAL WITH UNMET NEEDS, IF ANY. Sponsors: Senators Holloway, Slatcher, Bair, McDowell.

SCR 80 - PLEDGING OUR SUPPORT AND URGING ALL CITIZENS OF THE STATE OF DELAWARE TO PLEDGE THEIR SUPPORT FOR THE UNITED WAY CAMPAIGN FOR 1985. Sponsors: Senators Cordrey, Bair and all Senators; Representative Hebner, George and all Representatives.

HCR 75 - CONGRATULATING STEVEN RAY MAST UPON BEING NAMED THE GRADUATING SENIOR WITH THE HIGHEST ACADEMIC AVERAGE EARNED IN FULL TIME STUDY TOWARD A BACCALAUREATE DEGREE AT THE UNIVERSITY OF DELAWARE'S 1985 GRADUATION CEREMONIES. Sponsors: Representative Barnes, Senator Adams.

HCR 76 - WELCOMING TO THE HOUSE CHAMBER THE DELEGATES OF THE 1985 GIRLS STATE, AND COMMENDING THE AMERICAN LEGION, DEPARTMENT OF DELAWARE, FOR THEIR CONTINUED SPONSORSHIP OF THIS PROGRAM. Sponsors: Representative Jester, Senator Minner.

HCR 77 - REQUESTING THE HONORABLE MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE PURSUE PLANNING, FUNDING AND CONSTRUCTION OF AN INFORMATION CENTER AND REST AREA ON U.S. RT. #13 NEAR THE DELAWARE MARYLAND BORDER. Sponsors: Representatives C. Cordrey, Fallon, Jonkiert, Sills, Quillen, George, Maroney, Bennett, Buckworth, Caulk, Steele, Houghton, D. Ennis, Carey, Brady, Smith, Outten, West, Spence, Gilligan, Mack, Jester, Boykin, VanSant, Reynolds; Senators Martin, Marshall, Cook, Zimmerman, Minner, McDowell, Adams, Knox, Cordrey, Torbert.

HCR 79 - SALUTING THE VALIANT EFFORTS OF MS. SUZANNE RUMMELL. Sponsors: Representatives VanSant, Campanelli; Senators Sharp, Citro.

HCR 80 - COMMENDING TANYA LYNNE ROBINSON, AGE NINE, OF SMYRNA, DELAWARE, FOR HAVING WON SEVERAL TITLES IN THE TWENTY-SECOND ANNUAL MISS HEMISPHERE BEAUTY PAGEANT. Sponsors: Representative B. Ennis, Senator Vaughn.

HCR 81 - CONGRATULATING DELAWARE'S UNITED AUTO WORKERS UPON THE OCCASION OF THE FIFTIETH ANNIVERSARY OF THE UNITED AUTO WORKERS' UNION. Sponsors: Representatives Oberle, Mack, Campanelli, Jonkiert, Spence, Davis, Reynolds, Roy, George, Gilligan, Anderson; Senators Cordrey, Sharp, Marshall, Vaughn, Martin.

HCR 82 - HONORING BOY SCOUT TROOP #62 CLAYMONT ON THE CELEBRATION OF ITS 50TH ANNIVERSARY AND RECOGNIZING AUGUST 16 AND 17, 1985 AS BOY SCOUT TROOP #62 CLAYMONT DAYS IN DELAWARE. Sponsors: Representatives Brady, Hebner; Senators Bair, Berndt.

* * * * *

The roll call vote on SENATE CONSENT CALENDAR #13 was then taken and revealed 20 Senators voting YES and 1 (Berndt) 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.

Senator Slatcher introduced his wife, Delores, and friends to the Senate.

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

SB 247 - AN ACT TO AMEND CHAPTER 44, TITLE 18, DELAWARE CODE RELATING TO THE DELAWARE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION.

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

HB 283 w HA 2 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules:

HB 283 w HA 2 - AN ACT TO AMEND CHAPTER 9, TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISHING IN TIDAL WATERS; SALE, TRADE OR BARTER OF FOOD FISH; FOOD FISHING EQUIPMENT PERMITS, REQUIREMENTS AND RESTRICTIONS, AREAS RESTRICTED FOR USING CERTAIN FISHING EQUIPMENT; INTERFERING WITH FISHING EQUIPMENT; GILLS NETS, USE OF ELECTRIC LIGHTS; AND JURISDICTION OVER VIOLATIONS AND FORFEITURE PROCEEDINGS.

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 284 w HA 1 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules:

HB 284 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 7 OF THE DELAWARE CODE RELATING TO FINFISHING IN TIDAL WATERS AND MARKING REQUIREMENTS FOR FISHING EQUIPMENT.

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

HB 227 - AN ACT TO AMEND CHAPTERS 51 AND 53, TITLE 3 AND CHAPTER 81, TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON APPLE PROMOTION, THE PROMOTION OF APPLES AND TAX UPON APPLES.

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

HB 119 w HA 1 - AN ACT TO AMEND CHAPTER 12, TITLE 3, DELAWARE CODE RELATING TO PENALTIES FOR VIOLATIONS OF THE PESTICIDE LAW.

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.

HJR 16 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules:

HJR 16 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1985.

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.

HJR 17 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules:

HJR 17 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1986.

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 350 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HB 350 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1986; 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.

SB 278 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

SB 278 - 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, 1986; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

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

YES: Senators Adams, Citro, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman - 14.

NOT VOTING: Senators Arnold, Bair, Berndt, Connor, Knox, Neal, Slatcher - 7.

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

SB 306 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 306 - AN ACT TO AMEND CHAPTER 90, TITLE 29 OF THE DELAWARE CODE RELATING TO RESIDENTIAL MENTAL HEALTH TREATMENT SERVICES PROVIDED BY THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES.

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

The roll call vote on SB 306 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Citro) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 273 was taken up for consideration on motion of Senator Torbert:

HB 273 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO REGISTRATION OF VEHICLES.

The roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Arnold) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 358 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules:

HB 358 - AN ACT TO AMEND SECTION 1001, TITLE 5 OF THE DELAWARE CODE TO AMEND THE DEFINITION OF A "QUALIFYING ASSOCIATION" AND A "QUALIFYING CORPORATION" UNDER THE CONSUMER CREDIT BANK ACT.

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 80 w HA 1 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 80 w HA 1 - AN ACT TO AMEND CHAPTER 6, TITLE 29 OF THE DELAWARE CODE PROVIDING FOR ATTORNEYS' FEES FOR SMALL BUSINESSES IN ACTIONS INVOLVING A STATE AGENCY.

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 310 w HA 1 was lifted from the table for consideration on motion of Senator Sharp.

SA 1 to the Bill was stricken at the request of the sponsor, Senator Adams.

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 191 w HA 1 was reported out of the Finance Committee: 6 Merits.

HB 191 w HA 1 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HB 191 w HA 1 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE BY ADOPTING A REVISED UNIFORM LIMITED PARTNERSHIP ACT RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS.

The privilege of the floor was extended to John H. Small (Delaware State Bar Association) and Michael Harkins (Secretary of State.)

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

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Cook, Cordrey, Holloway, Knox, Marshall, McBride, McDowell, Neal, Sharp, Slatcher, Vaughn, Zimmerman - 17.

NOT VOTING: Senators Martin, Minner, Torbert - 3.

ABSENT: Senator Connor - 1.

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

SB 305 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 305 - AN ACT TO AMEND CHAPTER 90, TITLE 29 DELAWARE CODE RELATING TO THE COMPOSITION OF THE DIVISIONAL ADVISORY COUNCILS OF THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES.

SA 1 to the Bill (sponsored by Senator McDowell) was introduced.

At 11:18 p.m. on motion of Senator Cordrey, the Senate recessed and reconvened at 11:34 p.m., Lt. Governor Woo presiding.

SB 305 was laid on the table on motion of Senator Cordrey.

HB 357 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules:

HB 357 - AN ACT TO AMEND CHAPTER 258, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE 'THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE' TO BORROW \$1,000,000.00 AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF PROVIDING A SEWAGE DISPOSAL PLANT AND SYSTEM IN THE TOWN OF SELBYVILLE AND TO CONTROL AND REGULATE THE SAME" TO PROVIDE SPECIFICALLY THAT THE PRINCIPAL AND INTEREST SHALL NOT BE TAXABLE, TO PROVIDE A MAXIMUM BONDED INDEBTEDNESS FOR PURPOSES OF THIS ACT NOT TO EXCEED \$2,000,000.00, AND TO PROVIDE THAT THE ELECTION MAY BE BY PAPER BALLOT.

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

HB 355 was taken up for consideration on motion of Senator Cook:

HB 355 - AN ACT AMENDING CHAPTER 61, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF AN INDIRECT COSTS SPECIAL FUND ACCOUNT.

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 56 was reported out of the Administrative Services/Energy Committee: 5 Merits.

HB 56 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules:

HB 56 - AN ACT TO ALLOW FOR THE EXCHANGE OF LANDS LOCATED IN THE CITY OF DOVER, KENT COUNTY, DELAWARE, BETWEEN THE STATE OF DELAWARE AND DORIS R. DORZBACK AND DONNA D. STONE.

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

HJR 13 was taken up for consideration on motion of Senator Vaughn:

HJR 13 - DECLARING JULY 14-19, 1985 AS POW/MIA RECOGNITION WEEK IN THE STATE OF DELAWARE AND ACKNOWLEDGING WITH APPRECIATION THE SACRIFICES MADE BY OUR PRISONERS OF WAR.

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.

On motion of Senator Cook, the roll call vote on HB 355 was rescinded without objection.

The Bill was then taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 305 was lifted from the table for consideration on motion of Senator McDowell.

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

The roll call vote on SB 305 w SA 1 was then taken and revealed 19 Senators voting YES, 1 (Adams) voting NO and 1 (Zimmerman) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 313 w HA 1 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules:

HB 313 w HA 1 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE TO ADD A NEW CHAPTER RELATING TO MOTOR CARRIER SAFETY; PROVIDING FOR THE IMPOSITION OF DUTIES UPON THE DEPARTMENT OF PUBLIC SAFETY, THE STATE POLICE AND OTHER POLICE OFFICERS; PRESCRIBING PENALTIES AND FURTHER PROVIDING FOR ENFORCEMENT OF THIS ACT.

The privilege of the floor was extended to Robert C. MacDonald (Delaware State Police).

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 12:00 midnight, June 30, 1985 on motion of Senator Sharp, the 1st Session of the 133rd General Assembly adjourned.

SPECIAL SESSION

July 1, 1985

Pursuant to the following communication, the Senate convened at 12:01 a.m., July 1, 1985, Lt. Governor Woo presiding:

Lieutenant Governor
S. B. WOO
State of Delaware

TO: Members of the House of Representatives and Senate of the 133rd General Assembly

FROM: Speaker of the House, Charles L. Hebner

President of the Senate, S. B. Woo, Lt. Governor

DATE: Sunday, June 30, 1985, 12 Midnight

Pursuant to the authority vested in the presiding officers of both Houses under Article II, Section 4, of the Delaware Constitution of 1897, as amended, we hereby declare that the 133rd General Assembly is now in Special Session.

S. B. Woo, President of the Senate
Charles L. Hebner, Speaker of the House

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

The Chair appointed Senator Citro and Holloway as a Committee to inform the House that the Senate was in Special Session.

At 12:02 a.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 12:40 a.m., Senator Cordrey presiding.

HB 286 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules:

HB 286 - AN ACT TO AMEND CHAPTERS 3, 21, 23, 25, AND 31, TITLE 21 OF THE DELAWARE CODE RELATING TO CERTAIN FEES COLLECTED BY THE DIVISION OF MOTOR VEHICLES.

The privilege of the floor was extended to Robert J. Voshell (Division of Motor Vehicles).

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

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Knox, Marshall, Martin, Neal, Sharp, Torbert, Vaughn - 14.

NO: Senators Cordrey, Holloway, McDowell, Minner, Slatcher, Zimmerman - 6.

ABSENT: Senator McBride - 1.

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

At 12:45 a.m., Lt. Governor Woo presiding.

HB 287 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules:

HB 287 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO APPEALS FROM UNFAVORABLE DECISIONS REGARDING SUSPENSION AND REVOCATION OF LICENSE FOR REFUSAL TO SUBMIT TO CHEMICAL TESTS OR PROBABLE CAUSE.

SA 1 to the Bill was taken up for consideration on motion of Senator Bair. The roll call vote on the Amendment was taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Robert Voshell (Department of Motor Vehicles).

The roll call vote on HB 287 w SA 1 was taken; however, the roll call was laid on the table before being announced on motion of Senator Torbert.

SB 310 was taken up for consideration on motion of Senator Vaughn under suspension of the necessary rules:

SB 310 - AN ACT TO AMEND CHAPTER 82, TITLE 9, DELAWARE CODE, RELATING TO SALARIES FOR KENT COUNTY OFFICIALS.

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

SB 104 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 1. The roll call vote on SB 104 w 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.

The Secretary announced that a message from the House informed the Senate that it had passed SB 67 w HA 1.

SB 67 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 1.

The roll call vote on SB 67 w 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 37 which had previously passed the Senate, was taken up for reconsideration as now amended by HA 1 on motion of Senator Martin.

The roll call vote on SB 37 w HA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Bair, Berndt, Connor, Cook, Holloway, Knox, Martin, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 17.

NO: Senators Citro, Cordrey, Marshall, McBride - 4.

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

SB 201 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 1, 2, 3 on motion of Senator McBride.

The roll call vote on SB 201 w HA 1, 2, 3 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.

The Secretary announced that a message from the House informed the Senate that it had passed SB 33 w HA 1.

SB 33 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 1 on motion of Senator Holloway under suspension of the necessary rules.

The roll call vote on SB 33 w 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 123 w SA 1, 2, 3, 4, 5 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 1 on motion of Senator McDowell under suspension of the necessary rules.

The roll call vote on SB 123 w SA 1, 2, 3, 4, 5, HA 1 was then taken and revealed:

YES: Senators Arnold, Bair, Berndt, Citro, Connor, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn - 16.

NO: Senators Adams, Cook, Cordrey, Slatcher, Zimmerman - 5.

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

On motion of Senator Adams, the Governor's nomination for appointment of Evelyn T. Alemar was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT: therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Charles H. Toliver, IV, was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT: therefore, the appointment was declared confirmed.

The following nomination for appointment from the Governor was read and considered for confirmation on motion of Senator Adams under suspension of the necessary rules:

STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John H. Cordrey, Esq., 206 Grammar Ave., Georgetown, DE 19947, to be appointed as a member of the Tax Appeals Board for a term of three years to replace James C. Eberly, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

The roll call vote on the nomination was then taken and revealed 20 Senators voting YES and 1 (Cordrey) NOT VOTING; therefore, the appointment was declared confirmed.

The following nomination for appointment from the Governor was read and considered for confirmation on motion of Senator Adams under suspension of the necessary rules:

STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd 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, Iron Gates RD 2, Hockessin, DE 19707, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, for a term of four years to expire June 20, 1989.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

The roll call vote on the nomination was taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The following nomination for appointment from the Governor was read and considered for confirmation on motion of Senator Adams under suspension of the necessary rules:

STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd 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 appointed as a Justice of the Peace, in and for New Castle County State of Delaware, for a term of four years to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

The roll call vote on the nomination was taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The following nomination for appointment from the Governor was read and considered for confirmation on motion of Senator Adams under suspension of the necessary rules:

STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd 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, P. O. Box 351, Delaware City, DE 19706, to be appointed as a Justice of the Peace, in and for New Castle County, State of Delaware, for a term of four years to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

The roll call vote on the nomination was taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The following nomination for appointment from the Governor was read and considered for confirmation on motion of Senator Adams under suspension of the necessary rules:

STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd 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, DE 19808, to be appointed as a Justice of the Peace, in and for New Castle County, State of Delaware, for a term of four years to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

The roll call vote on the nomination was taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The following nomination for appointment from the Governor was read and considered for confirmation on motion of Senator Adams under suspension of the necessary rules:

STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Edwin L. Lord, 10 Arthur Dr., RD 1, Hockessin, DE 19707, to be appointed as a Justice of the Peace, in and for New Castle County State of Delaware, for a term of four years to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

The roll call vote on the nomination was taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The following nomination for appointment from the Governor was read and considered for confirmation on motion of Senator Adams under suspension of the necessary rules:

STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd 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, Post Office Box 94, Viola, DE 19979, to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware, for a term of four years to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

The roll call vote on the nomination was taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The following nomination for appointment from the Governor was read and considered for confirmation on motion of Senator Adams under suspension of the necessary rules:

STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd 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 appointed as a Justice of the Peace, in and for Kent County, State of Delaware, for a term of four years to replace John P. Greene, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

The roll call vote on the nomination was taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

SB 254 w SA 1, 2 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 1 on motion of Senator Minner under suspension of the necessary rules. The roll call vote on SB 254 w SA 1, 2, 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.

HS 1 for HB 311 w HA 1, 3 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HS 1 for HB 311 w HA 1, 3 - AN ACT AMENDING CHAPTER 50, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE FIRST STATE IMPROVEMENT FUND.

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

YES: Senators Adams, Arnold, Bair, Berndt, Connor, Knox, Marshall, McBride, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn - 14.

NO: Senators Cook, Cordrey, Holloway, Martin, McDowell, Zimmerman - 6.

ABSENT: Senator Citro - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on HS 1 for HB 311 w HA 1, 3, SA 1 was then taken and revealed 20 Senators voting YES and 1 (Zimmerman) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 309 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Cook:

SB 309 - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE AND HIGHWAY REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; DEAUTHORIZING CERTAIN GENERAL OBLIGATION BONDS OF THE STATE AND CERTAIN AUTHORITY FOR GUARANTEED INDUSTRIAL REVENUE BONDS; REVERTING AND REPROGRAMMING CERTAIN SURPLUS FUNDS; APPROPRIATING CERTAIN GENERAL AND SPECIAL FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY; AMENDING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY (FY 1986 BUDGET BILL), HOUSE SUBSTITUTE NO. 1 FOR HOUSE BILL NO. 311 OF THE 133RD GENERAL ASSEMBLY, AND SENATE BILL NO. 2 OF THE 133RD GENERAL ASSEMBLY; AUTHORIZING THE PURCHASE, TRANSFER, AND SALE OF CERTAIN REAL PROPERTIES BY THE STATE, CERTAIN OF ITS AUTHORITIES, AND NEW CASTLE COUNTY; CLARIFYING PROVISIONS PERTAINING TO THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY AND THE DELAWARE TRANSPORTATION AUTHORITY WITH RESPECT TO THE ISSUANCE AND ADMINISTRATION OF BONDS; ESTABLISHING PROCEDURES FOR THE INVESTMENT OF CERTAIN FUNDS; PLACING CERTAIN CONDITIONS ON THE APPROPRIATIONS CONTAINED IN THIS ACT AND PREVIOUS ACTS OF THE STATE; AND MAKING CERTAIN OTHER CHANGES TO THE DELAWARE CODE AND LAWS OF DELAWARE. Sponsors: Senators Cook, Martin, Berndt, Neal; Representatives Roy, Carey, B. Ennis, Gilligan, Petrilli, Spence.

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 Cook.

HB 373 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

HB 373 - AN ACT ENTITLED "THE OCCUPATIONAL AND BUSINESS LICENSES AND TAXES AMENDMENTS OF 1985", AMENDING CHAPTER 29, TITLE 30, DELAWARE CODE, RELATING TO THE EXEMPTION OF MANUFACTURERS FROM THE WHOLESALE TAX; AND AMENDING CHAPTER 27, TITLE 30, DELAWARE CODE, RELATING TO THE MANUFACTURER LICENSE TAX RATE, A MONTHLY DEDUCTION FROM GROSS RECEIPTS AND FILING REQUIREMENTS; AND AMENDING CHAPTER 29, TITLE 30, DELAWARE CODE, RELATING TO THE WHOLESALE LICENSE TAX WITH RESPECT TO A MONTHLY DEDUCTION FROM GROSS RECEIPTS; AND AMENDING CHAPTER 21, TITLE 30, DELAWARE CODE, RELATING TO GENERAL PROVISIONS CONCERNING OCCUPATIONAL AND BUSINESS LICENSES AND TAXES.

The privilege of the floor was extended to William E. Buxbaum (Secretary of Finance) 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.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 239**.

HB 239 was introduced and considered for passage under suspension of the necessary rules on motion of Senator McBride:

HB 239 - AN ACT TO PERMIT MS. VERDI H. NECASTRO TO CONTINUE EMPLOYMENT WITH THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AS AN ADMISSION OFFICE CLERK AT THE DELAWARE STATE HOSPITAL AFTER ATTAINING THE AGE OF SEVENTY. Sponsor: Representative Reynolds.

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

On motion of Senator Cook (without objection) the roll call vote on **SB 309** was lifted and announced:

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Slatcher, Torbert Vaughn - 19.

NO: Senators Minner, Zimmerman - 2.

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

At 2:16 a.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 2:30 a.m., Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 365 w HA 1**.

HB 365 w HA 1 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Cook:

HB 365 w HA 1 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID. Sponsors: Representatives Corrozi, Bennett, Davis, Quillen, Smith, Soles; Senators Berndt, Holloway, McBride, Slatcher, Vaughn, Cook.

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

At 2:34 a.m., July 1, 1985, on motion of Senator Sharp, the Senate recessed to the call of the President pro Tempore.

EXTRAORDINARY SESSION
August 28, 1985

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, MICHAEL N. CASTLE, Governor of the State of Delaware, pursuant to Article III, Section 16 of the Constitution of 1897, do hereby call the 133rd General Assembly to convene in Extraordinary Session on Wednesday, August 28, 1985, at 1:00 p.m., for the purpose of considering and acting upon a bond and capital improvements bill for Fiscal Year 1986, House Bill No. 337 and such other business as may lawfully come before it.

IN WITNESS WHEREOF, I, MICHAEL N. CASTLE, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of said State to be hereunto affixed at Dover, this 9th Day of August, in the year of our Lord the one thousand nine hundred and eighty-fifth, and of the Independence of the United States of America the two hundred and tenth.

Michael N. Castle, Governor

ATTEST:

Michael Harkins, Secretary of State

* * * *

Pursuant to the above Proclamation, the Senate convened at 4:15 p.m., August 28, 1985, Lt. Governor Woo presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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 25, 1985

To the Senate of the 133rd 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 appointed as a Justice of the Peace, in and for Sussex County, State of Delaware, for a term of four years to replace John H. McQuay, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd 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, 55 Pintail Drive, Selbyville, DE 19975, to be appointed as a Justice of the Peace, in and for Sussex County, State of Delaware, for a term of four years to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd 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. Cole, 1203 Snuff Mill Road, Wilmington, DE 19807, to be appointed as a Justice of the Peace, in and for New Castle County, State of Delaware, for a term of four years to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
June 6, 1985

To the Senate of the 133rd 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: The Hon. Barbara C. Hughes, 902 Blackshire Road, Wilmington, DE 19805, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, for a term of four years to expire June 30, 1989.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
June 6, 1985

To the Senate of the 133rd 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 W. 37th Street, Wilmington, DE 19802, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, for a term of four years to expire June 30, 1989.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Albert W. Holmes, Sr., 724 S. State St., Dover, DE 19901, to be reappointed as a member of the State Personnel Commission for a three year term to expire June 24, 1988.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
June 30, 1985

To the Senate of the 133rd 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: Theresa F. Knox, 4503 Channing Road, Wilmington, DE 19802, to be appointed as a member of the State Personnel Commission for a term of three years to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 6, 1985

To the Senate of the 133rd General Assembly
of the State of Delaware

On behalf of the Board of Trustees of the University of Delaware and in conformity with the Constitution and Laws of the State of Delaware, I hereby submit for the consent and confirmation of the Senate, the following, elected by the Board of Trustees to be a member of that Board: George David Bolen, P. O. Box 265, Ocean View, DE 19970, to be appointed as a member of the Board of Trustees of the University of Delaware, to a one year term to expire June 30, 1986, to replace Anthony R. Goland, term expired.

The above name is not a gubernatorial appointment.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 6, 1985

To the Senate of the 133rd 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, re-elected by the Board of Trustees to be a member of that Board: Henry P. Cannon II, The Dale Farm, Bridgeville, DE 19933, to be reappointed as a member of the Board of Trustees of the University of Delaware, to a six year term to expire June 10, 1991.

The above name is not a gubernatorial appointment.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 6, 1985

To the Senate of the 133rd General Assembly
of the State of Delaware

On behalf of the Board of Trustees of the University of Delaware and in conformity with the Constitution and Laws of the State of Delaware, I hereby submit for the consent and confirmation of the Senate, the following, elected by the Board of Trustees to be a member of that Board: Harold Thompson, 5 Delaware Avenue, Lewes Beach, DE 19958, to be appointed as a member of the Board of Trustees of the University of Delaware, to a six year term to expire May 23, 1991, to replace Harold Schmittinger, Esq., term expired.

The above name is not a gubernatorial appointment.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 25, 1985

To the Senate of the 133rd 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: Jules Belford, 29 The Strand, New Castle, DE 19720, to be reappointed as a member of the Commission on Adult Entertainment Establishments for a three year term to expire June 24, 1988.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
August 28, 1985

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Paul E. Ellis, 529 McKean Street, Seaford, DE 19973, to be reappointed as a Judge of the Court of Common Pleas, resident in Sussex County, for a term of twelve years.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
August 28, 1985

To the Senate of the 133rd 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: Battle R. Robinson, 104 West Market Street, Georgetown, DE 19947, to be appointed as an Associate Judge of the Family Court, resident in Sussex County, for a term of twelve years.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

Senators Bair, Holloway, Citro, Berndt, McBride and Neal marked PRESENT.

On motion of Senator Adams (without objection) the Governor's nominations for appointment of Paul E. Ellis and Battle R. Robinson were laid on the table.

Senator Marshall marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Battle R. Robinson was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Slatcher) NOT VOTING; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Paul E. Ellis was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John E. Malarkey was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Richard D. Comly, Jr., was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

Senator Cordrey introduced Richard Comly, Jr. to the Senate.

SR 54 was introduced and considered for adoption on motion of Senator Sharp:

SR 54 - WELCOMING TO THE STATE OF DELAWARE, MR. ROBERT W. BURCH, CHIEF DEPUTY AUDITOR OF OKLAHOMA AND MR. IKE WARREN, ASSISTANT ADMINISTRATOR OF OKLAHOMA. Sponsor: Senator Sharp.

Senator Sharp introduced Robert Burch and Ike Warren to the Senate after which the roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

Senator Adams introduced Judge Paul Ellis to the Senate.

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

SR 55 - CONGRATULATING THE DELAWARE SAENGERBUND ON THE CELEBRATION OF ITS 132ND ANNIVERSARY. Sponsors: Senator Bair and Martin.

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

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 74.

HCR 74 was introduced and considered for adoption on motion of Senator Citro:

HCR 74 - HONORING NANCY OLSEN BY DECLARING THE NEXT 50 YEARS THE "NANCY OLSEN ERA". Sponsors: Representatives Outten, Bennett, Quillen, Buckworth; Senators Citro, Cook.

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 302 w HA 1, 2, 3 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules:

HB 302 w HA 1, 2, 3 - AN ACT TO AMEND CHAPTER 5, TITLE 7, PART I OF THE DELAWARE CODE RELATING TO THE REQUIREMENTS AND FEES FOR DELAWARE RESIDENT AND NON-RESIDENT HUNTING, TRAPPING AND FISHING LICENSES.

SA 1 to the Bill was stricken on motion of the sponsor, Senator Zimmerman.

SA 2 to the Bill (sponsored by Senator Zimmerman) was introduced and considered for adoption on motion of Senator Zimmerman.

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

During discussion of the various Senate Amendments offered to the Bill the privilege of the floor was extended to William C. Wagner, II (Delaware Fish and Wildlife) and Thomas E. Robinson.

SA 3 (sponsored by Senators Berndt and Citro) was introduced and laid on the table on motion of Senator Berndt.

SA 4 to the Bill (sponsored by Senators Berndt and Citro) was introduced and considered for adoption on motion of Senator Berndt.

The roll call vote on the Amendment was taken; however, Senator Zimmerman moved that the roll call be tabled before being announced. The roll call vote on the motion to table the roll call was taken and revealed 1 Senator (Zimmerman) voting YES and 20 Senators voting NO; therefore the motion was defeated and the roll call vote on SA 4 to HB 302 w HA 1, 2, 3, SA 2 was announced:

YES: Senators Arnold, Bair, Berndt, Citro, Connor, Cook, Holloway, Knox, Martin, McBride, Minner, Sharp, Slatcher, Vaughn - 14.

NO: Senators Adams, Cordrey, Marshall, Neal, Torbert, Zimmerman - 6.

ABSENT: Senator McDowell - 1.

Therefore, the Amendment was declared adopted.

HB 302 w HA 1, 2, 3, SA 2, 4 was then laid on the table on motion of Senator Zimmerman.

SB 315 was introduced and considered for adoption on motion of Senator Sharp under suspension of the necessary rules:

SB 315 - AN ACT TO RE-INCORPORATE THE TOWN OF NEWPORT. Sponsors: Senator Sharp, Representative VanSant.

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

HB 144 w HA 1, 2 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

HB 144 w HA 1, 2 - AN ACT TO AMEND TITLES 9, 10 AND 12 OF THE DELAWARE CODE RELATING TO SALARIES OF ELECTED OFFICIALS OF SUSSEX COUNTY.

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

HB 379 was introduced and taken up for consideration on motion of Senator Holloway under suspension of the necessary rules:

HB 379 - AN ACT TO AMEND TITLES 10, 13, 29 AND 30 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT. Sponsors: Representative Maroney; Senators Holloway, Connor; Representatives Buckworth, Sills, Steele.

The privilege of the floor was extended to Frank F. Hindman (Division of Child Support).

At 6:12 p.m., Senator Sharp presiding.

At 6:18 p.m., Lt. Governor Woo presiding.

HB 379 was then laid on the table on motion of Senator Holloway.

SB 316 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Vaughn:

SB 316 - AN ACT TO AMEND CHAPTER 87, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A DELAWARE COMMISSION OF VETERANS AFFAIRS. Sponsors: Senator Vaughn, Representative Hebner; Senators McBride, Arnold, Berndt, Torbert, Bair, Citro, Martin, Neal, Connor, Holloway; Representatives Oberle, George, Ennis, Roy, Taylor, Jester, Buckworth, Wingate, Quillen, Campanelli, Jonkiert, Brady, West.

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 318 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Marshall:

SB 318 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO THE APPLICATION OF THE FEDERAL FAIR LABOR STANDARDS ACT TO CERTAIN PROVISIONS OF STATE LAW REGARDING STATE PERSONNEL PRACTICES AND TO THE STATE MERIT SYSTEM RULES. Sponsors: Senator Marshall; Representatives Oberle, Mack, Campanelli.

The privilege of the floor was extended to Marcilee A. Bierlein (State Personnel Office) 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 317 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Citro:

SB 317 - AN ACT TO ALLOW WILLIAM JOHN HUSBANDS, A RESIDENT, TO MARRY CHRISTINA M. ELLIFRITZ, A RESIDENT. Sponsors: Senator Citro, Representative Campanelli.

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

SB 312 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Vaughn:

SB 312 - AN ACT TO AMEND PART III OF TITLE 25 OF THE DELAWARE CODE BY EXCLUDING LEASES FOR CERTAIN COMMERCIAL UNITS FROM APPLICATION OF CERTAIN PROVISIONS OF THE LANDLORD-TENANT CODE. Sponsors: Senator Vaughn, Representative Oberle.

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 Zimmerman and without objection, **HB 302 w HA 1, 2, 3, SA 2, 4** was lifted from the table for consideration.

On motion of Senator Berndt and without objection, the roll call vote on **SA 4** to the Bill was rescinded and the Amendment stricken.

SA 5 (sponsored by Senators Zimmerman and Berndt) was introduced and considered for adoption on motion of Senator Zimmerman.

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

SA 3 to the Bill was stricken at the request of the sponsor, Senator Berndt.

The roll call vote on **HB 302 w HA 1, 2, 3, SA 2, 5** was then taken and revealed:

YES: Senators Arnold, Bair, Berndt, Connor, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 17.

NO: Senators Adams, Citro, Cook, Cordrey - 4.

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

The Secretary announced that a message from the House informed the Senate that it had passed HB 385.

HB 385 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Cordrey:

HB 385 - AN ACT TO AMEND SECTIONS 5915 AND 5917, CHAPTER 59, TITLE 11 OF THE DELAWARE CODE REGARDING DISPOSITION OF FINES AND COSTS. Sponsors: Representatives Bennett, Barnes, West; Senators R. Cordrey, Sharp, Adams; Representatives Anderson, Buckworth, Campanelli, Carey, Caulk, Clark, C. Cordrey, B. Ennis, Fallon, Houghton, Jester, Oberle, Outten, Petrilli, Quillen, Reynolds, Soles, Steele, VanSant, Wingate; Senators Cook, Minner, Slatcher, Torbert, Vaughn, Zimmerman.

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 Secretary announced that a message from the House informed the Senate that it had passed SB 237 w HA 1, 2, 3.

On motion of Senator Martin, SB 237 which had previously passed the Senate was taken up for reconsideration as now further amended by HA 1, 2, 3.

The roll call vote on SB 237 w HA 1, 2, 3 was therefore taken and revealed 19 Senators voting YES and 2 (Citro and Zimmerman) voting NO; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

At 6:58 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 7:26 p.m., Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 207 w HA 1, 3, 6; SB 288; SB 168 w SA 1; SB 306 w SA 1; SB 59; HB 386; SB 315; SB 45; SB 247; SB 283; SB 176; SB 287 w SA 1, 2; SB 307; HB 379; SB 241 w SA 1, 2; SB 309; SB 1; SB 270 w SA 1, 2; SB 241 w SA 1, 2; SB 253; SB 305 w SA 1; HB 209; HB 317; HB 380; SB 237 w HA 1, 2, 3; SB 80 w SA 1 and adopted HCR 83; SCR 74; SCR 75; SCR 78; SCR 80; HCR 84; HCR 85; HCR 86; HCR 87; HCR 88; SCR 76; SCR 4; SCR 77.

SR 56 was introduced and laid on the table on motion of Senator McBride:

SR 56 - REQUESTING THE STATE TREASURER AND THE DIRECTOR OF THE DIVISION OF MOTOR VEHICLES TO EXAMINE THE FEASIBILITY OF IMPLEMENTING CERTAIN PROGRAMS AND PROCEDURES IN AN EFFORT TO LOCATE AND IDENTIFY MISSING CHILDREN. Sponsor: Senator McBride.

SR 57 was introduced and considered for adoption on motion of Senator Bair:

SR 57 - CONGRATULATING SENATOR BILL SLATCHER AND HIS WIFE DOLORES UPON THE BIRTH OF THEIR DAUGHTER, JAN MARIE. Sponsors: Senators Bair, Arnold, Berndt, Citro, Connor, Knox, Neal.

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

HCR 87 was introduced and considered for adoption on motion of Senator Zimmerman:

HCR 87 - EXPRESSING DEEP SYMPATHY UPON LEARNING OF THE DEATH OF JOHN J. "JACK" BUTLER, JR. Sponsors: Representative Bennett, Senator Torbert; Representatives Outten, Buckworth; Senator Zimmerman.

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 returned to the House.

HCR 88 was introduced and considered for adoption on motion of Senator Zimmerman:

HCR 88 - MOURNING THE UNTIMELY DEATH OF DANA C. REED OF DOVER, FORMER KENT COUNTY DEPUTY ATTORNEY GENERAL AND PROSECUTOR IN THE STATE DEPARTMENT OF JUSTICE. Sponsors: Representatives Outten, Bennett, Clark, B. Ennis, Quillen; Senators Cook, Zimmerman, Torbert, Vaughn, Minner.

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

At 7:40 p.m., Senator Sharp presiding.

HCR 85 was introduced and considered for adoption on motion of Senator Bair:

HCR 85 - CONGRATULATING RICHARD S. CORDREY, PRESIDENT PRO TEMPORE OF THE DELAWARE STATE SENATE UPON RECEIVING A LEADERSHIP AWARD FROM THE NATIONAL CONFERENCE OF STATE LEGISLATURES. Sponsors: Representatives George, Gilligan, Hebner, Oberle, Buckworth; Senators Arnold, Bair, McDowell, Sharp.

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

SR 58 was introduced and considered for adoption on motion of Senator Holloway:

SR 58 - EXPRESSING DEEP CONCERN REGARDING SEVERAL STATE EMPLOYEES WHO EITHER THROUGH ERROR, MISTAKE OR INADVERTENCE DID NOT RECEIVE PAY INCREASES JULY 1, 1985 AND REQUESTING THE DIRECTOR OF PERSONNEL TO REVIEW THESE CASES AND BASES ON FINDING TO COMPENSATE THESE EMPLOYEES RETROACTIVELY. Sponsors: Senators Holloway, Berndt, McDowell, Minner, Marshall, Zimmerman.

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

SR 59 was introduced and considered for adoption on motion of Senator Cordrey:

SR 59 - REMEMBERING THE LATE WILLIAM T. BEST, A THREE TERM STATE REPRESENTATIVE FROM REHOBOTH BEACH, DELAWARE. Sponsors: Senators Cordrey, Adams, Slatcher, Minner, Cook, Holloway.

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

At 7:47 p.m., Lt. Governor Woo presiding.

SCR 82 was introduced and laid on the table on motion of Senator Holloway:

SCR 82 - URGING PRESIDENT RONALD REAGAN AND MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT BOLD NEW INITIATIVES TO ENCOURAGE THE GOVERNMENT OF SOUTH AFRICA TO END THE POLICY OF APARTHEID AND END THE BLOODSHED AND VIOLENCE IN THAT TROUBLED NATION. Sponsors: Senators Holloway, Connor.

HCR 83 was introduced and considered for adoption on motion of Senator Bair:

HCR 83 - EXPRESSING CONDOLENCES TO FORMER GOVERNOR PIERRE S. DUPONT, IV, REGARDING THE DEATH OF HIS MOTHER, MRS. JANE HOLCOMB DUPONT. Sponsors: Representative Hebner and all Representatives; Senator Cordrey and all Senators.

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

HCR 84 was introduced and considered for adoption on motion of Senator Adams:

HCR 84 - CONGRATULATING BRIDGEVILLE'S PAMELA E. TULL ON BEING SELECTED AS FIRST RUNNER UP TO THE QUEEN OF UNIT SALES FOR MARY KAY COSMETICS. Sponsors: Representative Barnes and Senator Adams.

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

HCR 86 was introduced and considered for adoption on motion of Senator Sharp:

HCR 86 - MOURNING THE DEATH OF ETHEL TOMHAVE, WHO EPITOMIZED THE FINEST POSSIBLE DELAWAREAN. Sponsors: Representatives Anderson, Oberle, Petrilli, Soles; Senators Martin, Neal.

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 337 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 337 - AN ACT ENTITLED "THE TAX REDUCTION ACT OF 1985", WHICH AMENDS CHAPTER II, TITLE 30 OF THE DELAWARE CODE, RELATING TO THE REDUCTION OF PERSONAL INCOME TAX RATES.

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

YES: Senators Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn - 18.

NO: Senators Adams and Zimmerman - 2.

NOT VOTING: Senator Slatcher - 1.

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

At 8:06 p.m. on motion of Senator Sharp, the Senate recessed for a short period and reconvened at 8:25 p.m., Lt. Governor Woo presiding.

SB 311 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Cook:

SB 311 - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE AND HIGHWAY REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; DEAUTHORIZING CERTAIN GENERAL OBLIGATION BONDS OF THE STATE AND CERTAIN AUTHORITY FOR GUARANTEED INDUSTRIAL REVENUE BONDS; REVERTING AND REPROGRAMMING CERTAIN SURPLUS FUNDS; APPROPRIATING CERTAIN GENERAL AND SPECIAL FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY; AMENDING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY (FY 1986 BUDGET BILL), AND SENATE BILL NO. 2 OF THE 133RD GENERAL ASSEMBLY; AUTHORIZING THE PURCHASE, TRANSFER, AND SALE OF CERTAIN REAL PROPERTIES BY THE STATE, CERTAIN OF ITS AUTHORITIES, AND NEW CASTLE COUNTY; CLARIFYING PROVISIONS PERTAINING TO THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY AND THE DELAWARE TRANSPORTATION AUTHORITY WITH RESPECT TO THE ISSUANCE AND ADMINISTRATION OF BONDS; ESTABLISHING PROCEDURES FOR THE INVESTMENT OF CERTAIN FUNDS; PLACING CERTAIN CONDITIONS ON THE APPROPRIATIONS CONTAINED IN THIS ACT AND PREVIOUS ACTS OF THE STATE; AND MAKING CERTAIN OTHER CHANGES TO THE DELAWARE CODE AND LAWS OF DELAWARE. Sponsors: Senators Cook, Martin, Minner, Berndt, Neal; Representatives Roy, Carey, B. Ennis, Gilligan, Petrilli, Spence.

SA 1 to the Bill (sponsored by Senators Zimmerman and McBride) was introduced and laid on the table on motion of Senator Zimmerman.

SA 2 to the Bill (sponsored by Senators Connor, Arnold, Bair, Berndt, Citro, Knox, Neal, Slatcher) was introduced and considered for adoption.

The privilege of the floor was extended to K. H. Mack (City of Wilmington), Richard Heffron (City of Wilmington) and Darrell J. Baker (Wilmington Stevedores, Inc.), after which SA 2 was laid on the table on motion of Senator Connor.

At the request of Senator Cook, the original Debt Statement which was attached to the Bill was replaced by a corrected Debt Statement without objection.

The roll call vote on SB 311 was then taken and revealed:

YES: Senators Arnold, Bair, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn - 17.

NO: Senators Adams, Citro, Slatcher, Zimmerman - 4.

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 SB 18 w HA 1 and SB 29 w SA 1, HA 2.

ON motion of Senator Minner, SB 18 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 1. The roll call vote on SB 18 w 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 consideration.

On motion of Senator Zimmerman, SB 29 w SA 1 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 2. The roll call vote on SB 29 w SA 1, HA 2 was therefore taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the Governor for consideration.

SR 56 was lifted from the table for consideration on motion of Senator McBride:

SR 56 - REQUESTING THE STATE TREASURER AND THE DIRECTOR OF THE DIVISION OF MOTOR VEHICLES TO EXAMINE THE FEASIBILITY OF IMPLEMENTING CERTAIN PROGRAMS AND PROCEDURES IN AN EFFORT TO LOCATE AND IDENTIFY MISSING CHILDREN.

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

At 9:35 p.m. on motion of Senator Sharp, the Extraordinary Session called by the Governor adjourned.

EXTRAORDINARY SESSION
September 30, 1985

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER
PROCLAMATION

I, MICHAEL N. CASTLE, Governor of the State of Delaware, in accordance with the powers granted to me by Article III, Section 16, of the Constitution of the State of Delaware, do hereby call the Senate of the 133rd General Assembly of the State of Delaware to convene in Extraordinary Session on Monday, September 30, 1985, at 2:00 p.m. for the purpose of acting on House Bill No. 261, House Bill No. 315 and House Bill No. 379, and for the purpose of acting on judicial nomination and on such other nominations as may be pending before the Senate or may properly come before it.

IN WITNESS WHEREOF, I, MICHAEL N. CASTLE, Governor of the State of Delaware, have hereunto set my Hand and caused the Great Seal of said State to be hereunto affixed at Dover this 27 day of September, in the year of our Lord, the One Thousand Nine Hundred Eighty-Fifth, and of the Independence of the United States of America, the Two Hundred Tenth.

Michael N. Castle, Governor
ATTEST:
Michael Harkins, Secretary of State
* * * * *

Pursuant to the above Proclamation, the Senate convened at 3:14 p.m., September 30, 1985, Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

The following 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
September 27, 1985

To the Senate of the 133rd 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: Andrew D. Christie, Brook Valley Road, Greenville, DE 19807, to be appointed Chief Justice of the Supreme Court of the State of Delaware for a term of twelve years to replace Daniel L. Herrmann, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
September 27, 1985

To the Senate of the 133rd 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 T. Walsh, 3907 Heather Drive, Wilmington, DE 19807, to be appointed Associate Justice of the Supreme Court of the State of Delaware for a term of twelve years.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
September 27, 1985

To the Senate of the 133rd 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: Jack B. Jacobs, 28 Beethoven Drive, Wilmington, DE 19807, to be appointed Vice-Chancellor of the Court of Chancery of the State of Delaware for a term of twelve years.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
September 27, 1985

To the Senate of the 133rd 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: Bernard Balick, 2319 West 17th Street, Wilmington, DE 19806, to be reappointed an Associate Judge of the Superior Court for a term of twelve years.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
September 27, 1985

To the Senate of the 133rd 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 E. Babiarz, Jr., R.D. 3, Box 185D, Hockessin, DE 19707, to be appointed an Associate Judge of the Superior Court of the State of Delaware for a term of twelve years to fill a newly created position on this Court.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
September 27, 1985

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William B. Chandler, III, 205 High School Avenue, Georgetown, DE 19946, to be appointed an Associate Judge of the Superior Court of the State of Delaware for a term of twelve years to fill a newly created position on this Court.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
September 27, 1985

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Nancy L. Clark, 1801 N. Franklin Street, Wilmington, DE 19802, to be appointed a Court Commissioner for the Municipal Court of the City of Wilmington for a term of four years to replace Charles R. Lee, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
September 27, 1985

To the Senate of the 133rd 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: Victor F. Battaglia, Esq., 4812 Kennett Pike, Wilmington, DE 19807, to be appointed as Chairman of the Board of Trustees of Delaware Technical and Community College to serve a term during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
September 27, 1985

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Wilbur S. Shockley, 219 Washington Street, Millsboro, DE 19966, to be appointed as a member of the Board of Trustees of Delaware Technical and Community College for a term of three years to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
September 27, 1985

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: James Julian, 4800 Kennett Pike, Wilmington, DE 19807, to be reappointed as a member of the Delaware River and Bay Authority for a term of five years.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

Senator Citro marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Andrew D. Christie was lifted from the table for consideration under suspension of the necessary rules and the roll call vote taken which revealed:

YES: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, McBride, McDowell, Minner, Neal, Slatcher, Torbert - 17.

NO: Senators Sharp, Zimmerman - 2.

NOT VOTING: Senator Vaughn - 1.

ABSENT: Senator Martin - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Bernard Balick was lifted from the table for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Martin) ABSENT; therefore, the appointment was declared confirmed.

Senator Bair marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of John E. Babiarz, Jr. was lifted from the table for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Martin) ABSENT; therefore, the appointment was declared confirmed.

Lt. Governor Woo recognized and congratulated Mr. Babiarz who was present in the chamber.

On motion of Senator Adams, the Governor's nomination for appointment of William B. Chandler, III, was lifted from the table for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Martin) ABSENT; therefore, the appointment was declared confirmed.

Lt. Governor Woo recognized and congratulated Mr. Chandler who was present in the chamber.

Senator Martin marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Robert W. Wakefield was lifted from the table for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Sharp) voting NO; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Nancy L. Clark was lifted from the table for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

Lt. Governor Woo recognized and congratulated Mrs. Clark who was present in the chamber.

On motion of Senator Adams, the Governor's nomination for appointment of Wilbur S. Shockley was lifted from the table for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Joseph T. Walsh was lifted from the table for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

Lt. Governor Woo recognized and congratulated Judge Walsh who was present in the chamber.

On motion of Senator Adams, the Governor's nomination for appointment of James Julian was lifted from the table for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of George David Bolen was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Henry P. Cannon, II, was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Albert W. Holmes, Sr., was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Jack B. Jacobs was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Francis G. Charles was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Barbara C. Hughes was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Lorin P. Hunt was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of William S. Rowe, Jr. was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John P. McLaughlin was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Sharp) voting NO; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Rosalie O. Sullivan was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Andrew G. Ahern, Jr. was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Jules Belford was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

Senator McDowell introduced a guest from Switzerland who was present in the chamber, Mrs. Theodore Weiser.

HB 379 was lifted from the table for consideration on motion of Senator Holloway.

HB 379 - AN ACT TO AMEND TITLES 10, 13, 29 AND 30 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT.

SA 1 to the Bill was laid on the table on motion of Senator Connor.

At 4:28 p.m., Senator Cordrey presiding.

During discussion of the Bill and the various Amendments offered to it, the privilege of the floor was extended to Susan Pakin (Family Court of Delaware), Thomas P. Eichler (Department of Health and Social Services) and William Walls (Senate Attorney).

At 4:40 pm., Lt. Governor Woo presiding.

SA 2 to the Bill (sponsored by Senators Cook and McDowell) was introduced and considered for adoption.

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

YES: Senators Adams, Cook, Cordrey, Marshall, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman – 11.

NO: Senators Arnold, Berndt, Holloway, Knox, Neal – 5.

NOT VOTING: Senators Citro, Connor, McBride – 3.

ABSENT: Senators Bair, Martin – 2.

Therefore, the Amendment was declared adopted.

SA 1 to the Bill was lifted from the table and considered for adoption on motion of Senator Connor. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill (sponsored by Senator McDowell) was introduced and placed with the Bill.

HB 379 w SA 1, 2 was then laid on the table on motion of Senator Holloway.

On motion of Senator Adams, the Governor's nomination for appointment of Harold Thompson was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Morris Levenberg was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

HB 386 was introduced and considered for adoption on motion of Senator McDowell under suspension of the necessary rules:

HB 386 – AN ACT TO AMEND CHAPTER 73, TITLE 6 OF THE DELAWARE CODE RELATING TO THE REGISTRATION PROCEDURE FOR BROKER-DEALERS, INVESTMENT ADVISORY AND AGENTS, AND MAKING APPROPRIATION THEREFOR. Sponsors: Representative Roy, Senator McDowell.

The privilege of the floor was extended to Steve Tanzer (Legislative Assistant).

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 209 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Marshall:

HB 209 – AN ACT TO AMEND CHAPTER 63, TITLE 29 OF THE DELAWARE CODE RELATING TO THE COMPOSITION OF THE BUDGET COMMISSION. Sponsors: Representative Clark, Senator Marshall.

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 207 w HA 1, 3, 6 was introduced and assigned to Judiciary Committee:

HB 207 w HA 1, 3, 6 – AN ACT TO AMEND CHAPTER 15, TITLE 13 OF THE DELAWARE CODE RELATING TO DOMESTIC RELATIONS. Sponsors: Representatives Maroney, Buckworth, Jester; Senator Vaughn; Representatives Smith, Reynolds, Fallon, Steele, Anderson, Sills; Senators Cook, Bair, Minner.

SR 61 – URGING THE STATE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE FEASIBILITY OF USING VIDEOTAPE RECORDINGS OF PUPILS AS AN ADDITIONAL TOOL IN THE EFFORT TO LOCATE LOST, MISSING, OR KIDNAPPED CHILDREN. Sponsor: Senator McBride.

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.

SR 62 was introduced and considered for adoption on motion of Senator Zimmerman:

SR 62 – URGING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ACCEDE TO THE WILL AND INTENT OF THE GENERAL ASSEMBLY BY IMPLEMENTING CHAPTER 62, TITLE 7, DELAWARE CODE, RELATING TO OIL SPILL LIABILITY. Sponsor: Senator Zimmerman.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES, 3 (Berndt, Citro, Knox) NOT VOTING and 1 (Bair) ABSENT; therefore, the Resolution was declared adopted.

SR 63 was introduced and considered for adoption on motion of Senator Holloway:

SR 63 – CONGRATULATING MICHAEL SPINKS, A NEW DELAWARE RESIDENT, ON HIS WINNING OF THE HEAVYWEIGHT BOXING CHAMPIONSHIP OF THE WORLD. Sponsor: Senator Holloway.

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

SR 64 was introduced and considered for adoption on motion of Senator Holloway:

SR 64 – CONGRATULATING ROBERT NEWSOME UPON PLACING FOURTH IN THE NATIONAL EXTEMPORANEOUS SPEAKING CONTEST HELD IN PHOENIX, ARIZONA. Sponsors: Senators Holloway and Minner.

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.

SR 65 was introduced and considered for adoption on motion of Senator Cordrey:

SR 65 - EXPRESSING THE SENATE'S GRIEF AT LEARNING OF THE DEATH OF FORMER LIEUTENANT GOVERNOR ALEXIS I. DUPONT BAYARD AND EXTENDING CONDOLENCES TO HIS FAMILY. Sponsors: Senators Cordrey, McDowell, Holloway, Marshall, Sharp, Martin, McBride, Vaughn, Cook, Torbert, Zimmerman, Minner, Adams, Berndt, Bair, Knox, Citro, Arnold, Neal, Connor, Slatcher.

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.

SR 66 was introduced and considered for adoption on motion of Senator Holloway:

SR 66 - COMMENDING THE LINKS, INC., AND ITS DELAWARE CHAPTER FOR FORTY YEARS OF SERVICE ON BEHALF OF RACIAL PROGRESS AND THE CULTURAL AND EDUCATIONAL ADVANCEMENT OF BLACKS. Sponsor: Senator Holloway.

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.

SR 67 was introduced and considered for adoption on motion of Senator Minner:

SR 67 - EXPRESSING BEST WISHES TO THE MEMBERS AND PARTICIPANTS OF THE VARIOUS 4-H CLUBS IN DELAWARE AS THEY PREPARE FOR 4-H WEEK, TO BE CELEBRATED OCTOBER 6-12, 1985. Sponsors: Senators Minner, Adams and Cook.

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 following legislation was introduced:

SR II - ESTABLISHING AS STATE POLICY THE APPROPRIATION OF ONE-HALF OF ONE PERCENT OF THE STATE OPERATING BUDGET FOR FUNDING OF THE ARTS, AND CREATING A SELECT COMMISSION FOR THE ARTS TO OVERSEE IMPLEMENTATION OF SAID POLICY. Sponsor: Senator McDowell. Assigned to Administrative Services/Energy Committee.

SA 4 to HB 379. Sponsor: Senator Torbert. Placed with the Bill.

SR 68 was introduced and considered for adoption on motion of Senator Zimmerman:

SR 68 - WISHING A SPEEDY RECOVERY TO MCDONALD T. COKER, ASSISTANT DIRECTOR OF LEGISLATIVE COUNCIL. Sponsors: Senator Zimmerman and all the Senators.

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.

At 5:58 p.m. on motion of Senator Sharp, the Extraordinary Session called by the Governor adjourned.

The Senate reconvened at 2:12 p.m., January 14, 1986, Senator Cordrey presiding and immediately adjourned to convene for the 1st Day of the Second Session.

133RD GENERAL ASSEMBLY
SECOND SESSION
1ST LEGISLATIVE DAY
JANUARY 14, 1986

The Senate convened at 2:12 p.m., Senator Cordrey presiding.

A Prayer was offered by Rev. William B. Merrill, Interim Minister of St. Mark's Episcopal Church of the Central Sussex Coalition of Episcopal Churches.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 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 89**.

The following communication was read:

THE WHITE HOUSE
WASHINGTON
August 22, 1985

Dear Miss Caniford:

It was good of you to send President Reagan Senate Resolution No. 40 adopted by the Delaware State Senate. Your forwarding of this statement is appreciated, and you may be sure that it has been fully noted.

With the President's best wishes to you and the members of the Senate.

Sincerely,
Anne Higgins
Special Assistant to the President
and Director of Correspondence

The Honorable Betty Jean Caniford
Secretary of the Senate
Delaware State Senate
Legislative Hall
Dover, DE 19901

* * * * *

HCR 89 was introduced and considered for adoption on motion of Senator Sharp:

HCR 89 - PROVIDING THAT A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE BE CONVENED FOR THE PURPOSE OF HEARING THE STATE OF THE STATE ADDRESS, BY MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE. Sponsor: Representative Oberle.

Senators Bair and Adams marked PRESENT.

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

SB 304 was reported out of the Health-Social Services/Aging Committee: 5 Merits.

On motion of Senator Sharp and without objection, veto letters received from the Governor on SB 5, SB 54, SB 67, SB 121, SB 129, SB 136, SB 150, SB 151, SB 159, SB 174, SB 179, SB 191, SB 309 were read by Bill Number and Title only and copies of the letters were distributed to each Senator.

The veto letters are as follows:

STATE OF DELAWARE
Office of the Governor
July 3, 1985

TO: The Delaware State Senate of the 133rd General Assembly of the State of Delaware

On June 30, 1985, I received Senate Bill No. 5, which is entitled: "AN ACT TO AMEND CHAPTER 43, PART II, TITLE II OF THE DELAWARE CODE RELATING TO THE BOARD OF PARDONS; AND PROVIDING FOR NOTICE TO CERTAIN PERSONS PRIOR TO PARDONS HEARINGS."

This bill would require the Board of Pardons, whenever a felon applies for a pardon, to notify by certified mail (return receipt requested) any victim or prosecution witness involved in the offense for which the felon seeks relief. The victim and witnesses would be notified of the date, time and place of the pardon hearing, and would be permitted to testify or to submit written comments in lieu of testifying.

The provisions of this legislation are unworkable under present Delaware law and go too far in requiring notice to all prosecution witnesses. In addition, the legislation would require an expansion of the Board of Pardons staff which has not been budgeted for in the coming fiscal year.

By its own rules, the Board of Pardons is required to notify the victim of an offense that the perpetrator is applying for a pardon or commutation. This notice is accomplished through the Attorney General's Office, which, under current Delaware law, has access to the necessary criminal case file information. Only the courts have similar access, and, therefore, requiring the Board of Pardons to notify victims (and witnesses) is impossible since the Board has no access to the identifying information.

Furthermore, although notifying victims in these cases is important to the Board in its deliberations, there is little rationale for extending the requirement to all witnesses testifying on behalf of the prosecution. Such a blanket requirement would cover all police witnesses involved, including, for example, custodians of evidence with no knowledge of the circumstances of the offense, and all expert witnesses, who similarly would add nothing to the Board's deliberations. Input from the prosecution side of the case currently is made by the Attorney General's Office, would have a deputy attend each Board hearing, and by the various police agencies involved in the arrest, which must also be notified by the applicant in advance of the hearing.

Finally, the fiscal note attached to this bill clearly points out that additional staff will be needed by the Department of State to implement the provisions of this bill. Even though a cost figure was cited, there has been no provision made in the coming fiscal year's budget to implement this legislation. In any event, it is questionable whether additional appropriations and staff are needed, given what the Board currently does with respect to victim notification and prosecution input.

The concept of victim notification is a good one; indeed, it is the current practice of the Board. I have no problem with codifying that requirement. But the Board of Pardons should not be a retrial of the underlying offense. I will support, and assist in preparing, substitute legislation along these lines. But for the reasons stated above, I am returning Senate Bill No. 5 without my signature.

Respectfully submitted,
Michael N. Castle, Governor

Delivered to the Secretary of the Senate on July 8, 1985.

* * * * *

STATE OF DELAWARE
OFFICE OF THE GOVERNOR
June 30, 1985

To the Delaware State Senate of the 133rd General Assembly of the State of Delaware

On June 26, 1985, I received Senate Bill No. 54 as amended by Senate Amendment No. 1 and House Amendment No. 1 which is entitled: "AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO HABITUAL OFFENDERS' DRIVING PRIVILEGES".

Senate Bill No. 54 as amended by Senate Amendment No. 1 and House Amendment No. 1 will permit the Judges of the Superior Court, within their sole discretion, to restore driving privileges to Habitual Offenders upon a showing of extreme hardship or other extraordinary circumstances before the expiration of the statutorily required revocation period of either three or five years.

The primary purpose of 21 Del. C. Chapter 28 is to foster public safety on the highways of this State. It has been held by Delaware courts that the act of declaring an operator of a motor vehicle as an habitual offender is clearly within the police power of the State in its attempt to prohibit persons who habitually violate the motor vehicle laws from using Delaware's highways. Under the current law, the legislature has explicitly set out both the prerequisite conditions that must be met before declaring a licensed driver as an habitual offender as well setting forth the period of time for which driving privileges and licenses are to be revoked.

On June 8, 1972, when the original 21 Del. C. Chapter 28 was enacted into law, the legislature did not see fit to grant anyone declared to be an Habitual Offender the opportunity to regain their driving privileges before the expiration of the statutorily mandated revocation period. The mere passage of the thirteen years has, in my mind, not yielded any significant or changed set of circumstances that would warrant lessening the term of an otherwise absolute period of revocation. On the contrary, the number of drivers licensed by our State, the number of accidents involving motor vehicles, the extent of damage to persons and property, and the extent and nature of injuries suffered by drivers and pedestrians alike have all steadily increased on an annual basis. I believe that it would be terribly inconsistent for us to lessen the impact of the original Habitual Offenders statute at a time when we are becoming more and more sensitized to the carnage taking place on our highways. This increase in public awareness played an important part when the state legislature enacted our current drunk driving laws and increased penalties in the area of vehicular criminal conduct.

It is also my opinion that the nature and number of the offenses that must be accumulated before one is deemed to be an habitual offender are a fair indicator and predictor that should be used by the State in singling out individuals for special treatment in order to protect the residents of this State as well as any person who might have the occasion to travel on Delaware's highways. If I were to sign this bill, the type of protection that we want to afford to the general public would be lessened by a significant degree.

Considering all of the foregoing, I return Senate Bill No. 54 as amended by Senate Amendment No. 1 and House Amendment No. 1 to the Senate unsigned.

Respectfully submitted,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
July 12, 1985

To the Delaware State Senate of the 133rd General Assembly of the State of Delaware

On July 2, 1985, I received Senate Bill No. 67 as amended by House Amendment #1, which is entitled: "AN ACT TO AMEND SECTION 1109, TITLE 30, DELAWARE CODE, RELATING TO A TAX DEDUCTION FOR HEALTH INSURANCE PREMIUMS PAID BY SELF-EMPLOYED TAXPAYER."

This bill will allow an unincorporated, self-employed taxpayer to deduct an amount equal to one-half of the cost of health insurance premiums paid for the benefit of the taxpayer, his or her spouse and dependents to the extent that such an amount is not deducted on the Federal Income tax return.

The synopsis to Senate Bill No. 67 indicates that the bill makes technical changes in allowing the cost of health care insurance to be treated as a deduction under 30 Del. C. Section 1109 as opposed to 30 Del. C. 1106. I have been advised that Senate Bill No. 67 as amended by House Amendment No. 1 goes beyond mere technical changes and in fact directly affects Delaware substantive tax law. Simply put, this bill would allow a self-employed unincorporated taxpayer electing to itemize deductions to deduct one-half of his health insurance premiums in determining his Delaware taxable income to the extent that his Federal itemized deductions should not already include his health insurance premiums.

As drafted, the deduction is available to any "self-employed" taxpayer. The Delaware Tax Code does not contain any definition of what constitutes "self-employment.". Although the Delaware Tax Code adopts the Federal definitions of terms when used in a comparable context (30 Del. C. §1101), I have been advised that there is no Federal definition of "self-employment" in the Federal Internal Revenue Code that is at all comparable in context to the meaning that will have to be applied to Senate Bill No. 67 as amended by House Amendment No. 1. For example, in order for a taxpayer to be subjected to self-employment tax, the taxpayer must carry on a trade or business as defined in IRC §162 with some rather striking exceptions (ie. news vendors over 18 years of age, fee-basis public officials, employees on fishing boats, ministers, etc.) See also Internal Revenue regulations §1.1402(c)-1 thru 1.1402(c). There are many other different examples that could be cited when one tries to find a comparable context in the Federal Internal Revenue Code to use in defining the term "self-employment". (See Internal Revenue Code §1402 - definition of "self-employed" as it relates to the distinction drawn between employee and independent contractor status).

Without the benefit of a definition of self-employment, the Delaware State Division of Revenue would be forced to establish subjective criteria for ruling on a taxpayer self-employment status. In each case, there will likely be some tenable although not always meritorious grounds for supporting the deduction of this type. Because of the lack of objective criteria on which to determine the legitimacy of the taxpayer self-employment status, the potential for abuse is enormous. The Controller General's fiscal note projects a revenue loss for tax year 1985 in the amount of \$500,000 to \$750,000. If one factors in potential abuses, revenue losses could well exceed the Controller General's original projections.

As you know, Delaware Personal Income Taxes to a rather large degree, mirror Federal Taxes for purposes of determining Delaware adjusted gross income. While this approach has certain drawbacks in restricting the State's ability to specifically tailor tax law to Delaware, tax simplification is the greatest benefit of this procedure. By creating this new deduction, we run the risk of negatively impacting our simplification efforts. Practically speaking, it would also require the Division of Revenue to amend the Delaware tax return to write a new line to account for this deduction. To some Delawareans, this will be viewed as an attempt to complicate an already complex form.

For reasons cited above, I am returning Senate Bill No. 67 as amended by House Amendment No. 1 without my signature.

Respectfully submitted,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
July 4, 1985

To the Delaware State Senate of the 133rd General Assembly of the State of Delaware

On June 30, 1985, I received Senate Bill No. 121, which is entitled: "AN ACT TO AMEND CHAPTER 29, PART III, TITLE 30, OF THE DELAWARE CODE RELATING TO RETAIL AND WHOLESALE MERCHANTS' LICENSE REQUIREMENT AND TAXES."

This bill would exclude federal gasoline or special fuel taxes from the definition of "gross receipts", thus reducing the gross receipts tax liability of those businesses which sell motor fuels subject to the federal tax. Inadvertently, the bill also creates an internal inconsistency in Chapter 29 of Title 30 relating to the taxability of wholesale merchants' gross receipts, and for this reason I must veto the legislation.

Effective January 1, 1985, Delaware abandoned the archaic "passage of title" test for determining whether wholesale gross receipts were taxable and adopted the common "destination" test. The statutory language of our new "destination" test is found in Section 2902(c)(1) of Chapter 29 of Title 30, which provides for the tax itself, and in Section 2901 (2)(b), which defines "gross receipts" for wholesale tax purposes. In addition to exempting federal motor fuel taxes from the definition of "gross receipts" under Section 2901(2), Senate Bill No. 121 also deletes the "destination" test definition of wholesale gross receipts and recodifies the repealed "passage of title" test (but without changing the "destination" test language in Section 2902 (c)(1)). I am confident the sponsors of this legislation, and the members of the General Assembly who voted for this measure did not intend this result.

I also have some concern about the ad hoc nature of this legislation. It is true that Delaware's current wholesale gross receipts tax is imposed upon all receipts, including federal excise taxes which the wholesaler merely collects and passes on to the federal government. But there are numerous instances of such state taxation upon a federal tax; the most obvious example is the limited exclusion from state personal income taxation of federal taxes paid. If we are going to root out such "taxes upon taxes", we should do so in a comprehensive manner so that all of the inequities in such taxes are identified and considered.

For these reasons I am returning Senate Bill No. 121 without my signature.
Respectfully submitted,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
July 3, 1985

To the Delaware State Senate of the 133rd General Assembly of the State of Delaware

On June 30, 1985, I received Senate Bill No. 129 which is entitled: "AN ACT TO AMEND PART III OF TITLE 25 OF THE DELAWARE CODE BY EXCLUDING LEASES FOR CERTAIN COMMERCIAL UNITS FROM APPLICATION OF CERTAIN PROVISIONS OF THE LANDLORD-TENANT CODE"

Senate Bill No. 129 is intended to negate the applicability of Delaware's Landlord-Tenant Code to leases of commercial buildings consisting of an aggregate rentable area in excess of 5,000 square feet, a commercial unit comprising a part of a structure or building containing three or more units, or a commercial unit leased for manufacturing or industrial use.

Senate Bill No. 129 lacks any directive as to an effective date or specific application to certain leases now in existence. Without setting forth an effective date, a bill is ordinarily regarded as becoming law upon its enactment in the manner prescribed by the Constitution. It is safe to say that all of those commercial leases now in existence covering commercial units and space described above were drafted based on the assumption that Delaware's Landlord-Tenant Code would apply and would be used by the Court to determine rights and obligations of the parties. The signing of this Bill into law would negatively impact literally hundreds of leases that were negotiated by the parties in good faith, based on the assumption that the Delaware Landlord-Tenant Code would apply. I have no intentions of doing that.

The parties to commercial rental agreements have the benefit and protection of the Landlord-Tenant Code on issues that are easily distinguishable from residential lease situations. Senate Bill No. 129 attempts to remove Chapters 53, 55, 61, 65, 67 and 70 from the Code as it might apply to a commercial lease. By removing these sections, the parties to a commercial lease are denied the benefits and protection that Delaware's Landlord-Tenant Code would otherwise provide in such instances as landlord's obligation to supply and maintain a fit rental unit, the tenant's remedy to terminate before the end of the term, the tenant's remedy for fire or casualty damage, the landlord's remedy for the tenant's failure to pay rent, the landlord's remedy for waste committed by the tenant, the circumstances under which a security deposit may be demanded and held beyond the termination of the lease, and the remedies available to a tenant when he or she is faced with a retaliatory eviction. It is suggested that if the Legislature intends to negate the applicability of Delaware's Landlord-Tenant Code in a commercial setting, then it may be advisable to consider the possibility of drafting a specific Landlord-Tenant Code that would apply only to commercial leases.

For the reasons cited above, I am, therefore, returning Senate Bill No. 129 to the Delaware State Senate without my signature.

Respectfully submitted,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
July 4, 1985

To the Delaware State Senate of the 133rd General Assembly of the State of Delaware

I am returning without my signature Senate Bill No. 136, received on June 30, 1985, which is entitled: "AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO LICENSING PROVISIONS FOR BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION."

This bill would prohibit the Delaware Alcoholic Beverage Control Commission from issuing liquor licenses to package stores unless those package stores will be "in active operation" a minimum of eleven months out of a calendar year.

Presumably, the rationale behind this bill is to protect full-time package store owner-operators in the beach area from competing package stores who may want to operate only during the summer season.

I have been advised that there are currently no package store licensees who have been permitted to close their stores on a temporary basis due to a downturn in seasonal trade, business or traffic. In accordance with Alcoholic Beverage Control Commission Rule No. 11(8), the ABCC, upon request by a package store licensee, may grant a variance from standard hours of operation (9:00 a.m. - 1:00 a.m.). I am told that such a variance is limited to only the hours and not the days of operation.

Contrary to the facts as I know them, enactment of this legislation would result in a licensing scheme that would permit package stores who were licensed before the enactment of this law to close during the off-season months while imposing a more stringent operating schedule on new licensees. This is not a desirable result.

There has been no showing of a compelling need for this legislation nor is there any indication that such legislation will be needed in light of the Alcoholic Beverage Control Commission's current licensing procedures as they relate to package stores, and in the absence of such a showing, I am returning Senate Bill No. 136 without my signature.

Respectfully submitted,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
June 28, 1985

To the Delaware State Senate of the 133rd General Assembly of the State of Delaware

On June 18, 1985, I received Senate Bill No. 150, which is entitled: "AN ACT TO PERMIT RICHARD MARION ROBB, SR. TO CONTINUE EMPLOYMENT WITH THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES AFTER ATTAINING THE AGE OF 70."

This bill would exempt Dr. Robb from the made of 29 Del. C. Section 5521, which requires all State employees to retire at age 70.

Many State employees, including Dr. Robb, indeed are physically and mentally capable of continuing to perform capably in their jobs after age 70, and the State could well benefit from the experience and acquired expertise of such employees. I am not convinced, however, that special legislation such as this is the appropriate way for the State to handle such employees, and therefore, I am returning Senate Bill No. 150 without my signature.

The existence of a uniform mandatory retirement age is designed to promote orderly planning in State government and allow for mobility and flexibility within the State's personnel system. Seventy is widely accepted as a desirable retirement age for these purposes. Indeed, in 1978 the General Assembly acknowledged this by enacting legislation which extended the State's mandatory retirement age from 65 to 70.

Mandatory retirement at any age, of course, will result in the State losing valuable employees such as Dr. Robb, who have the motivation and ability to continue working. For this reason we perhaps should look at ways to make our mandatory retirement system less inflexible.

I do not believe, however, that the best way to approach this problem is by enacting special exemption legislation in each individual case. I believe that an analysis of the issue should be undertaken, and that a comprehensive policy adopted for the handling of employees like Dr. Robb. I will instruct the Office of State Personnel to perform such an analysis and recommend an across-the-board policy to be adopted.

For these reasons, I am returning Senate Bill No. 150 without my signature.

Respectfully submitted,
Michael N. Castle, Governor
* * * * *

STATE OF DELAWARE
Office of the Governor
July 3, 1985

TO: The Delaware State Senate of the 133rd General Assembly of the State of Delaware

On June 27, 1985, I received Senate Bill No. 151, which is entitled: "AN ACT TO AMEND SUBCHAPTER I, CHAPTER 69, TITLE 29, OF THE DELAWARE CODE RELATING TO LICENSING REQUIREMENTS FOR SUBCONTRACTORS ON PUBLIC WORKS PROJECTS."

This bill would require that all subcontractors listed in a bid for public works projects be licensed to do business in this State when the bid is submitted. Because this legislation would only serve to increase the cost of public works projects, I am returning it without my signature.

Chapter 69 of Title 29 of the Delaware Code contains an elaborate statutory framework for procurement of material and award of contracts for public works by State agencies, county agencies and school districts. The public bidding process embodied in Chapter 69 is carefully detailed in successive provisions leading up to Section 6911, which this bill seeks to amend. Section 6911 primarily deals with subcontractors, and the statute sets forth a number of restrictions on the inclusion of subcontractors in bids and contracts. To this list of restrictions Senate Bill No. 151 would add the requirement that all subcontractors listed in a bid be licensed to do business in Delaware, not before they commence work on the project, not before a contract is awarded for the project, but before even a bid is submitted for the work.

Such a requirement runs counter to the very purpose of the elaborate statutory scheme we have adopted for the awarding of public works contracts. The primary purpose of the public bidding laws is to protect the public against the wasting of its money by ensuring the most competitive public bidding process possible. Senate Bill No. 151 would serve only to make that bidding process less competitive. Requiring subcontractors to be licensed Delaware businesses before even a bid is submitted will only shrink the pool of available subcontractors from which the bidder can choose from. Less competition means higher subcontractors' quotations, which in turn means higher bids, which in turn means higher costs on public works projects. I cannot support such legislation.

It seems appropriate to me that a subcontractor be required to be licensed to do business in Delaware before a public works contract is awarded, and I could support a substitute bill along those lines. But to link such a requirement to the submission of bids, and thereby limit the general contractor's ability to submit the lowest possible price, is unacceptable. For these reasons, I am returning Senate Bill No. 151 without my signature.

Respectfully submitted,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
July 4, 1985

To the Delaware State Senate of the 133rd General Assembly of the State of Delaware

On June 30, 1985, I received Senate Bill No. 159, which is entitled: "AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO THE STATE EMPLOYEES PENSION PLAN."

This bill would eliminate the requirement that an individual work at least one year after returning from medical leave before becoming eligible to purchase credited service for such leave; include in Chapter 55 of Title 29 the Pension coverage for the Solid Waste Authority employees; and eliminate the prohibition on an individual receiving a refund of their contributions if the application for such refund is filed more than five years after the individual becomes eligible to receive such refund. Because of a typographical error in the language in this bill, I must return it without my signature.

Section 4 of the bill is intended to amend Section 5531(a) of Title 29 of the Delaware Code to remove the prohibition against withdrawal benefits being paid to an individual whose application is filed more than five years after the date he first became eligible to receive such benefit. The actual language of Section 4, however, does not refer to subsection "(a)" of Section 5531, but rather to the section as a whole. Since there are two subsections of Section 5531, the operative language of Section 4 actually would delete the last sentence of subsection "(b)", which relates to the Board of Pension Trustees' authority to withhold payment of a pension when it is dependent upon information which the employee or survivor does not cooperate in furnishing or procuring. Obviously, this typographical error nullifies the intent of Section 4 and deletes a provision the Board relies upon in its operations.

The State Pension Office is aware of this problem with Senate Bill No. 159 and agrees that the bill should be vetoed so that corrected legislation can be enacted. For this reason I am returning Senate Bill No. 159 without my signature.

For these reasons I am returning Senate Bill No. 159 without my signature.

Respectfully submitted,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
July 12, 1985

To the Delaware State Senate of the 133rd General Assembly of the State of Delaware

On July 2, 1985, I received Senate Bill No. 174, which is entitled: "AN ACT AWARDED SPECIAL PENSION BENEFITS TO HELEN WRIGHT MELVIN AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER THE PENSION AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29 OF THE DELAWARE CODE."

This bill would provide a State pension for Helen Wright Melvin, who is ineligible for a pension under current State law. Because this special pension is funded in the bill by an appropriation which is ineffective, and because of my concerns about the propriety of special pension legislation, I am returning Senate Bill No. 174 without my signature.

In addition to awarding Helen Melvin a special pension, Senate Bill No. 174 purports to fund the pension by authorizing the transfer of funds from a contingency line item appropriation in the Fiscal Year 1985 budget Senate Bill No. 454 of the 132nd to the Special Pension Fund. As of midnight on June 30, 1985, however, any money in that line reverted to the General Fund. Senate Bill No. 174 was not delivered to me until July 2, 1985, and therefore, the enabling appropriation contained in this legislation is ineffective on its face. Whatever other policy considerations may bear on this issue, it is clear that unfunded special pensions should not be enacted.

For these reasons, I am returning Senate Bill No. 174 without my signature.

Respectfully submitted,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
July 3, 1985

To the Delaware State Senate of the 133rd General Assembly of the State of Delaware

I am returning Senate Bill No. 179 as amended by Senate Amendment No. 1 and House Amendments Nos. 1 and 2 received June 27, 1985, and which is entitled: "AN ACT TO AMEND CHAPTER 88, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A DELAWARE COMMISSION OF VETERANS AFFAIRS"

This bill will establish a Delaware Commission of Veterans Affairs whose function will be to represent Delaware veterans of the armed forces and their dependents and survivors. Unfortunately, the officially engrossed bill which I received fails to include part of Amendment No. 1 which strikes the provision calling for the members of the Commission to serve at the pleasure of the veterans organizations. The failure to strike this provision presents me with a direct conflict between my office and the veterans organizations on the issue of appointing authority.

This bill further intends to establish the Delaware Commission of Veterans Affairs as an independent State agency and not to be made part of any other department, commission, authority, or agency (see Section 8830). In this case, where the State is appropriating thousands of dollars on an annual basis for the purpose of hiring a clerical staff and an Executive Secretary for this Commission, it is, in my opinion, inappropriate to establish the Commission totally separate and apart from the rest of the State's departments and agencies. Substantial funding, office, space, meeting facilities and logistic support is to be provided by the Secretary of State. At a minimum, the Department of State should maintain an overview function of the operation of this Commission in order to insure for the benefit of all of Delaware's taxpayers, strict accountability for the appropriation and expenditure of State funds. Accountability was one of the reasons for abolishing the old Commission style of government which ran the State of Delaware in favor of the Cabinet style or form of government that we now use. In order to be consistent with the form of government used in Delaware today, financial accountability is desired over the old form of Commission style independence.

The position of an Executive Secretary has been funded in this year's budget for the Department of State. Once filled, the Executive Secretary shall be in a position to serve the veterans of this State in accordance with the terms and conditions of Senate Joint Resolution 26 of the 129th General Assembly and Executive Order No. 67 signed by former Governor Pierre S. duPont on December 15, 1978 which shall continue in full force and effect.

I wholeheartedly support the concept that provided the initiative for Senate Bill No. 179 as amended by Senate Amendment No. 1 and House Amendment Nos. 1 and 2. However, because of the technical flaws and the independent agency arrangement, both of which were cited above, I hereby return Senate Bill No. 179 as amended by Senate Amendment No. 1 and House Amendment Nos. 1 and 2 to the Senate unsigned.

Respectfully submitted,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
July 4, 1985

To the Delaware State Senate of the 133rd General Assembly of the State of Delaware

On June 28, 1985, I received Senate Bill No. 191, which is entitled: "AN ACT TO AMEND CHAPTER 55, TITLE 30 OF THE DELAWARE CODE, RELATING TO PUBLIC UTILITY TAXES OF DELAWARE MANUFACTURERS WHO USE ELECTRICITY IN AN ELECTROLYTIC OR ELECTROARCHTHERMAL MANUFACTURING PROCESS."

This bill would exempt from the Public Utility Tax the gross receipts or tariff charges of a distributor of electricity attributable to sales for use in an electrolytic or electroarchthermal manufacturing process. The beneficiaries of this legislation would be Diamond Shamrock Chemicals Company of Delaware City, which uses an electrolytic process to produce chlorine, and a handful of smaller manufacturers who use large amounts of electricity. Not counting Phoenix Steel Corporation, the revenue loss to the State as a result of this proposed legislation would be in excess of \$800,000 in a full year.

Delaware has enjoyed a record budget surplus this year, and as a government we should be looking for ways to return some of our bounty to the taxpayers; it is, after all, their money. In dealing with a surplus of revenues, however, we should look for a comprehensive approach to cutting taxes, one that benefits the broad spectrum of taxpayers.

We have taken such a comprehensive approach to cutting taxes this year. The General Assembly has passed, and I will sign next week, legislation eliminating the inheritance tax as it applies to surviving spouses and increasing the personal income tax exemption from \$800 to \$1000. And very soon I expect to be signing legislation providing for an across-the-board 9% cut in Delaware's personal tax rates.

These tax reduction measures will benefit low- and middle-income families, will encourage our senior citizens to continue to make their retirement homes in Delaware, and will stimulate economic development by bringing our top marginal personal income tax rate below 10% and down from among the highest in the nation. In short, these tax cuts will benefit every taxpayer in our State, returning part of our surplus in a way that does the most good.

Senate Bill No. 191 is a tax reduction measure, but it is one that benefits a discrete group of manufacturers. As corporate citizens and taxpayers, of course, manufacturers are entitled to expect consideration when we cut taxes, but when we face special business tax-cutting legislation such as this, we should ask two questions: First, is the tax relief tied to economic development, to the creation of new jobs or new investment? Such was the case, for example, with our Blue Collar Jobs tax initiative last year. Second, does the tax relief preserve jobs, by catering to a segment of our business tax base which is in dire straits and in need of preferential treatment in order to remain viable. In this category was the special Public Utility Tax exemption enacted earlier this year for Delaware businesses, such as Phoenix Steel Corporation, coming out of reorganization under the federal bankruptcy laws.

As they relate to House Bill No. 191, we must answer both questions in the negative. The legislation itself is not linked to job creation, and there has been no representation that cutting the Public Utility Tax for these few manufacturers will spur expansion of their operations. As for any special need for this tax break, none has been suggested. It is true that the Public Utility Tax falls with inordinate weight upon manufacturers such as Diamond Shamrock, but the response to this problem should be an overall look at the structure of the tax itself, to address all of the inequities in its application and to implement a comprehensive approach to lessening them for all those who pay the tax.

In vetoing this bill I must point out that Diamond Shamrock, and the other manufacturers affected by this legislation, already have benefitted from separate tax reduction initiatives this session. Responding to a Supreme Court mandate the General Assembly passed amendments to Delaware's wholesaler and manufacturer gross receipts taxes, the result of which will be a tax cut for manufacturers. All of Diamond Shamrock's management and employees, furthermore, will benefit from the personal income tax reductions which have passed as well. In short, the businesses helped by House Bill No. 191 will share in the largesse that Delaware's revenue surplus has created.

For the reasons of tax policy stated above, however, I return House(sic) Bill No. 191 without my signature.

Respectfully submitted,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
July 12, 1985

To the Delaware State Senate of the 133rd General Assembly of the State of Delaware

On July 2, 1985, I received Senate Bill No. 309, which is entitled: "A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE AND HIGHWAY REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; DEAUTHORIZING CERTAIN GENERAL OBLIGATION BONDS OF THE STATE AND CERTAIN AUTHORITY FOR GUARANTEED INDUSTRIAL REVENUE BONDS; REVERTING AND REPROGRAMMING CERTAIN SURPLUS FUNDS; APPROPRIATING CERTAIN GENERAL AND SPECIAL FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY; AMENDING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY (FY 1986 BUDGET BILL), HOUSE SUBSTITUTE NO. 1 FOR HOUSE BILL NO. 311 OF THE 133RD GENERAL ASSEMBLY, AND SENATE BILL NO. 2 OF THE 133RD GENERAL ASSEMBLY; AUTHORIZING THE PURCHASE, TRANSFER, AND SALE OF CERTAIN REAL PROPERTIES BY THE STATE, CERTAIN OF ITS AUTHORITIES, AND NEW CASTLE COUNTY; CLARIFYING PROVISIONS PERTAINING TO THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY AND THE DELAWARE TRANSPORTATION AUTHORITY WITH RESPECT TO THE ISSUANCE AND ADMINISTRATION OF BONDS; ESTABLISHING PROCEDURES FOR THE INVESTMENT OF CERTAIN FUNDS; PLACING CERTAIN CONDITIONS ON THE APPROPRIATIONS CONTAINED IN THIS ACT AND PREVIOUS ACTS OF THE STATE; AND MAKING CERTAIN OTHER CHANGES TO THE DELAWARE CODE AND LAWS OF DELAWARE."

This is the Fiscal Year 1986 Bond Bill. Because I am very troubled by the hodgepodge collection of projects contained in the Bond Bill, and because I have a fundamental concern about the process by which this legislation was put together, I am returning Senate Bill No. 309 without my signature.

The decision to veto the bond bill was a difficult one, because some new capital projects may be delayed until the General Assembly reconvenes to consider new legislation. However, I believe that Senate Bill No. 309 contains projects which, if they had been subjected to thorough public scrutiny, would not have been approved by the General Assembly. I am especially concerned about projects which were leveraged into the bond bill through political horsetrading, and projects which were added at the last minute, without any serious deliberation over their merits or consideration of their future costs.

Earlier this month, when I signed into law the Fiscal Year 1986 operating budget, I stated that we could not tolerate the continued politicization of the bond bill process. Unlike the budget bill, which undergoes thorough examination in two series of public hearings and extensive Joint Finance Committee deliberations, the bond bill typically is put together at the last minute, larded with pet projects wholly beyond the capital needs of State government. I stated that, beginning next, year, the process of opening the bond bill to public scrutiny which began this year must continue, and that projects should be judged on the basis of merit, and merit alone.

After examining Senate Bill No. 309, however, I conclude that that process cannot be delayed until next year, because the damage inflicted on the integrity of the bond bill by the legislation before me is too great. For this reason, I am returning Senate Bill No. 309 without my signature.

I will consult with the joint leadership to establish a date when the General Assembly can reconvene to consider a new bond bill, and I will direct my staff and appropriate agency personnel to begin working with the Joint Bond Bill Committee chairmen as soon as possible, so that the necessary full and open review of the proposed projects can begin promptly so that the State's essential capital needs can be addressed.

Respectfully submitted,
Michael N. Castle, Governor

* * * *

The Secretary announced that Legislative Advisories #14 through #23 had been received from the Office of Counsel to the Governor and that each Senator would be supplied with a copy of the Advisories.

LEGISLATIVE ADVISORY #14: On June 28, 1985 the Governor signed SB 7 (Volume 65, Chapter 39, Laws of Delaware), SB 19 (Volume 65, Chapter 35, Laws of Delaware), SB 20 (Volume 65, Chapter 36, Laws of Delaware), SB 22 w SA 1 (Volume 65, Chapter 40, Laws of Delaware), SB 50 w SA 1 (Volume 65, Chapter 41, Laws of Delaware), SB 70 (Volume 65, Chapter 42, Laws of Delaware), SB 127 (Volume 65, Chapter 43, Laws of Delaware), SB 133 (Volume 65, Chapter 44, Laws of Delaware), SB 145 w SA 1, 2 (Volume 65, Chapter 45, Laws of Delaware), SB 169 (Volume 65, Chapter 46, Laws of Delaware), SB 184 (Volume 65, Chapter 47, Laws of Delaware), SB 210 w SA 1 (Volume 65, Chapter 48, Laws of Delaware), HB 34 (Volume 65, Chapter 38, Laws of Delaware), HB 41 (Volume 65, Chapter 49, Laws of Delaware), HB 82 (Volume 65, Chapter 50, Laws of Delaware).

LEGISLATIVE ADVISORY #15: On June 30, 1985 the Governor signed SB 130 w SA 1 (Volume 65, Chapter 51, Laws of Delaware), SB 172 (Volume 65, Chapter 52, Laws of Delaware), SB 185 (Volume 65, Chapter 53, Laws of Delaware); On July 1 the Governor signed SB 82 (Volume 65, Chapter 54, Laws of Delaware), SB 83 (Volume 65, Chapter 55, Laws of Delaware), SB 85 (Volume 65, Chapter 56, Laws of Delaware), SB 87 (Volume 65, Chapter 57, Laws of Delaware), SB 88 (Volume 65, Chapter 58, Laws of Delaware), SB 89 (Volume 65, Chapter 59, Laws of Delaware), SB 91 (Volume 65, Chapter 60, Laws of Delaware), SB 153 w SA 1, HA 1 (Volume 65, Chapter 61, Laws of Delaware), HB 6 (Volume 65, Chapter 62, Laws of Delaware), HB 48 w HA 1 (Volume 65, Chapter 63, Laws of Delaware), HB 79 (Volume 65, Chapter 64, Laws of Delaware), HB 111 w HA 2 (Volume 65, Chapter 65, Laws of Delaware), HB 172 (Volume 65, Chapter 66, Laws of Delaware), SB 107 w HA 1, 2 (Volume 65, Chapter 67, Laws of Delaware), SB 197 (Volume 65, Chapter 68, Laws of Delaware), SS 1 for SB 38 w SA 1 (Volume 65, Chapter 69, Laws of Delaware), HS 1 for HB 185 (Volume 65, Chapter 37, Laws of Delaware); the Governor vetoed the following: On June 28, 1985: SB 150, HB 106 w HA 1; the Governor vetoed SB 54 w SA 1, HA 1 on June 30 and vetoed HB 195 w HA 1 on July 1.

LEGISLATIVE ADVISORY #16: On July 2, 1985 the Governor signed the following: SB 32 (Volume 65, Chapter 70, Laws of Delaware), SB 117 (Volume 65, Chapter 71, Laws of Delaware), SB 126 (Volume 65, Chapter 72, Laws of Delaware), SB 160 (Volume 65, Chapter 73, Laws of Delaware), SB 205 (Volume 65, Chapter 74, Laws of Delaware), SB 233 (Volume 65, Chapter 75, Laws of Delaware), SB 258 (Volume 65, Chapter 76, Laws of Delaware), SB 259 (Volume 65, Chapter 77, Laws of Delaware), SB 261 (Volume 65, Chapter 78, Laws of Delaware), SB 262 (Volume 65, Chapter 79, Laws of Delaware), HB 113 (Volume 65, Chapter 80, Laws of Delaware), HB 98 w HA 1 (Volume 65, Chapter 81, Laws of Delaware), HB 101 w SA 1 (Volume 65, Chapter 82, Laws of Delaware), HB 243 (Volume 65, Chapter 83, Laws of Delaware), HB 266 w HA 1 (Volume 65, Chapter 84, Laws of Delaware), HB 277 (Volume 65, Chapter 85, Laws of Delaware), HB 278 (Volume 65, Chapter 86, Laws of Delaware), HB 350 (Volume 65, Chapter 87, Laws of Delaware) (PLEASE NOTE: Line Item Veto – Line 23 on page 11), HJR 17.

LEGISLATIVE ADVISORY #17: On July 3, 1985 the Governor signed the following: SB 25 (Volume 65, Chapter 88, Laws of Delaware), SB 78 w SA 1, 2 (Volume 65, Chapter 89, Laws of Delaware), SB 104 w HA 1 (Volume 65, Chapter 90, Laws of Delaware), SB 106 (Volume 65, Chapter 91, Laws of Delaware), SB 182 (Volume 65, Chapter 92, Laws of Delaware), SB 194 (Volume 65, Chapter 93, Laws of Delaware), SB 203 (Volume 65, Chapter 94, Laws of Delaware), SB 213 (Volume 65, Chapter 95, Laws of Delaware), SB 216 w HA 1 (Volume 65, Chapter 96, Laws of Delaware), SB 224 (Volume 65, Chapter 97, Laws of Delaware), SB 225 (Volume 65, Chapter 98, Laws of Delaware), SB 229 (Volume 65, Chapter 99, Laws of Delaware), SB 249 (Volume 65, Chapter 100, Laws of Delaware), SB 272 (Volume 65, Chapter 101, Laws of Delaware), HB 16 w SA 1 (Volume 65, Chapter 102, Laws of Delaware), HB 47 (Volume 65, Chapter 103, Laws of Delaware), HB 71 w SA 2 (Volume 65, Chapter 104, Laws of Delaware), HB 84 w HA 1 (Volume 65, Chapter 105, Laws of Delaware), HB 136 w HA 2, SA 5 (Volume 65, Chapter 106, Laws of Delaware), HB 142 w HA 1, 2 (Volume 65, Chapter 107, Laws of Delaware), HB 174 (Volume 65, Chapter 108, Laws of Delaware), HB 179 w HA 1, 2 (Volume 65, Chapter 109, Laws of Delaware), HB 180 w HA 2 (Volume 65, Chapter 110, Laws of Delaware), HB 181 w SA 1 (Volume 65, Chapter 111, Laws of Delaware), HB 211 w HA 1 (Volume 65, Chapter 112, Laws of Delaware), HB 215 w HA 1 (Volume 65, Chapter 113, Laws of Delaware), HB 224 (Volume 65, Chapter 114, Laws of Delaware), HB 232 (Volume 65, Chapter 115, Laws of Delaware), HB 252 (Volume 65, Chapter 116, Laws of Delaware), HB 253 w HA 1 (Volume 65, Chapter 117, Laws of Delaware), HB 256 (Volume 65, Chapter 118, Laws of Delaware), HB 262 (Volume 65, Chapter 119, Laws of Delaware), HB 265 (Volume 65, Chapter 120, Laws of Delaware), HB 269 (Volume 65, Chapter 121, Laws of Delaware), HB 290 (Volume 65, Chapter 122, Laws of Delaware), HB 294 (Volume 65, Chapter 123, Laws of Delaware), HB 319 (Volume 65, Chapter 124, Laws of Delaware), HJR 15; On July 4 the Governor signed the following: SB 2 (Volume 65, Chapter 125, Laws of Delaware), SS 1 for SB 27 w SA 1 (Volume 65, Chapter 126, Laws of Delaware), SB 116 (Volume 65, Chapter 127, Laws of Delaware), SB 161 (Volume 65, Chapter 128, Laws of Delaware), SB 163 w SA 1 (Volume 65, Chapter 129, Laws of Delaware), SB 235 (Volume 65, Chapter 130, Laws of Delaware), SB 243 (Volume 65, Chapter 131, Laws of Delaware), SB 269 (Volume 65, Chapter 132, Laws of Delaware), SJR 6, HB 66 w HA 1, 2 (Volume 65, Chapter 133, Laws of Delaware), HB 78 w HA 1, 2 (Volume 65, Chapter 134, Laws of Delaware), HB 90 (Volume 65, Chapter 135, Laws of Delaware), HB 93 w HA 1, SA 1, 3 (Volume 65, Chapter 136, Laws of Delaware), HB 104 (Volume 65, Chapter 137, Laws of Delaware), HB 167 w HA 2, 3, 4 (Volume 65, Chapter 138, Laws of Delaware), HB 202 w HA 1 (Volume 65, Chapter 139, Laws of Delaware), HB 255 (Volume 65, Chapter 140, Laws of Delaware), HB 276 w HA 2 (Volume 65, Chapter 141, Laws of Delaware), HB 280 w HA 1 (Volume 65, Chapter 142, Laws of Delaware), HB 292 (Volume 65, Chapter 143, Laws of Delaware), HB 293 (July 3) (Volume 65, Chapter 144, Laws of Delaware), HB 303 (Volume 65, Chapter 145, Laws of Delaware), HB 306 (Volume 65, Chapter 146, Laws of Delaware); the Governor vetoed the following legislation on July 8, 1985: SB 5; SB 129; SB 151; SB 179 w SA 1, HA 1, 2; SB 121; SB 136; SB 159; SB 191; HB 65 w HA 1; HB 178; HB 231 w HA 1.

LEGISLATIVE ADVISORY #18: On July 12, 1985 the Governor signed the following: SB 1 (Volume 65, Chapter 147, Laws of Delaware), SB 33 w HA 1 (Volume 65, Chapter 148, Laws of Delaware), SB 37 w HA 1 (Volume 65, Chapter 149, Laws of Delaware), SB 44 w SA 1, 2 (Volume 65, Chapter 150, Laws of Delaware), SB 63 w SA 1 (Volume 65, Chapter 151, Laws of Delaware), SB 100 w SA 1 (Volume 65, Chapter 152, Laws of Delaware), SB 123 w SA 1, 2, 3, 4, 5, HA 1 (Volume 65, Chapter 153, Laws of Delaware), SB 157 (Volume 65, Chapter 154, Laws of Delaware), SB 162 (Volume 65 Chapter 155, Laws of Delaware), SB 176 (Volume 65, Chapter 156, Laws of Delaware), SB 196 w SA 1 (Volume 65, Chapter 157, Laws of Delaware), SB 201 w HA 1, 2, 3 (Volume 65, Chapter 158, Laws of Delaware), SB 231 (Volume 65, Chapter 159, Laws of Delaware), SB 238 (Volume 65, Chapter 160, Laws of Delaware), SS 1 for SB 244 w SA 1, 2, SA 1 to SA 2 (Volume 65, Chapter 161, Laws of Delaware), SB 247 (Volume 65, Chapter 162, Laws of Delaware), SB 254 w SA 1, 2, HA 1 (Volume 65, Chapter 163, Laws of Delaware), SB 270 w SA 1, 2 (Volume 65, Chapter 164, Laws of Delaware), SB 280 w SA 1 (Volume 65, Chapter 165, Laws of Delaware), SB 283 (Volume 65, Chapter 166, Laws of Delaware), SB 287 w SA 1, 2 (Volume 65, Chapter 167, Laws of Delaware), SB 305 w SA 1 (Volume 65, Chapter 168, Laws of Delaware), SB 307 (Volume 65, Chapter 169, Laws of Delaware), SJR 4, HB 56 (Volume 65, Chapter 170, Laws of Delaware), HB 156 (Volume 65, Chapter 171, Laws of Delaware), HB 164 w HA 2, 4, 5, 6 (Volume 65, Chapter 172, Laws of Delaware), HB 177 w HA 1 (Volume 65, Chapter 173, Laws of Delaware), HB 227 (Volume 65, Chapter 174, Laws of Delaware), HB 230 (Volume 65, Chapter 175, Laws of Delaware), HB 258 (Volume 65, Chapter 176, Laws of Delaware), HB 273 (Volume 65, Chapter 177, Laws of Delaware), HB 286 (Volume 65, Chapter 178, Laws of Delaware), HB 291 w SA 1 (Volume 65, Chapter 179, Laws of Delaware), HB 300 w HA 1 (Volume 65, Chapter 180, Laws of Delaware), HB 355 (Volume 65, Chapter 181, Laws of Delaware), HB 357 (Volume 65, Chapter 182, Laws of Delaware), HB 358 (Volume 65, Chapter 183, Laws of Delaware), HB 373 (Volume 65, Chapter 184, Laws of Delaware), HJR 3 w HA 1, HJR 13, HJR 16. The Governor vetoed the following on July 12, 1985: SB 67 w HA 1; SB 174; HB 239; HB 241; SB 309. HB 158 (Volume 65, Chapter 186, Laws of Delaware) was passed by the House and Senate as part of a Constitutional Amendment and did not require any action on the part of the Governor.

LEGISLATIVE ADVISORY #19: On July 12, 1985 the Governor signed HB 365 w HA 1 (Volume 65, Chapter 185, Laws of Delaware).

LEGISLATIVE ADVISORY #20: On July 19, 1985 the Governor signed the following: HB 31 w HA 1 (Volume 65, Chapter 199, Laws of Delaware), HB 119 w HA 1 (Volume 65, Chapter 187, Laws of Delaware), HB 191 w HA 1 (Volume 65, Chapter 188, Laws of Delaware), HB 219 w HA 2 (Volume 65, Chapter 189, Laws of Delaware), HB 221 w SA 1 (Volume 65, Chapter 190, Laws of Delaware), HB 246 w HA 1 (Volume 65, Chapter 191, Laws of Delaware), HB 282 w HA 1, SA 1 (Volume 65, Chapter 192, Laws of Delaware), HB 283 w HA 2 (Volume 65, Chapter 193, Laws of Delaware), HB 284 w HA 1 (Volume 65, Chapter 194, Laws of Delaware), HB 307 w HA 1 (Volume 65, Chapter 195, Laws of Delaware), HB 310 w HA 1 (Volume 65, Chapter 196, Laws of Delaware), HS 1 for HB 311 w SA 1, HA 1, 3 (Volume 65, Chapter 197, Laws of Delaware), HB 313 w HA 1 (Volume 65, Chapter 198, Laws of Delaware), HJR 9 w HA 1, HJR 18. On July 19, 1985 the Governor vetoed HB 80 w HA 1.

LEGISLATIVE ADVISORY #21: On July 29, 1985 the Governor signed SB 253 (Volume 65, Chapter 200, Laws of Delaware).

LEGISLATIVE ADVISORY #22: On August 29, 1985 the Governor signed SB 317 (Volume 65, Chapter 201, Laws of Delaware). On September 5 the Governor signed SB 18 w HA 1 (Volume 65, Chapter 202, Laws of Delaware), SB 29 w SA 1, HA 2 (Volume 65, Chapter 203, Laws of Delaware), HB 337 (Volume 65, Chapter 204, Laws of Delaware). On September 6 the Governor signed SB 45 (Volume 65, Chapter 205, Laws of Delaware), SB 59 (Volume 65, Chapter 206, Laws of Delaware), SB 80 w SA 1 (Volume 65, Chapter 207, Laws of Delaware), SB 168 w SA 1 (Volume 65, Chapter 208, Laws of Delaware), SB 237 w HA 1, 2, 3 (Volume 65, Chapter 209, Laws of Delaware), SB 288 (Volume 65, Chapter 210, Laws of Delaware), SB 306 w SA 1 (Volume 65, Chapter 211, Laws of Delaware), SB 311 (Volume 65, Chapter 212, Laws of Delaware), SB 312 (Volume 65, Chapter 213, Laws of Delaware), SB 315 (Volume 65, Chapter 214, Laws of Delaware), SB 318 (Volume 65, Chapter 215, Laws of Delaware), HB 144 w HA 1, 2 (Volume 65, Chapter 216, Laws of Delaware), HB 302 w HA 1, 2, 3, SA 2, 5 (Volume 65, Chapter 217, Laws of Delaware), HB 385 (Volume 65, Chapter 218, Laws of Delaware).

LEGISLATIVE ADVISORY #23: On October 10, 1985 the Governor signed HB 209 (Volume 65, Chapter 219, Laws of Delaware), HB 386 (Volume 65, Chapter 220, Laws of Delaware).

The following legislation was introduced:

SB 313 - AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO ANATOMICAL GIFTS; AND PERMITTING A HOSPITAL ADMINISTRATOR OR HIS DESIGNEE TO REQUEST AN ANATOMICAL GIFT UNDER CERTAIN CIRCUMSTANCES. Sponsors: Senators McBride, Berndt, Arnold. Assigned to Health-Social Services/Aging Committee.

SB 314 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MANDATORY RETIREMENT AGE FOR STATE EMPLOYEES. Sponsors: Senator McDowell, Representative Petrilli; Representatives Outten, Reynolds. Assigned to Administrative Services/Energy Committee.

SB 319 - AN ACT TO AMEND TITLE 23, CHAPTER 21 OF THE DELAWARE CODE RELATING TO LICENSES AND REGISTRATION FEES OF MOTORBOATS. Sponsors: Senators Cordrey, Adams, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman, Arnold, Berndt, Citro, Connor, Neal, Slatcher; Representatives Clark, C. Cordrey, B. Ennis, Gilligan, West, Wingate, Carey, Caulk, D. Ennis, Mack, Steel. Assigned to Natural Resources and Environmental Control Committee.

SB 320 - AN ACT AMENDING CHAPTER 14, TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF ELECTRICAL EXAMINERS. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SB 321 - AN ACT TO AMEND TITLE 18 DELAWARE CODE RELATING TO IN VITRO FERTILIZATION. Sponsor: Senator Cordrey. Assigned to Health-Social Services/Aging Committee.

SB 322 - AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO THE UNIFORM ANATOMICAL GIFT ACT; AND REQUIRING THAT A BLOOD SAMPLE BE TAKEN FROM THE DONOR. Sponsor: Senator Cordrey. Health-Social Services/Aging Committee.

SB 323 - AN ACT AMENDING TITLE 7 DELAWARE CODE CREATING THE DELAWARE MUNICIPALITIES NATURAL DISASTERS REVOLVING FUND AND PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR ITS FUNDING. Sponsor: Senator Cordrey. Assigned to Finance Committee.

SB 324 - AN ACT TO AMEND CHAPTER 24, TITLE 16, DELAWARE CODE, RELATING TO HAZARDOUS CHEMICAL INFORMATION. Sponsor: Senator Cordrey. Assigned to Health-Social Services/Aging Committee.

SB 325 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO THE POWERS AND DUTIES OF THE DIVISION OF ENVIRONMENTAL CONTROL. Sponsor: Senator Cordrey. Assigned to Natural Resources and Environmental Control Committee.

SB 326 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITY RATES. Sponsors: Senator McDowell, Representative Roy. Assigned to Administrative Services/Energy Committee.

SB 327 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, TO LIMIT POSTPONEMENTS IN WORKMEN'S COMPENSATION CASES BEFORE THE INDUSTRIAL ACCIDENT BOARD. Sponsor: Senator Holloway. Assigned to Insurance and Elections Committee.

SB 328 - AN ACT TO AMEND CHAPTER 27 AND CHAPTER 83, TITLE 29, DELAWARE CODE, RELATING TO INVESTMENT OF THE MONIES OF THE STATE OF DELAWARE AND MONIES OF THE BOARD OF PENSION TRUSTEE. Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 329 - AN ACT PROVIDING FOR FINANCIAL DISCLOSURE AND ACCOUNTABILITY BY CHILD SUPPORT RECIPIENTS IN THE STATE OF DELAWARE. Sponsor: Senator Holloway. Assigned to Health-Social Services/Aging Committee.

SB 330 - AN ACT TO AMEND CHAPTER 5, TITLE 13, DELAWARE CODE, RELATING TO VOLUNTARY WAGE ASSIGNMENTS AND WAGE ATTACHMENTS ORDERED BY FAMILY COURT OF THE STATE OF DELAWARE. Sponsor: Senator Holloway. Assigned to Health-Social Services/Aging Committee.

SR 72 was introduced and considered for adoption on motion of Senator Cordrey:

SR 72 - COMMENDING SEN. THURMAN G. ADAMS JR. FOR WINNING THE SUSSEX SERVICE CLUBS 1985 SERVICE TO AGRICULTURE AWARD.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES, 1 (Adams) NOT VOTING and 1 (Martin) ABSENT; therefore, the Resolution was declared adopted.

HB 5 w HA 1 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE TERM OF OFFICE OF SHERIFF FOR KENT AND SUSSEX COUNTIES. Sponsor: Representative Bennett. Assigned to Executive Committee.

HB 204 w HA 1 - AN ACT TO AMEND §3002, CHAPTER 30, DELAWARE CODE RELATING TO MOTOR VEHICLE DOCUMENT FEES, AND SECTIONS 4303 AND 4305, CHAPTER 43, TITLE 30, DELAWARE CODE, RELATING TO APPORTIONMENT OF THE TAXABLE RECEIPTS FROM LEASING TANGIBLE PERSONAL PROPERTY AND REQUIREMENTS FOR A LESSOR'S LICENSE. Sponsors: Representatives Steele, Barnes, Petrilli, Caulk, Carey, Mack. Assigned to Revenue and Taxation Committee.

HB 312 w HA 1, 2 - AN ACT TO AMEND CHAPTER 51, TITLE 30 OF THE DELAWARE CODE RELATING TO THE ASSESSMENT AND COLLECTION OF MOTOR FUEL TAXES. Sponsors: Representative Spence, Senator Torbert; Representative Davis, Senators Minner, Adams, Vaughn, Citro, Neal. Assigned to Revenue and Taxation Committee.

HB 317 - AN ACT TO AMEND CHAPTER 35, TITLE II, DELAWARE CODE, RELATING TO THE RENDITION OF PRISONERS AS WITNESSES IN CRIMINAL PROCEEDINGS. Sponsors: Representatives Reynolds, Barnes, Spence, Davis, Mack, Houghton, Plant, Brady; Senator Connor. Assigned to Judiciary Committee.

HB 380 - AN ACT TO AMEND CHAPTER 83, TITLE II OF THE DELAWARE CODE RELATING TO THE STATE POLICE AND THE UNIFORM OF THE STATE POLICE. Sponsors: Representatives VanSant, B. Ennis; Senators Citro, Vaughn. Assigned to Judiciary Committee.

SB 331 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS AND THE PRACTICE OF ENGINEERING. Sponsors: Senator Adams, Representative Spence; Senator Neal; Representatives Outten, B. Ennis. Assigned to Administrative Services/Energy Committee.

SENATE CONSENT CALENDAR #14 was introduced and laid on the table on motion of Senator Minner.

The Resolutions comprising the Calendar were as follows:

SR 51 - URGING THE GOVERNOR TO APPOINT A THREE-MEMBER CITIZENS REVIEW COMMITTEE TO ASSIST STATE AGENCIES DURING IN-HOUSE INVESTIGATION OF SERIOUS INSTITUTIONAL DEATHS, INFRACTIONS, AND SHORTCOMINGS. Sponsor: Senator Holloway.

SR 69 - HONORING MR. WILLIAM C. DILL, RESIDENT OF DOVER AND DAILY ATTENDEE OF THE SENATE SESSIONS, UPON HIS 69TH BIRTHDAY. Sponsor: Senator Zimmerman.

SR 70 - EXTENDING BEST WISHES TO CELIA COHEN, AS SHE LEAVES HER LONG TIME POST OF COVERING THE DELAWARE GENERAL ASSEMBLY FOR THE WILMINGTON NEWS JOURNAL TO PARTICIPATE IN THE POLITICAL PROCESS AT THE NATIONAL LEVEL. Sponsors: Senator Cook, Adams, Holloway, Marshall, Martin, McBride, McDowell, Minner, Torbert, Vaughn, Arnold, Bair, Berndt, Citro, Connor, Knox, Neal, Slatcher.

SR 71 - RECOGNIZING THE 50 YEAR GOLDEN ANNIVERSARY OF THE HOLY TRINITY GREEK ORTHODOX CHURCH IN WILMINGTON. Sponsor: Senator Marshall.

SCR 81 - PROVIDING FOR AN EXTENSION FOR WHICH THE PUBLIC TRANSPORTATION TASK FORCE CAN REPORT ITS FINDINGS. Sponsors: Senator McDowell, Representative D. Ennis.

HCR 78 - REQUESTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL INVESTIGATE THE FEASIBILITY OF ESTABLISHING PERMANENT SITES ON PUBLIC LANDS WHERE OFF HIGHWAY VEHICLES CAN BE LEGALLY OPERATED. Sponsors: Representatives Clark, Houghton, Caulk, Roy, Corrozi, Barnes, Fallon, Quillen, Davis, Reynolds, Spence, Taylor, Bennett, Boykin, Jonkiert, Brady, Mack, Jester, VanSant, Outten, Sills, Anderson, Wingate, B. Ennis, Carey, Campanelli, Steele, Plant, Buckworth; Senators Marshall, Citro, Vaughn, Torbert, Martin, Knox, Connor, Minner, Holloway, Sharp, Cordrey.

SCR 83 - RECOGNIZING JANUARY 12-18 AS NATIONAL FETAL ALCOHOL SYNDROME AWARENESS WEEK AND URGING THE EDUCATION, MEDICAL, AND SOCIAL SERVICES COMMUNITIES TO PARTICIPATE IN A SUSTAINED EFFORT TO INCREASE PUBLIC AWARENESS OF THE DANGER OF ALCOHOL TO UNBORN CHILDREN. Sponsors: Senator McDowell, Representative VanSant.

SR 60 - URGING PRESIDENT RONALD REAGAN AND MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT BOLD NEW INITIATIVES TO ENCOURAGE THE GOVERNMENT OF SOUTH AFRICA TO END THE POLICY OF APARTHEID AND END THE BLOODSHED AND VIOLENCE IN THAT TROUBLED NATION. Sponsors: Senators Holloway, Connor.

At 2:45 p.m. on motion of Senator Sharp, the Senate took a standing recess.

At 2:58 p.m. on motion of Senator Sharp, the Senate recessed to join the House of Representatives in Joint Session.

JOINT SESSION in HOUSE CHAMBER

January 14, 1986

At 2:57 p.m., the members of the House of Representatives and the Senate met for the purpose of hearing Governor Castle's State of the State Address.

The Speaker invited President pro Tempore Cordrey to be his guest on the rostrum.

The Sergeant-at-Arms announced and admitted to the Chamber the Honorable Andrew Christie, Chief Justice of the State Supreme Court, and other members of the Judiciary.

The Sergeant-at-Arms announced and admitted to the Chamber the members of the Governor's Cabinet and other State and County elected officials.

On motion of Representative Oberle, the House and Senate convened in Joint Session.

On motion of Representative Oberle and without objection, the Speaker of the House was appointed to preside over the Joint Session.

On motion of Representative Oberle and without objection, the Secretary of the Senate and Chief Clerk of the House were appointed to act as secretaries of the Joint Session.

On motion of Representative Oberle and without objection, the Speaker appointed the following as a committee to escort the Governor to the Chamber: Representatives Smith and Jester; Senators Cook and Slatcher.

A brief recess was called by the Speaker.

At 3:05 p.m. the Sergeant-at-Arms announced the Escort Committee and the Governor of the State of Delaware, Michael N. Castle.

The Speaker welcomed the Governor and invited him to the podium.

The Governor addressed the Joint Session as follows:

Mr. Speaker, Mr. President Pro Tem, members of the House and Senate, elected officials, members of the judiciary and cabinet, fellow Delawareans.

It is with considerable pleasure that I come before you today for the second time in the capacity of Governor of the State of Delaware, to fulfill the constitutional duty imposed on this office.

Our Constitution requires that the chief executive of the State "shall, from time to time, give to the General Assembly information of affairs concerning the State, and recommend for consideration such measures as he shall judge expedient."

The men who have occupied this office have been faithful to that duty. Taken together, the governors' messages collected in the State Archives present a series of "snapshots" of Delaware over nearly two centuries, a tapestry of life in which government evolves and takes shape and issues fundamental to democracy are debated.

They reflect the accomplishments and aspirations of the people of the State since the birth of the nation.

Today, as we begin the second and concluding session of the 133rd General Assembly, it is worth considering what we have added to those accomplishments, as well as what we hope to do in the months to come.

As we do so, we should consider an observation made by the statesman, Henry Clay, more than a century and a half ago.

"Government," Clay said, "is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people."

That the people of Delaware have benefited from the bipartisan administration of that trust in recent years cannot be questioned.

Today our State enjoys unprecedented prosperity and job growth. Our unemployment rate, which reached a record-breaking low of four and one half percent in the past year, is testimony to that.

Three personal income tax cuts in seven years, which have resulted in a reduction of more than forty percent in the personal income tax rate for the average Delaware family, provide proof that government has exercised the fiscal restraint our taxpayers demand.

That fiscal restraint is all the more commendable in light of the unprecedented growth in resources available to the State in recent years.

Much credit must be given to the co-chairs of the Joint Finance Committee, Senator Cook and Representative Corrozi, and the other members of the committee, for limiting the growth of the base budget to what is reasonable and necessary, protecting our taxpayers from unconscionable demands in the future.

We have used surplus funds to reduce debt, and we have used them as well to make needed repairs to our rural roads, schools and State buildings - which will mean future savings for our taxpayers.

We have demonstrated a strong commitment to education in Delaware with a substantial infusion of new State dollars to the public education system, and by requiring higher standards of both teachers and students.

And we have continued Delaware's tradition of protecting our environment and our citizens from threats to their well-being.

There is much to be proud of in the accomplishments I have just described. Yet the list of what State government has accomplished is much longer.

We enjoy the services of thousands of dedicated and hard-working State employees, and our progress must be measured as well in the efforts of those individuals: a caseworker helping a troubled teenager, and administrator eliminating red tape in providing services to our citizens, or a State trooper saving lives.

Together, they assure that the quality of life in Delaware is preserved and protected.

That concept - quality of life - taken in its broadest sense, embraces all that government does, and whether or not we succeed in governing is largely determined by the quality of life in our State.

By that measure, it is fair to say that we have succeeded, that we have made a difference.

At the same time, of course, there is more we can do, and I would like to turn now to the positive steps we can take in the coming year.

In doing so, however, this caution.

It was neither wishing nor good intentions that allowed us to cut taxes three times, bring thousands of new jobs to Delaware or provide programs that truly benefit our citizens.

Thoughtful management, fiscal restraint, bipartisan cooperation, and a respect for our taxpayers made those things possible.

The ability of government to meet the demands of its citizens and to assure the continued growth of our economy requires that we remember the crushing cost of government that is poorly managed, careless with its resources or heedless of those who support it.

I am committed to the tradition of government that has been established in Delaware in recent time, and I am confident that you - as partners in that tradition - share my commitment.

Two and a half decades ago, a national effort to protect the environment was given impetus with these words:

"It is our task in our time and in our generation to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours."

President Kennedy spoke those words in 1961.

Since then, we have seen vast improvements in the quality of our water; we have afforded protection to land that otherwise might have been irreparably harmed; and we have eliminated dangerous pollutants from the air.

Delaware has been a leader in cleaning up and protecting the environment, but there are still challenges before us.

Most important, perhaps, is to assure the continued protection of our coastal zone. Last year our authority over that sensitive area was challenged and thrust into the hands of a federal court.

We are fighting to retain that control, but whatever the outcome of the case, all of us must be prepared to work together to take immediate steps to assure the continued protection of our natural resources.

There are fewer obstacles to our efforts to combat the effects of hazardous materials.

Last year, with your support, the Department of Natural Resources and Environmental Control renewed its commitment to protect our environment. That commitment was backed up with a substantial increase in funding and positions within the department.

Just last week, we took a step forward when new quarters for many of the scientists, engineers and technicians in the Division of Air and Waste Management were dedicated near Delaware City.

Locating those offices in the midst of some of the most troublesome hazardous sites in our State, as well as near the majority of the State's petrochemical facilities, was a practical step--and demonstrates the State's commitment to a clean Delaware.

When you receive my budget in two weeks, you will see that that commitment is continuing--and increasing. Together, we can assure that the department is properly staffed to fight illegal dumping that adds to environmental hazards in our State and to clean up existing hazards.

I will recommend that another million dollars be set aside for Superfund clean-ups, and that the department be equipped with the best available technology to measure pollutants in the ground, in the air and in the water.

And I will make one further recommendation:

To assure that Delaware never be considered as a future storage site for low-level radioactive wastes, I will recommend that we join the states of Pennsylvania and West Virginia in the Appalachian Compact for disposal of those wastes.

* * *

As I said earlier, the success of government depends on the thousands of men and women responsible for its operation. So it is vitally important that we have the ability to attract and keep good employees.

It was that concern that prompted me last year to create the Compensation and Productivity Commission which recently reported to you on the state of our merit system.

Drawing on both the public and private sectors, the commission brought together a talented group of people whose charge was to examine the merit system and recommend changes which would make the State a better and more competitive employer.

Today I would like to publicly offer my thanks to Mike Cassell, the other Mike Cassell, chairman of the commission, and all the other members for their work. Their report describes a system in need of repair, and then proposes concrete, practical steps to accomplish those repairs.

It also came to an important conclusion: that for the most part our total compensation package is indeed competitive with other governments. To be sure, adjustments are necessary to assure equity within the system, and I will recommend appropriations to restore equity where it has been lost.

The commission having done its work, it is for us to turn those recommendations into actions, and in the next few months we will consider measures, both administrative and legislative, needed to assure that we have skilled employees in all State agencies, and at the same time offer employment opportunities that are both challenging and rewarding for each State employee.

As we do so, I would like to make two observations.

The first concerns "pay for performance," an approach based on the idea that the best employees should be paid more. I believe that with responsibility should come the opportunity to reap greater rewards, and I urge the General Assembly to approve changes in our merit system which will allow us to reward excellence in management, because it is a means to better government.

If the first issue requires a "hands-on" approach by the Legislature, the second requires "hands-off."

Too often in the past, pay raises for particular groups of State employees have been based on political clout rather than merit, and the result has been a pay system that is unfair to employees who are equally or more deserving, but who have less political influence.

At the same time, it has resulted in a system of enormous complexity when we need a merit pay system that is simple to apply and easy to understand.

If we are to remedy this, then you and I must agree that our role in the State compensation system is to set standards and provide the resources to meet those standards, not to set individual salaries.

Soon after I took office, I ordered the creation of a series of cabinet councils to improve communication and coordination among departments with overlapping responsibilities.

Today I can report that the members of my cabinet, men and women of ability, have made the cabinet councils work beyond even my expectations.

One of the most exciting initiatives to come out of those meetings addresses as important issue confronting Delaware and the nation--early childhood development.

The first five years of life are of special importance in a child's development. It is during those years that we have the opportunity to treat many problems--poor health, the effects of broken families, poverty and inadequate education--that quickly rob a child of any chance for success and happiness.

Failing that, society must treat the enduring symptoms--unemployment, illiteracy and dependence on assistance from public and private sources--all of which place substantial long-term demands on our resources, none of which ever really restore what has been lost to the individual.

As Chairman of the National Governors Association Committee on Human Resources, I have given high priority to developing programs on the national level that indeed treat the problem, and it is my hope that in the coming year Delaware will take the lead in this matter.

I am proposing several steps.

First, I will recommend a comprehensive infant mortality prevention program and expanded services to high-risk infants, as well as pilot pre-school programs for four-year olds in each county.

We will also begin an education program in publicly supported day-care facilities, and continue our support for the Delaware Read-Aloud program, which has inspired similar programs in other states.

To make sure this effort--which we will call Focus on the First Sixty Months--is as effective as possible, we will conduct a state-wide public information program to make parents aware of potential problems and ways they can solve or help them.

In a State as caring as ours, there can be no excuse for allowing a child to be robbed of all hope even before he or she learns to write her own name.

Now I will turn to the most pressing matter before us today, and reason I asked to address you as the session begins.

Benjamin Disraeli, the great British prime minister, said that government was the keystone of human progress.

I believe government has no responsibility more important to that progress than the responsibility for educating its citizens.

Two years ago, Bob Barnett and I served as co-chairmen of the Governor's Task Force on Education for Economic Growth. In the two years since the task force issued its report on Delaware's public schools, we have made substantial progress toward many of its recommendations.

We took steps to reduce class size, we made kindergarten compulsory, we increased academic requirements on a state-wide basis, and we implemented a new funding mechanism to give school districts an incentive to increase local funding to schools.

However, one major area of the report has yet to be addressed fully as I would like it to be. It was Goal No. 3 of our report: to improve the performance and compensation of teachers and school personnel.

During the past legislative session, my Administration followed the guidance provided by the Task Force and put forward the concept of a teacher career ladder.

I should say in passing that the career ladder was modeled on one already working in Tennessee, the state where General Motors decided to build its new Saturn plant and create many thousands of new jobs. GM made that decision, in part, because of Tennessee's commitment and approach to public education--including the career ladder.

The effort to start a career ladder in Delaware's public schools failed, for several reasons.

We spent too much time trying to refine the legislation before introducing it, leaving too little time for discussion among the many groups concerned with education, or for debate in the General Assembly. And there were many in the education community who had serious reservations about imposing a new system statewide without first testing it.

The result was a stalemate in which neither taxpayers nor teachers were truly served. The legislation was tabled, and action deferred until January, 1986.

Well, January is here, and the time to continue our discussion of a career incentive program is here as well. But that discussion should reflect a major change that has been occurring on the education landscape across the nation and in Delaware.

Very simply, the number of college students preparing to become teachers has been declining, and long-term demand threatens to outstrip supply.

Before schools open next year, school districts may have to hire as many as five hundred new teachers. But our State's colleges expect to graduate only 245 education majors--less than half of the anticipated demand.

Certainly one reason fewer college students are looking to teaching as a career is based on salary expectations. And in Delaware, starting teacher salaries are below those in surrounding states. Take New Jersey, for example.

A side-by-side comparison by the Delaware State Education Association--you probably saw it in the newspaper this weekend--shows that experienced teachers with master's degrees are paid virtually the same in Delaware and New Jersey. The difference is less than two percent.

Not so at the starting level.

In New Jersey a starting teacher earns \$18,500, while in Delaware the average salary for a starting teacher is only \$14,910. That's a difference of almost 20 percent. And that is one reason why Delaware is losing the battle when it comes to recruiting good teachers.

Now, I'm sure some would conclude that the recruitment problem shows the State has not made an ample commitment to education--that we must pay, and pay dearly, for solving the teacher shortage problem. But let's look at the facts.

Today, Delaware ranks eighth in the nation in per pupil spending.

Including my budget proposals for fiscal 1987, the State will have increased funding for public education by over fifty-seven million dollars in just three years--an increase of nearly 23 percent.

As part of that, we will have increased Division III funds--which are spent mostly on teacher salaries--by 70 percent and will have done so on a matching basis to encourage local districts to hold referenda and thereby increase the amount of local funds flowing into our schools.

And it's working. Of the ten school districts which have held referenda, nine have voted to increase local school taxes to qualify for the additional State funds.

In short, if we have a problem recruiting teachers in Delaware, it is not from a lack of commitment of resources from our taxpayers.

Rather, it is because we as elected officials are not making the tough decisions about how to spend education dollars that will allow us to attract the best teachers for our children and improve the equality of their education.

And let me widen the circle. It also raises questions about how committed those in leadership positions in the education community are to finding the best ways to enhance education with the resources that are already provided.

Time and again we are told by those who take America's pulse that the public is more than willing to support the dedication of new funds to education, but only if they see an improvement in the quality of the end product.

The challenge is clear: we must target our resources and demand that they be spent in areas which will produce results, and we must challenge the leaders of our educational community to find better and more efficient ways to handle the resources presently in the system.

So I am asking you today, as the session begins, to give immediate consideration to a series of steps intended to address the problem before it can erode the quality of education in Delaware.

It is my hope that when you I leave here at the end of January, we will have taken the first steps in preventing a crisis in our schools.

If we fail to act, it will be a crisis that confronts us.

The first part of this program I am recommending to you concerns recruitment, providing the school districts with the means to attract new teachers.

I am recommending that the General Assembly approve in January the 287 dollar pay increase for teachers which was left on the table last June.

I am further recommending a minimum additional increase of one thousand dollars per teacher in Fiscal 1987 and changes in the pay scale to give up to two thousand dollars for starting teachers.

And I will recommend appropriation of the third year year of Division III funds--more than five million dollars, most of which historically has gone for salaries.

Together, these measures--combined with the local share of teacher salaries--will allow each of our school districts to compete in attracting skilled young professionals.

To bring more young people to teaching, I will propose creation of teacher scholarship loans for the top fifty graduating high school seniors who major in education at Delaware colleges. The loans--up to \$1,000 a year for four years--would be forgiven at the rate of \$1,000 for each year of teaching in a Delaware school.

To attract more teachers to Delaware, I have directed the Delaware Development Office to work with the school districts to help them develop a comprehensive marketing plan so that we can compete with states as far away as California, Florida and Texas, states which already have successful national teacher recruiting programs.

In recent weeks, my education advisor, Helen Foss, has been in almost constant contact with the many groups concerned about education in Delaware. And out of those conversations has come a theme, the second part of this education program.

The theme is revitalization, using the vast resources within our education system to improve the system.

For instance, the Department of Public Instruction has developed a training and evaluation program to improve student achievement by increasing the effectiveness of teaching, and this revitalization effort deserves our support.

By the fall of 1987, the program will allow administrators in our schools to draw on new evaluation techniques and teachers will have been exposed to methods that research has shown make for effective schools.

By revitalization, too, I mean development of a strong and comprehensive staff in-service program, to be developed after studying existing programs and making whatever changes are necessary to help our teachers improve their skills.

Finally, the rewards aspect of this program.

I recognize that valid opposition to any incentive program will continue as long as there are concerns about funding and the evaluation process.

But I am committed to finding ways to offer incentives for good teaching, and to assuring that Delaware's school districts are able to attract good teachers.

So I will propose a pilot program to be developed in the next fiscal year and implemented during Fiscal 1988.

It involves a single district developing an incentive program to reward teachers who have shown special talent in teaching children. Using DPI evaluation instruments, this program will include teachers in its development, and will offer an incentive pay plan to reward outstanding teacher skills.

I am happy to announce today that Mike Walls, Superintendent of the Christina School District, with the approval of his board and support of the leadership of the district's teachers association, has already agreed to participate in this pilot program.

If it is proof that is required to make a teacher incentive program a reality in Delaware, then this pilot program in our largest school district is designed to provide a fair test of the system. If it is a new approach that is required, then this program is the means to that new approach.

Mike reflects the concern of parents in that district for higher standards in the classroom. He shares my willingness to take a fresh look at how we can provide incentives for our teachers, and he enjoys my unqualified support in this effort.

There is one other important education issue before us--vocational education. I will sign an executive order creating a Task Force to Study Vocational Education under the aegis of the State Board of Education.

Drawn from both public and private sectors, the task force will take a comprehensive look at vocational education in Delaware and report to us by the end of the year, recommending an approach that will allow us to ensure a balanced and appropriate education system.

In the past year, as we have reached out to the community for support and fresh ideas about education, I have discovered that there is taking place a lively and imaginative debate about how we can improve our schools.

Let me tell you what I mean.

A year ago, when I met with the State PTA, I challenged its members to find ways to make our schools even better--not with programs that cost more money, but with programs that make more effective use of the money we are already spending.

A few weeks ago, Janet Crouse came back to me with a long list of ideas.

Ideas like increasing the flexibility in funding formulas.

Like reducing the rate of teacher absenteeism.

Like changing the system so that school buses aren't running empty when students remain after school for extracurricular activities.

In the weeks to come, I hope we can begin a similar dialogue here.

Only good can come of it, for our State and our young people.

* * * * *

Today I have discussed education, the environment, a program to help our youngest children and our commitment to making lasting improvements in the State merit system.

There is much left to discuss, however: economic development--including support for the agricultural community--bond bill reform, the many social services the State provides, and the need for safer streets and better roads.

And, having reviewed the impact of a conservative approach to State spending, I am mindful of the need to strengthen the control we have over State spending, particularly in light of what is happening in Washington.

When I present my recommended budget for your consideration, I will address those matters, because each deserves our attention and there are important steps we can take in each area.

For now, I would like to leave you with a final observation on the state of the State.

* * * * *

We have spent a great deal of time talking about education in recent years, and backed up our demands for higher standards with a substantial increase in State support for public education.

In both can be found ample evidence of our commitment to good schools.

But I would suggest that commitment should be viewed in a broader context—a commitment to Delaware, to all that is good in our State, and to make our State better.

Consider:

Not far from here is the Delaware Fire School, the training ground for the thousands of men and women who volunteer to fight an ancient enemy and save lives. It is, if not the best, then among the very best in the nation.

I don't find that surprising.

As you drive through Sussex County, or Kent County, or southern New Castle County, you see some of the most beautiful farmland in the country. You also see the results of independence and innovation—successful and well-run farms in the country, and a farming community that knows the State is willing to respond to its needs.

Construction cranes tower over the Wilmington skyline, as that city continues to confound those who would suggest that the revitalization of our cities is flagging. It is a city on the move.

Not far from Wilmington, in Delaware City, tremendous strides have been taken to assure the health and safety of that Town's residents. A threat has been removed, and State government has reinforced its commitment to protecting its citizens.

All over the State, there are productive and growing businesses, a tribute to both the enterprise of the people who run them and the energy and skill of their employees. We make space suits, we manufacture chemicals, we build cars, we produce food for the table and do countless other things—all well.

In my Inaugural Address, I quoted the words of Theodore Roosevelt, who said, "This country will not be a good place for any of us to live in unless we make it a good place for all of us to live in." I said the same sentiment could be applied to Delaware.

It is a belief shared by the citizens of this State.

All of us are committed to a better Delaware, and I am confident that in the months to come you and I will honor the trust bestowed upon us, and continue to honor that commitment.

Thank you very much.

The Speaker thanked the Governor and asked the previously named Escort Committee to escort the Governor back to his Office.

On motion of Representative Oberle, the Secretary of the Senate and the Chief Clerk of the House compared their Journals and found them to agree.

At 3:29 p.m. on motion of Representative Oberle, the Joint Session adjourned and the two Houses separated to reconvene in their respective Chambers.

* * * * *

The Senate reconvened at 4:54 p.m., Senator Cordrey presiding.

Senator Martin marked PRESENT.

SR 73 was introduced and considered for adoption on motion of Senator Cook:

SR 73 - CONGRATULATING SENATOR RUTH ANN MINNER OF MILFORD ON HER SELECTION AS 1985 WOMAN OF THE YEAR BY THE DELAWARE FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN CLUBS INC. Sponsors: Senators Cook, Cordrey, Marshall and all Senators.

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

The following legislation was introduced:

SB 332 - AN ACT TO AMEND CHAPTER 87, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A DELAWARE COMMISSION OF VETERANS AFFAIRS. Sponsors: Senator Vaughn, Representative Hebner; Senators Cook, McBride, Arnold, Berndt, Sharp, Torbert, Bair, Citro, Martin, Neal, Connor, Holloway, Slatcher; Representatives Oberle, George, Davis, B. Ennis, Roy, Taylor, Jester, Buckworth, Wingate, Quillen, Campanelli, Jonkiert, Brady, West. Assigned to Administrative Services/Energy Committee.

SB 333 - AN ACT TO AMEND CHAPTER 17, TITLE 14 OF THE DELAWARE CODE RELATING TO DIVISION IV FUNDING. Sponsor: Senator Bair. Assigned to Education Committee.

On motion of Senator Cook, the roll call vote on SR 73 was lifted and revealed 20 Senators voting YES, 1 (Minner) NOT VOTING; therefore, the Resolution was declared adopted.

SCR 84 was introduced and considered for adoption on motion of Senator Cordrey who asked Senator Minner to floor-manage the Resolution:

SCR 84 – COMMENDING MRS. PHOEBE E. WEST OF BROADKILL BEACH, MILTON, DELAWARE, ON HER ONE HUNDREDTH BIRTHDAY, JANUARY 13, 1986. Sponsors: Senator Cordrey; Representative West, Senators Cook and Minner.

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

SCR 85 was introduced and considered for adoption on motion of Senator Zimmerman:

SCR 85 – MOURNING THE DEATH OF EDWARD "PAT" KNIGHT AND EXTENDING CONDOLENCES TO HIS WIDOW, ANN. Sponsors: Senators Zimmerman, Cook, Minner, Torbert, Vaughn; Representatives Outten, B. Ennis, Clark, Bennett, Buckworth, Caulk, Quillen.

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

SR 51 was removed from SENATE CONSENT CALENDAR #14 at the request of the sponsor, Senator Holloway and laid on the table.

SENATE CONSENT CALENDAR #14 was lifted for consideration on motion of Senator Minner.

The Consent Calendar consisted of the following: SR 60, SR 69, SR 70, SR 71, SCR 81, SCR 83, HCR 78. The roll call vote on the Consent Calendar was taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted, the Senate Concurrent Resolution were sent to the House for consideration and the House Concurrent Resolution was returned to the House.

Senator Connor introduced his wife and two sons, Brad and Brian, to the Senate.

At 5:10 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 16, 1986.

The Senate reconvened at 2:37 p.m., January 16, 1985, Senator Cordrey presiding.

The following Committee reports were announced:

From the Administrative Services/Energy Committee: SB 314 – 1 Favorable, 3 Merits; SB 326 – 3 Merits, 1 Unfavorable; SB 332 – 3 Merits, 1 Unfavorable.

At 2:40 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 2nd Legislative Day.

2ND LEGISLATIVE DAY January 16, 1986

The Senate convened at 2:40 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman – 20.

ABSENT: Senator Neal – 1.

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

The following Committee reports were announced:

From the Health-Social Services/Aging Committee: SB 313 – 5 Merits; SB 322 – 4 Merits; SB 329 – 6 Merits; SB 330 – 6 Merits.

SB 332 was taken up for consideration on motion of Senator Vaughn:

SB 332 – AN ACT TO AMEND CHAPTER 87, TITLE 29, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A DELAWARE COMMISSION OF VETERANS AFFAIRS.

Senator Connor marked PRESENT.

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

SB 314 was taken up for consideration on motion of Senator McDowell:

SB 314 – AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MANDATORY RETIREMENT AGE FOR STATE EMPLOYEES.

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

At 3:12 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:20 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Administrative Services/Energy Committee: SB 332 – 3 Favorable, 1 Merits (corrected report).

From the Natural Resources and Environmental Control Committee: SB 319 – 1 Favorable, 5 Merits; SB 321 6 Merits; SB 325 – 6 Merits.

SR 74 was introduced:

SR 74 – WELCOMING WOVI-FM, OCEAN VIEW, TO THE AIRWAVES OF DELAWARE. Sponsor: Senator Cordrey.

At the request of Senator Cordrey, Senator Sharp floor-managed the Resolution.

Senator Zimmerman marked PRESENT.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Arnold, Citro, Martin, Neal) ABSENT: therefore, the Resolution was declared adopted.

The following legislation was introduced:

SB 334 - AN ACT TO AMEND CHAPTER 43, PART II, TITLE II OF THE DELAWARE CODE RELATING TO THE BOARD OF PARDONS; AND PROVIDING FOR NOTICE TO CERTAIN PERSONS PRIOR TO PARDONS HEARINGS. Sponsors: Senators Cordrey and Neal. Assigned to Judiciary Committee.

SB 335 - AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" RELATING TO AUTHORITY OF CITY TO SELL PROPERTY. Sponsors: Senator Slatcher and Representative Fallon. Assigned to Community Affairs Committee.

SB 336 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 21, TITLE 21, DELAWARE CODE, AND CHAPTER 30, TITLE 30, DELAWARE CODE, RELATING TO THE EXEMPTION OF VEHICLES OWNED AND USED BY THE DELAWARE CIVIL AIR PATROL FROM REGISTRATION FEES AND THE MOTOR VEHICLES DOCUMENT FEE. Sponsors: Senators Torbert, Cook, McBride, Minner, Cordrey, Vaughn, Holloway, Zimmerman, Slatcher, Knox, Arnold, Neal; Representatives Buckworth, Oberle, B. Ennis, Clark, Free, Wingate, Caulk, Spence. Assigned to Public Safety Committee.

SJR 12 - AUTHORIZING AND DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO DESIGN AND INSTALL IN AN APPROPRIATE PLACE A PLAQUE COMMEMORATING THE CIVILIAN CONSERVATION CORPS AND THE DELAWAREANS WHO SERVED THEREIN. Sponsors: Senators Torbert, Minner, Vaughn, Cook, Sharp, McDowell, Holloway, Zimmerman, Slatcher, Knox, Neal, Arnold; Representatives Outten, Wingate, Caulk, Free, Buckworth. Assigned to Natural Resources and Environmental Control Committee.

Senator Martin marked PRESENT.

At 4:35 p.m. on motion of Senator Sharp, the Senate recessed until 2:05 p.m., January 21, 1986.

The Senate reconvened at 2:05 p.m., Senator Cordrey presiding and adjourned on motion of Senator Sharp to immediately convene for the 3rd Legislative Day.

3RD LEGISLATIVE DAY

January 21, 1986

The Senate convened at 2:05 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

After a brief recess called by the Chair due to the lack of a quorum present, the Secretary called the roll which revealed:

PRESENT: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman .

20.

ABSENT: Senator Arnold - 1.

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

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

STATE OF DELAWARE

Office of the Governor

January 21, 1986

To the Senate of the 133rd 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, Jr., 207 Willow Avenue, Camden, DE 19934, to be appointed as the State Election Commissioner, State of Delaware, for a term of four years to succeed Virginia M. Dennis, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,

Michael N. Castle, Governor

STATE OF DELAWARE

Office of the Governor

January 21, 1986

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William J. Aultman, Jr., 537 McKean Street, Seaford, DE 19973, to be appointed a member of the Board of Pension Trustees for a term of four years to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 21, 1986

To the Senate of the 133rd 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 G. Wilder, Box 487, Hockessin, DE 19707, to be reappointed 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
January 21, 1986

To the Senate of the 133rd 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 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
January 21, 1986

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Jan C. Ting, Esq. 104 Alapocas Drive, Wilmington, DE 19803, to be appointed a member of the State Personnel Commission for a term of three years to replace Peter Frankenberg, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

Senators Holloway and McDowell marked PRESENT.
The following legislation was introduced:

SB 337 - AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" RELATING TO QUALIFICATION FOR MAYOR AND CITY COUNCILPERSONS. Sponsors: Senator Slatcher, Representative Fallon. Assigned to Community Affairs Committee.

Senator McBride marked PRESENT.

SB 338 - AN ACT TO AMEND CHAPTER 52, VOLUME 65 OF THE LAWS OF DELAWARE, RELATING TO THE SUPERIOR COURT. Sponsors: Senators Vaughn, Bair; Representatives Outten, Spence. Assigned to Judiciary Committee.

SB 339 - AN ACT TO AMEND TITLES 10, 13, 29 AND 30 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT. Sponsors: Senator Holloway, Representative Maroney. Assigned to Health-Social Services/Aging Committee.

SB 323 was reported out of the Finance Committee: 5 Merits, 1 Unfavorable.

SA 1 to SB 250. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 319. Sponsor: Senator Cordrey. Placed with the Bill.

SB 326 was taken up for consideration on motion of Senator McDowell:

SB 326 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITY RATES.

Senator Marshall marked PRESENT.

At 2:20 p.m., Senator Sharp presiding.

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

YES: Senators Adams, Bair, Berndt, Cook, Cordrey, Holloway, Knox, Marshall, McBride, McDowell, Minner, Sharp, Torbert, Vaughn - 14.

NO: Senator Slatcher - 1.

ABSENT: Senators Arnold, Citro, Connor, Martin, Neal, Zimmerman - 6.

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

SB 322 was taken up for consideration on motion of Senator Cordrey:

SB 322 - AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO THE UNIFORM ANATOMICAL GIFT ACT; AND REQUIRING THAT A BLOOD SAMPLE BE TAKEN FROM THE DONOR.

Senators Zimmerman and Neal marked PRESENT.

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

SB 319 was taken up for consideration on motion of Senator Cordrey:

SB 319 - AN ACT TO AMEND TITLE 23, CHAPTER 21 OF THE DELAWARE CODE RELATING TO LICENSES AND REGISTRATION FEES OF MOTORBOATS.

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

The roll call vote on the Amendment was taken and revealed 17 Senators voting YES and 4 (Arnold, Citro, Connor, Martin) ABSENT; therefore, the Amendment was declared adopted.

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

Senators Connor and Citro marked PRESENT.

The roll call vote on **SB 319 w SA 1** was then taken and revealed 18 Senators voting YES and 3 (Arnold, Holloway, Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 325 was taken up for consideration on motion of Senator Cordrey:

SB 325 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO THE POWERS AND DUTIES OF THE DIVISION OF ENVIRONMENTAL CONTROL.

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

YES: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, McBride, McDowell, Minner, Neal, Slatcher, Torbert, Vaughn - 17.

NOT VOTING: Senators Sharp and Zimmerman - 2.

ABSENT: Senators Arnold, Martin - 2.

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

At 3:00 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:21 p.m., Senator Sharp presiding.

The following legislation was introduced:

SB 340 - AN ACT TO AMEND CHAPTER 87, VOLUME 65, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1986; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.", BEING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY OF THE STATE OF DELAWARE. Sponsors: Senators Cook, Berndt, Vaughn; Representatives Corrozi, Jonkiert, Petrilli. Assigned to Finance Committee.

SB 341 - AN ACT CREATING THE DELAWARE CHILD SUPPORT GUARANTEE REVOLVING FUND AND PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR ITS FUNDING. Sponsors: Senators McDowell, Holloway, Minner. Assigned to Finance Committee.

SB 342 - AN ACT TO AMEND PART II, TITLE 12 OF THE DELAWARE CODE RELATING TO WILLS; AND PROVIDING FOR A UNIFORM INTERNATIONAL WILLS ACT. Sponsor: Senator Minner. Assigned to Judiciary Committee.

SB 343 – AN ACT TO AMEND CHAPTER 29, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE AUDITOR OF ACCOUNTS. Sponsors: Senators Adams, Citro, McDowell, Minner, Slatcher, Vaughn; Representatives Bennett, Brady, Buckworth, Clark, Davis, B. Ennis, Jester, Outten, Steel, Taylor, West, Wingate. Assigned to Executive Committee.

SB 344 – AN ACT TO AMEND CHAPTER 29, TITLE 29, OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE OFFICE OF AUDITOR OF ACCOUNTS. Sponsors: Senators Adams, Citro, McDowell, Minner, Slatcher, Vaughn; Representatives Bennett, Brady, Buckworth, Clark, Davis, B. Ennis, Jester, Outten, West, Wingate. Assigned to Executive Committee.

SB 345 – AN ACT TO AMEND CHAPTER 23, TITLE 19, OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE OFFICE OF AUDITOR OF ACCOUNTS. Sponsors: Senators Marshall, Citro, McDowell, Minner, Slatcher, Vaughn; Representatives Bennett, Brady, Buckworth, Clark, Davis, B. Ennis, Jester, Outten, West, Wingate. Assigned to Executive Committee.

SB 336 was reported out of the Public Safety Committee: 4 Merits.

SA 1 to SB 314. Sponsor: Senator McDowell. Placed with the Bill.

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

SCR 86 – URGING BLUE CROSS/BLUE SHIELD OF DELAWARE TO MAINTAIN AN OFFICE IN SOUTHERN DELAWARE TO PROVIDE THE NECESSARY HEALTH CARE SERVICES TO CITIZENS IN KENT AND SUSSEX COUNTIES. Sponsors: Senators Minner, Vaughn, Cook, Torbert, Zimmerman, Adams, Cordrey, Slatcher; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk, Buckworth, Barnes, Carey, Wingate, Steele, Fallon, Cordrey, West.

Senator Martin marked PRESENT.

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

SB 323 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules:

SB 323 – AN ACT AMENDING TITLE 7 DELAWARE CODE CREATING THE DELAWARE MUNICIPALITIES NATURAL DISASTERS REVOLVING FUND AND PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR ITS FUNDING.

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

SB 313 was taken up for consideration on motion of Senator McBride:

SB 313 – AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO ANATOMICAL GIFTS; AND PERMITTING A HOSPITAL ADMINISTRATOR OR HIS DESIGNEE TO REQUEST AN ANATOMICAL GIFT UNDER CERTAIN CIRCUMSTANCES.

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

SB 314 was lifted from the table for consideration on motion of Senator McDowell.

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

YES: Senators Adams, Bair, Berndt, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Slatcher, Torbert, Vaughn – 16.

NO: Senators Cordrey, Sharp, Zimmerman – 3.

ABSENT: Senators Arnold, Citro – 2.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Anthony Flynn (Counsel to the Governor) after which the roll call vote on **SB 314 w SA 1** was taken and revealed:

YES: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn – 17.

NO: Senators Cordrey, Neal, Zimmerman – 3.

ABSENT: Senator Arnold – 1.

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

SR 75 was introduced and considered for adoption on motion of Senator Bair:

SR 75 – CONGRATULATING BOB AND PAM PERKINS UPON THE BIRTH OF THEIR SON, TODD FRANKLIN PERKINS. Sponsors: Senators Bair, Cordrey, Sharp, McDowell.

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

SR 76 was introduced and considered for adoption on motion of Senator McBride:

SR 76 – THANKING THE DIAMOND STATE TELEPHONE COMPANY FOR INSTITUTING A "CHILD WATCH" PROGRAM AS PART OF ITS MONTHLY RESIDENTIAL BILLING PROCESS AND URGING OTHER UTILITIES TO JOIN THE EFFORT. Sponsors: Senators McBride, Marshall.

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

SR 77 was introduced and floor-managed for adoption by Senator Torbert at the request of Senator Minner:

SR 77 – CONGRATULATING JOHN F. TARBURTON UPON BEING ELECTED AS A MEMBER OF THE AMERICAN FARM BUREAU BOARD REPRESENTING THE NORTHEAST REGION. Sponsors: Senator Minner, Adams, Zimmerman.

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

At 5:02 p.m. on motion of Senator Cordrey, the Senate adjourned until 2:00 pm., January 22, 1986.

4TH LEGISLATIVE DAY

JANUARY 22, 1986

The Senate convened at 2:29 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Neal.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 20.

ABSENT: Senator Arnold - 1.

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

The following Committee reports were announced:

From the Administrative Services Committee:

SB 298 - 1 Favorable, 4 Merits; SB 308 - 1 Favorable, 4 Merits.

From the Health-Social Services/Aging Committee: SB 339 - 5 Merits.

From the Executive Committee: John G. Davis, Jr. - 1 Favorable, 3 Merits; Regina C. Dudziec - 2 Favorable, 2 Merits; William Aultman, Jr. - 3 Favorable, 1 Merits.

Senator Bair introduced to the Senate guest photographer Carolyn Livoy, author of The Eye Magazine and Youth Services Guide.

SB 336 was taken up for consideration on motion of Senator Torbert:

SB 336 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 21, TITLE 21, DELAWARE CODE, AND CHAPTER 30, TITLE 30, DELAWARE CODE, RELATING TO THE EXEMPTION OF VEHICLES OWNED AND USED BY THE DELAWARE CIVIL AIR PATROL FROM REGISTRATION FEES AND THE MOTOR VEHICLES DOCUMENT FEE.

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

SB 346 was introduced and assigned to Community Affairs Committee:

SB 346 - AN ACT TO REQUIRE THE GOVERNMENT OF NEW CASTLE COUNTY TO PREPARE AND ADOPT A NEW COMPREHENSIVE DEVELOPMENT PLAN AND PLACE A MORATORIUM ON ZONING CHANGES UNTIL SAID ADOPTION. Sponsors: Senators Sharp, Vaughn, Martin, Citro; Representatives Petrilli, Roy, D. Ennis, Spence, Jester, B. Ennis.

At 2:40 pm., Senator Sharp presiding.

Senators Minner, Adams, Citro, McDowell marked PRESENT.

SB 323 was lifted from the table for consideration on motion of Senator Cordrey.

SA 1 to the Bill was introduced by Senator Minner and considered for adoption on her motion. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Arnold, Holloway, Martin) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 323 w SA 1 was then taken and revealed 18 Senators voting YES and 3 (Arnold, Holloway, Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 285 was taken up for consideration on motion of Senator McDowell:

SB 285 - AN ACT TO AMEND CHAPTER 101, SUBCHAPTER VII, TITLE 29 OF THE DELAWARE CODE RELATING TO AGENCIES AFFECTED BY THE ADMINISTRATIVE PROCEDURES ACT.

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

SB 298 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 298 - AN ACT TO AMEND CHAPTER 14, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE BOARD OF ELECTRICAL EXAMINERS.

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

SB 308 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 308 - AN ACT TO AMEND CHAPTER 1, TITLE 26, DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION.

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

At 3:04 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:44 p.m., Senator Sharp presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 277 w SA 1; SB 279; SB 293; SB 281; SB 282; SB 295; SB 299 and adopted SCR 83; SCR 84 and SCR 85.

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

SR 78 - REQUESTING THE SECRETARY OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO CONDUCT A FEASIBILITY STUDY REGARDING THE REPLACEMENT AND/OR IMPROVEMENT OF THE DOORS TO THE ENTRANCE TO THE ELBERT N. CARVEL STATE OFFICE BUILDING. Sponsor: Senator Holloway.

Senator Martin marked PRESENT.

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

On motion of Senator Adams, the Governor's nomination for appointment of William J. Aultman, Jr., was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Arnold) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Regina C. Dudziec was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed:

YES: Senators Adams, Connor, Cook, Cordrey, Holloway, Knox, McBride, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 13.

NO: Senator Minner - 1.

NOT VOTING: Senators Bair, Berndt, Citro, Marshall, Martin, McDowell - 6.

ABSENT: Senator Arnold - 1.

Therefore, the appointment was declared confirmed.

SB 336 was lifted from the table for consideration on motion of Senator Torbert.

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

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

The roll call vote on SB 336 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Citro, Connor, Cook, Cordrey, Knox, Marshall, Martin, McBride, McDowell Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 17.

NO: Senator Neal - 1.

NOT VOTING: Senators Berndt and Holloway - 2.

ABSENT: Senator Arnold - 1.

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

SB 308 was lifted from the table on motion of Senator McDowell and returned to the Administrative Services/Energy Committee.

At 5:05 p.m. on motion of Senator Cordrey, the Senate adjourned until 2:00 p.m., January 23, 1986.

5TH LEGISLATIVE DAY

January 23, 1986

The Senate convened at 2:21 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 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 91; HCR 92; HCR 93; HCR 94; HCR 95; SCR 81; SCR 86.

The following Legislation was introduced:

SB 347 - AN ACT TO AMEND CHAPTER 80 PART VIII, TITLE 7, DELAWARE CODE, AUTHORIZING THE GOVERNOR TO WITHDRAW THE STATE OF DELAWARE FROM THE NORTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT AND FOR THE PURPOSE OF ENACTING ON THE PART OF THIS STATE A COMPACT PURSUANT TO STATE AND FEDERAL LAW FOR THE INTERSTATE MANAGEMENT OF LOW-LEVEL RADIOACTIVE WASTE TO BE CALLED THE "APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT"; DEFINING CERTAIN TERMS; PROVIDING FOR CERTAIN RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF THE PARTY STATES, CREATING AN APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMMISSION; PROVIDING FOR THE MEMBERSHIP OF THE COMMISSION; ESTABLISHING PROCEDURES, A BUDGETARY SYSTEM, AND INITIAL FUNDING OF THE COMMISSION; ESTABLISHING THE POWERS AND DUTIES OF THE COMMISSION; PROVIDING FOR A HOST STATE SELECTION PROCESS FOR THE DEVELOPMENT AND OPERATION OF REGIONAL FACILITIES; PROVIDING FOR CERTAIN FEES AND SURCHARGES; PROVIDING FOR THE CLOSURE OF A REGIONAL FACILITY UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR A PROHIBITION OF CONFLICTS-OF-INTEREST OF OR BY THE COMMISSIONERS, PROVIDING FOR CRIMINAL SANCTIONS FOR THE MISCONDUCT OF COMMISSIONERS WHILE SERVING IN THEIR OFFICIAL CAPACITIES; PROVIDING A LIST OF INITIALLY ELIGIBLE STATES; PROVIDING FOR CONGRESSIONAL REVIEW AND RATIFICATION; PROVIDING FOR WITHDRAWAL FROM THE COMPACT; PROVIDING FOR TERMINATION OF THE COMPACT; PROVIDING CERTAIN PROHIBITIVE ACTS; PROVIDING FOR COMPENSATION AND CLEANUP DURING A REGIONAL FACILITY'S OPERATION AND POST-CLOSURE PERIOD; PROVIDING FOR THE COMPENSATION OF THOSE INJURED BY OR THROUGH THE OPERATION OF, OR AFTER THE CLOSURE OF, THE REGIONAL DISPOSAL FACILITY, WITH LIABILITY TO BE APPORTIONED IN ACCORDANCE WITH THE PERCENTAGE OF LOW-LEVEL RADIOACTIVE WASTE STORED AT THE REGIONAL FACILITY; PROVIDING FOR THE SEVERABILITY OF THIS ACT; AND GENERALLY RELATING TO THE APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT. Sponsors: Senator Berndt, Representative Carey; Senator Sharp; Representatives Cordrey, Mack. Laid on the table on motion of Senator Berndt.

SB 348 – AN ACT TO AMEND CHAPTER 86, PART III, TITLE II OF THE DELAWARE CODE RELATING TO THE DELAWARE JUSTICE INFORMATION SYSTEM. Sponsors: Senator Vaughn; Representatives B. Ennis, Spence, Reynolds, Davis, VanSant, Houghton; Senators Citro, Torbert. Assigned to Judiciary Committee.

SB 349 – AN ACT TO AMEND CHAPTER 258, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE 'THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE' TO BORROW \$1,000,000.00 AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF PROVIDING A SEWAGE DISPOSAL PLANT AND SYSTEM IN THE TOWN OF SELBYVILLE AND TO CONTROL AND REGULATE THE SAME" TO PROVIDE FOR THE ISSUING OF BOND ANTICIPATORY NOTES. Sponsors; Senator Cordrey, Representative Steele. Assigned to Community Affairs Committee.

SB 350 – AN ACT TO AMEND SUBCHAPTER II, CHAPTER II, TITLE 30 OF THE DELAWARE CODE RELATING TO FOSTER CARE PAYMENTS. Sponsors: Senators Holloway, Bair, Berndt; Representatives Bennett, Maroney, Sills. Assigned to Judiciary Committee.

SJR 13 – MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO EXERCISE THE INFLUENCE AND POWER OF THEIR HIGH OFFICES TO ENACT LEGISLATION DEPRIVING U. S. CITIZENS OF CERTAIN PRIVILEGES AND IMMUNITIES WHO ARE CONVICTED OF COMPROMISING THEIR COUNTRY'S SECURITY. Sponsor: Senator Martin. Assigned to Executive Committee.

The following Committee reports were announced:

From the Finance Committee: **SB 341** – 4 Merits.

From the Executive Committee: **SB 343** – 1 Favorable, 3 Merits; **SB 344** – 1 Favorable, 3 Merits; **SB 345** – 1 Favorable, 3 Merits.

SB 350 which had been assigned to Judiciary Committee was reassigned to the Revenue and Taxation Committee at the request of Senator Marshall, no objection.

SB 329 was laid on the table on motion of Senator Holloway.

SB 330 was taken up for consideration on motion of Senator Holloway:

SB 330 – AN ACT TO AMEND CHAPTER 5, TITLE 13, DELAWARE CODE, RELATING TO VOLUNTARY WAGE ASSIGNMENTS AND WAGE ATTACHMENTS ORDERED BY FAMILY COURT OF THE STATE OF DELAWARE.

Senators Bair, McDowell, Neal marked PRESENT during the roll call..

The roll call vote on **SB 330** was then taken; however, the roll call was laid on the table before being announced on motion of Senator Holloway.

On motion of Senator Adams, the Governor's nomination for appointment of John G. Davis, Jr. was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (Arnold and Martin) ABSENT; therefore, the appointment was declared confirmed.

SB 343 was taken up for consideration on motion of Senator Adams under suspension of the necessary rules:

SB 343 – AN ACT TO AMEND CHAPTER 29, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE AUDITOR OF ACCOUNTS.

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

On motion of Senator Holloway, the roll call vote on **SB 330** was lifted and announced:

YES: Senators Adams, Bair, Berndt, Connor, Cordrey, Holloway, Knox, Marshall, McDowell, Minner, Neal – 11.

NO: Senators Citro, Cook, McBride, Sharp, Slatcher, Torbert, Vaughn, Zimmerman – 8.

ABSENT: Senators Arnold, Martin – 2.

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

SB 344 was taken up for consideration on motion of Senator Adams under suspension of the necessary rules:

SB 344 – AN ACT TO AMEND CHAPTER 29, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE OFFICE OF AUDITOR OF ACCOUNTS.

The privilege of the floor was extended to Dennis E. Greenhouse (Auditor of Accounts) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Arnold and Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 345 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

SB 345 – AN ACT TO AMEND CHAPTER 23, TITLE 19, OF THE DELAWARE CODE RELATING TO THE DUTIES OF THE OFFICE OF AUDITOR OF ACCOUNTS.

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

At 3:00 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:25 p.m., Senator Cordrey presiding.

Senator Martin marked PRESENT.

SR 79 was introduced and considered for adoption on motion of Senator Martin:

SR 79 – REQUESTING THE STATE INSURANCE COMMISSIONER TO APPEAR BEFORE THE DELAWARE STATE SENATE TO EXPLAIN OR LEND SOME CREDENCE OR JUSTIFICATION FOR THE EXORBITANT LIABILITY INSURANCE RATES AND TO RECOMMEND ANY ALTERNATIVE SOLUTIONS TO SUCH ENORMOUS RATE INCREASES. Sponsor: Senator Martin.

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

The following legislation was introduced:

SB 351 – AN ACT TO AMEND CHAPTER 32, TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP LIFE INSURANCE FOR STATE EMPLOYEES. Sponsors: Senator Cook, Representative Gilligan; Senators Vaughn, Berndt; Representatives Petrilli, George. Assigned to Insurance and Elections Committee.

SB 352 – AN ACT TO AMEND CHAPTER 13, PART 1, TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION; AND PROVIDING A BASIC SALARY SCHEDULE FOR TEACHERS. Sponsors: Senators McBride, Marshall, Holloway, Zimmerman, McDowell, Minner, Connor, Berndt; Representatives Spence, Buckworth, Mack, Caulk, Davis, Reynolds, Outten, Bennett, Wingate, Soles, Jester. Assigned to Finance Committee.

SR 80 was introduced and considered for adoption on motion of Senator Zimmerman:

SR 80 – URGENTLY REQUESTING PRESIDENT RONALD W. REAGAN AND THE ENVIRONMENTAL PROTECTION AGENCY TO INDEFINITELY POSTPONE THE PROPOSED "RESEARCH BURN" OF 700,000 GALLONS OF OIL CONTAINING CARCINOGENIC MATERIAL IN THE ATLANTIC OCEAN EAST OF CAPE HENLOPEN, DELAWARE, AND DENY AN OCEAN INCINERATION PERMIT TENTATIVELY GRANTED TO WASTE MANAGEMENT INC. OF OAK BROOK, ILL. Sponsors: Senators Zimmerman, Adams, Cook, Cordrey, Marshall, Minner, McDowell, Martin, Sharp, Torbert, Vaughn, McBride.

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

YES: Senators Cook Cordrey, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman – 11.

NO: Senators Bair, Berndt, Citro, Connor, Knox, Neal, Slatcher – 7.

ABSENT: Senators Adams, Arnold, Holloway – 3.

Therefore, the Resolution was declared adopted.

SCR 89 was introduced and considered for adoption on motion of Senator Berndt:

SCR 89 – IN RECOGNITION OF DELAWARE DAY IN POMPANO BEACH, FLORIDA, ON THURSDAY, FEBRUARY 13, 1986 AND ENCOURAGING DELAWAREANS TO ATTEND THIS FESTIVE OCCASION. Sponsors: Senators Berndt, Adams, Cordrey; Representative Bennett.

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

SENATE CONSENT CALENDAR #15 was introduced:

SCR 87 – PROVIDING FOR THE CONTINUANCE OF THE PRISON INDUSTRY TASK FORCE CREATED UNDER SENATE CONCURRENT RESOLUTION 10 OF THE 133RD GENERAL ASSEMBLY. Sponsors: Senator Vaughn; Representatives Anderson, Davis, Spence, VanSant.

SCR 88 – DIRECTING LEGISLATIVE COUNCIL TO STUDY, EVALUATE AND RECOMMEND TO THE GENERAL ASSEMBLY CONCERNING THE STATE COMPENSATION AND PRODUCTIVITY COMMISSION REPORT. Sponsors: Senators Cordrey, Sharp.

HCR 91 – CONGRATULATING DOROTHY GLANZEL FOR HER ACCOMPLISHMENT IN BEING SELECTED AS THE FIRST FEMALE PRESIDENT OF THE WILMINGTON OPTIMISTS JAYCEES LITTLE LEAGUE, INC. Sponsors: Representative George, Senator McDowell.

HCR 92 – COMMENDING CHAD EPIFANIO AND HIS TEACHER, HARRIETT DONOFRIO, FOR THEIR RECENT MARINE SCIENCE PROJECT WHICH HAS BROUGHT NATIONAL ACCLAIM TO THE CAPE HENLOPEN SCHOOL DISTRICT. Sponsors: Representative Wingate, Senator Minner.

HCR 93 – ENCOURAGING THE DEPARTMENT OF PUBLIC INSTRUCTION TO ESTABLISH AN INTRASTATE, INTERSCHOLASTIC STUDENT EXCHANGE PROGRAM FOR HIGH SCHOOL STUDENTS IN DELAWARE. Sponsor: Representative Jester.

HCR 94 – COMMENDING KAREN KOSAKOWSKI OF ST. ELIZABETH'S FOR HER OUTSTANDING PERFORMANCE IN THE GIRLS' CATHOLIC BASKETBALL CONFERENCE. Sponsors: Representative Jonkiert, Senator Marshall, Representative VanSant.

HCR 95 – COMMENDING SHERRY SZCZUKA OF DELCASTLE TECHNICAL HIGH SCHOOL FOR HER OUTSTANDING PERFORMANCE IN GIRLS' BASKETBALL. Sponsors: Representative Jonkiert, Senator Marshall, Representative VanSant.

* * * * *

SENATE CONSENT CALENDAR #15 was then laid on the table on motion of Senator Minner.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 404 w HA 1**.

The following Committee reports were announced:

From the Community Affairs Committee: **SB 335** – 1 Favorable, 3 Merits; **SB 337** – 1 Favorable, 3 Merits.

HB 404 w HA 1 was introduced and assigned to Health-Social Services/Aging Committee:

HB 404 w HA 1 - AN ACT TO AMEND TITLES 10, 13, 29 and 30 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT. Sponsors: Representative Maroney, Senator Holloway.

At 4:45 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 28, 1986.

The Senate reconvened at 2:09 p.m., January 28, 1986, Senator Cordrey presiding.

SB 320 which had been assigned to Community Affairs Committee was reassigned to Judiciary Committee at the request of Senator Cordrey.

SB 353 was introduced and assigned to Public Safety Committee:

SB 353 - AN ACT TO AMEND TITLE 6, DELAWARE CODE, TO REQUIRE USED CAR DEALERS TO PROMINENTLY POST SCHEDULE OF INTEREST RATES AND OTHER FEES AND CHARGES AND PROVIDING A PENALTY FOR FAILURE TO COMPLY. Sponsor: Senator Holloway.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 408 w HA 1**; **HB 403**; **SB 206 w HA 1**.

The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: **SJR 12** - 4 Merits.

From the Health-Social Services/Aging Committee: **HB 404 w HA 1** - 5 Merits.

Senator Arnold marked PRESENT.

At 2:11 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 6th Legislative Day.

6TH LEGISLATIVE DAY
JANUARY 28, 1986

The Senate convened at 2:11 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

SB 347 was taken up for consideration on motion of Senator Berndt under suspension of the necessary rules:

SB 347 - AN ACT TO AMEND CHAPTER 80 PART VIII, TITLE 7, DELAWARE CODE, AUTHORIZING THE GOVERNOR TO WITHDRAW THE STATE OF DELAWARE FROM THE NORTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT AND FOR THE PURPOSE OF ENACTING ON THE PART OF THIS STATE A COMPACT PURSUANT TO STATE AND FEDERAL LAW FOR THE INTERSTATE MANAGEMENT OF LOW-LEVEL RADIOACTIVE WASTE TO BE CALLED THE "APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT"; DEFINING CERTAIN TERMS; PROVIDING FOR CERTAIN RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF THE PARTY STATES, CREATING AN APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMMISSION; PROVIDING FOR THE MEMBERSHIP OF THE COMMISSION; ESTABLISHING PROCEDURES, A BUDGETARY SYSTEM, AND INITIAL FUNDING OF THE COMMISSION; ESTABLISHING THE POWERS AND DUTIES OF THE COMMISSION; PROVIDING FOR A HOST STATE SELECTION PROCESS FOR THE DEVELOPMENT AND OPERATION OF REGIONAL FACILITIES; PROVIDING FOR CERTAIN FEES AND SURCHARGES; PROVIDING FOR THE CLOSURE OF A REGIONAL FACILITY UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR A PROHIBITION OF CONFLICTS OF INTEREST OF OR BY THE COMMISSIONERS, PROVIDING FOR CRIMINAL SANCTIONS FOR THE MISCONDUCT OF COMMISSIONERS WHILE SERVING IN THEIR OFFICIAL CAPACITIES; PROVIDING A LIST OF INITIALLY ELIGIBLE STATES; PROVIDING FOR CONGRESSIONAL REVIEW AND RATIFICATION; PROVIDING FOR WITHDRAWAL FROM THE COMPACT; PROVIDING FOR TERMINATION OF THE COMPACT; PROVIDING CERTAIN PROHIBITIVE ACTS; PROVIDING FOR COMPENSATION AND CLEANUP DURING A REGIONAL FACILITY'S OPERATION AND POST-CLOSURE PERIOD; PROVIDING FOR THE COMPENSATION OF THOSE INJURED BY OR THROUGH THE OPERATION OF, OR AFTER THE CLOSURE OF, THE REGIONAL DISPOSAL FACILITY, WITH LIABILITY TO BE APPORTIONED IN ACCORDANCE WITH THE PERCENTAGE OF LOW-LEVEL RADIOACTIVE WASTE STORED AT THE REGIONAL FACILITY; PROVIDING FOR THE SEVERABILITY OF THIS ACT; AND GENERALLY RELATING TO THE APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT.

The privilege of the floor was extended to Harry W. Otto (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 sent to the House for consideration.

SB 335 was taken up for consideration on motion of Senator Slatcher:

SB 335 - AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" RELATING TO AUTHORITY OF CITY TO SELL PROPERTY.

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 337 was taken up for consideration on motion of Senator Slatcher:

SB 337 – AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" RELATING TO QUALIFICATIONS FOR MAYOR AND CITY COUNCIL PERSONS.

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

At 2:45 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:00 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Community Affairs Committee: **SB 346** – 3 Unfavorable; **SB 349** – 5 Merits.

The following legislation was introduced:

SB 353 – AN ACT TO AMEND TITLE 6, DELAWARE CODE, TO REQUIRE USED CAR DEALERS TO PROMINENTLY POST SCHEDULE OF INTEREST RATES AND OTHER FEES AND CHARGES AND PROVIDING A PENALTY FOR FAILURE TO COMPLY. Sponsor: Senator Holloway. Assigned to Public Safety Committee.

SB 354 – AN ACT TO AMEND CHAPTER 90, TITLE II OF THE DELAWARE CODE PERMITTING THE VIOLENT CRIMES COMPENSATION BOARD TO GRANT AWARDS FOR OTHER THAN PECUNIARY LOSS, INCREASING THE QUALIFYING AMOUNT FOR A ONE MEMBER QUORUM AND REQUIRING THE VICTIMS TO REPORT THE CRIME WITHIN SEVENTY-TWO HOURS. Sponsors: Senators Vaughn, Citro, Slatcher, Torbert, Cook; Representatives Spence, Reynolds, B. Ennis, Jester, Davis, VanSant, Houghton. Assigned to Finance Committee.

SB 355 – AN ACT TO AMEND CHAPTER 79, TITLE 29, DELAWARE CODE, TO PROVIDE FOR FINANCIAL DISCLOSURE AND ACCOUNTABILITY BY CHILD SUPPORT RECIPIENTS IN THE STATE OF DELAWARE. Sponsor: Senator Holloway. Assigned to Health-Social Services/Aging Committee.

SB 356 – AN ACT TO AMEND CHAPTER 63, TITLE 18, DELAWARE CODE RELATING TO THE PROVIDING OF CUSTOMER SERVICE OFFICES BY HEALTH SERVICE CORPORATIONS. Sponsors: Senators Minner, Holloway, Torbert, McBride, Vaughn, McDowell, Cordrey, Sharp, Marshall, Zimmerman. Assigned to Health-Social Services/Aging Committee.

SA 1 to SB 346. Sponsor: Senator Connor (by request). Placed with the Bill.

HB 403 – AN ACT TO AMEND TITLE 30, CHAPTER 20, SUBCHAPTER III, RELATING TO TARGETED AREAS. Sponsors: Representative Reynolds; Senators McBride, Marshall. Laid on the table on motion of Senator Sharp.

HB 408 w HA 1 – AN ACT TO AMEND CHAPTER 23, TITLE 29 OF THE DELAWARE CODE, AND CHAPTER I, TITLE 8 OF THE DELAWARE CODE, ESTABLISHING A DIVISION OF CORPORATIONS CORPORATE REVOLVING FUND AND A FEE SCHEDULE FOR SPECIAL REQUEST SERVICES. Sponsors: Representative Petrilli, Senator Cook; Representative Spence, Senator Sharp. Laid on the table on motion of Senator Sharp.

SB 206 which was returned from the House further amended by **HA 1** was laid on the table on motion of Senator Cook.

SCR 90 was introduced and considered for adoption on motion of Senator Sharp:

SCR 90 - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF HEARING THE BUDGET MESSAGE BY MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE. Sponsor: Senator Sharp.

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

SB 341 was taken up for consideration on motion of Senator McDowell:

SB 341 – AN ACT CREATING THE DELAWARE CHILD SUPPORT GUARANTEE REVOLVING FUND AND PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR ITS FUNDING.

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

YES: Senators Adams, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman -- 17.

NO: Senator Neal - 1.

NOT VOTING: Senators Arnold, Bair - 2.

ABSENT: Senator Berndt - 1.

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

At 4:29 p.m., Senator Sharp presiding.

SB 349 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules:

SB 349 – AN ACT TO AMEND CHAPTER 258, VOLUME 55, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE THE MAYOR AND COUNCIL OF THE TOWN OF SELBYVILLE" TO BORROW \$1,000,000.00 AND TO ISSUE BONDS TO SECURE THE PAYMENT THEREOF FOR THE PURPOSE OF PROVIDING A SEWAGE DISPOSAL PLANT AND SYSTEM IN THE TOWN OF SELBYVILLE AND TO CONTROL AND REGULATE THE SAME" TO PROVIDE FOR THE ISSUING OF BOND ANTICIPATORY NOTES.

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 #15 was lifted from the table for consideration on motion of Senator Minner; however, the following Resolutions were stricken from the Original Calendar: **HCR 94**, **HCR 95**, **SCR 87**, **SCR 88**.

The roll call vote on the revised SENATE CONSENT CALENDAR #15 consisting of HCR 91, HCR 92 and HCR 93 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted by the Senate and returned to the House.

SENATE CONSENT CALENDAR #16 was introduced and considered for adoption on motion of Senator Minner. The Resolutions comprising the Calendar were:

SR 81 - EXPRESSING MANY THANKS AND APPRECIATION TO MRS. VIRGINIA DENNIS WHO SERVED AS STATE ELECTIONS COMMISSIONER FROM NOVEMBER 16, 1983 TO DECEMBER 31, 1985. Sponsor: Senator Holloway and all the Senators.

SR 82 - COMMENDING THE LAUREL BULLDOGS FOOTBALL TEAM ON WINNING THE 1985 HENLOPEN CONFERENCE SOUTHERN DIVISION TITLE AND AS RUNNER-UP IN THE DIVISION II STATE CHAMPIONSHIP TOURNAMENT. Sponsor: Senator Slatcher.

SR 83 - COMMENDING DAVID SHELLNBARGER AND MICHAEL SHELLNBARGER ON ACHIEVING THE RANK OF EAGLE SCOUT. Sponsor: Senator Arnold.

SR 84 - COMMENDING THE DELMAR WILDCATS ON WINNING THE 1985 DIVISION III DELAWARE HIGH SCHOOL FOOTBALL CHAMPIONSHIP. Sponsor: Senator Slatcher.

SCR 91 - DESIGNATING FEBRUARY 15, 1986, AS SUSAN B. ANTHONY DAY. Sponsors: Senators Bair, Minner, McBride, Knox, Cook, Neal, McDowell; Representatives Hebner, Smith, Maroney, Outten, Boykin, Anderson, Soles, Jester, Fallon.

SCR 92 - CONGRATULATING THE DELAWARE STATE COLLEGE HORNETS ON AN OUTSTANDING 1985 FOOTBALL SEASON AND COMMENDING THE COLLEGE ADMINISTRATION, COACHES, AND PLAYERS FOR THEIR COMMITMENT TO THE PURSUIT OF EXCELLENCE IN ATHLETICS. Sponsors: Senators Zimmerman, Holloway; Representatives Sills, Plant, Outten.

* * * * *

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 the Concurrent Resolutions were sent to the House for consideration.

SR 86 was introduced:

SR 86 - DIRECTING THE ETHICS COMMITTEE TO CONDUCT AN INVESTIGATION INTO THE PARTICIPATION OF THE SENATOR FROM THE 8TH DISTRICT IN THE PASSAGE OF HOUSE BILL NO. 266 AS AMENDED BY HOUSE AMENDMENT NO. 1 DURING THE FIRST SESSION OF THE 133RD GENERAL ASSEMBLY. Sponsor: Senator Zimmerman.

The Resolution was then laid on the table on further motion of the Senator without objection.

Senator Zimmerman requested that the Secretary of the Senate supply a verbatim transcript on the passage of HB 266.

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

STATE OF DELAWARE
Office of the Governor
January 23, 1986

To the Senate of the 133rd 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: MaryJane Behrens, 13 East Commerce Street, Smyrna, DE 19977, to be appointed as a member of the Kent County Board of Elections for a term of four years to replace Robert H. Boyer, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 23, 1986

To the Senate of the 133rd 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 appointed as a member of the Kent County Board of Elections for a term of four years to replace C. Robert Downham, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 23, 1986

To the Senate of the 133rd 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: Alta C. Harrington, Commerce Street, Harrington, DE 19952, to be reappointed as a member of the Kent County Board of Elections for a term of four years.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 23, 1986

To the Senate of the 133rd 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. 2, Box 570, Wyoming, DE 19934, to be reappointed as a member of the Kent County Board of Elections for a term of four years.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 23, 1986

To the Senate of the 133rd 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 for a term of four years.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 23, 1986

To the Senate of the 133rd 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, Route 2, Box 201, Harrington, DE 19952, to be appointed as a member of the Kent County Board of Elections for a term of four years to fill a vacancy.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

SA 1 to SB 351 was introduced by Senator Cook and placed with the Bill.

At 5:00 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., January 29, 1986.

The Senate reconvened at 2:20 p.m., January 29, 1986, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 145; HB 226; HB 390; SB 218 w SA 1; SB 314 w SA 1; SB 326; SB 171 w HA 1.

The following legislation was introduced:

SB 357 - AN ACT TO AMEND CHAPTER 5, TITLE 1 OF THE DELAWARE CODE RELATING TO COLUMBUS DAY. Sponsors: Senator Slatcher, Representative Fallon. Assigned to Executive Committee.

SB 358 - AN ACT TO AMEND CHAPTER 212, VOLUME 65, LAWS OF DELAWARE, RELATING TO THE REVERSION RATHER THAN DEAUTHORIZATION OF A SPECIFIC FUND LINE. Sponsors: Senator Cook, Representative Roy, Senator Martin, Representative Petrilli. Laid on the table on motion of Senator Cook.

SB 359 - AN ACT TO AMEND CHAPTER 87, VOLUME 65, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1986; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.", BEING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY OF THE STATE OF DELAWARE. Sponsors: Senator Cook, Representative Corrozi; Senators Berndt, Holloway, McBride, Slatcher, Vaughn; Representatives Bennett, Davis, Jonkiert, Petrilli, Quillen, Smith, Soles. Laid on the table on motion of Senator Cook.

SB 361 - AN ACT TO AMEND CHAPTER 58, TITLE 29 OF THE DELAWARE CODE RELATING TO SIMULTANEOUS EMPLOYMENT. Sponsors: Senators Citro, Connor, Slatcher, Torbert; Representatives Mack, Buckworth, Reynolds, Houghton. Assigned to Labor Committee; reassigned to Executive Committee.

HB 145 - AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS. Sponsors: Representatives Campanelli, Oberle. Assigned to Administrative Services/Energy Committee.

SA 1 to SB 321. Sponsors: Senators Bair, Cordrey. Placed with the Bill.

HB 226 - AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO THE PROFESSIONAL SERVICES NEGOTIATION ACT. Sponsors: Representative Roy, Senator McDowell, Representative Outten, Senator Neal. Assigned to Administrative Services/Energy Committee.

HB 390 - AN ACT TO AMEND CHAPTER 6, TITLE 29, DELAWARE CODE, RELATING TO STATE GOVERNMENT BY DELETING THE REQUIREMENT THAT COPIES OF RULES AND REGULATIONS PROMULGATED BY STATE AGENCIES BE DELIVERED TO THE DIRECTOR OF RESEARCH OF LEGISLATIVE COUNCIL. Sponsors: Representative Hebner, Senator Cordrey. Assigned to Executive Committee.

SR 85 was introduced:

SR 85 - WELCOMING DU MING-XIN AND YUAN QILI ON THE OCCASION OF THEIR CROSS CULTURAL VISIT TO DELAWARE FROM CHINA AND IN RECOGNITION OF "DELAWARE IN CHINA: THE MUSICAL CONNECTION." Sponsor: Senator Cordrey.

At the request of Senator Cordrey, Senator Sharp floor-managed the Resolution.

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

SCR 87 was introduced and considered for adoption on motion of Senator Vaughn:

SCR 87 - PROVIDING FOR THE CONTINUANCE OF THE PRISON INDUSTRY TASK FORCE CREATED UNDER SENATE CONCURRENT RESOLUTION 10 OF THE 133RD GENERAL ASSEMBLY. Sponsors: Senator Vaughn; Representatives Anderson, Davis, Spence, VanSant.

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

SCR 93 was introduced and considered for adoption on motion of Senator Vaughn:

SCR 93 - EXTENDING CONGRATULATIONS TO MR. AND MRS. CLARENCE A. EVERETT OF ST. GEORGES, DELAWARE, ON THEIR 65TH WEDDING ANNIVERSARY ON JANUARY 30, 1986, AND ALSO WISHING EACH OF THEM A HAPPY BIRTHDAY. Sponsors: Senators Vaughn and Cook, Representative Jester.

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

SCR 94 was introduced and considered for adoption on motion of Senator Connor:

SCR 94 - RECOGNIZING THE WEEK OF FEBRUARY 3-7, 1986, AS "NATIONAL SCHOOL GUIDANCE AND COUNSELING WEEK" IN THE STATE OF DELAWARE. Sponsors: Senators Connor, McBride; Representatives Fallon, Brady, Jester.

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

SCR 95 was introduced:

SCR 95 - EXPRESSING SORROW UPON THE PASSING OF JAMES MILLER TUNNELL, JR.
Sponsor: Senator Cordrey.

At the request of Senator Cordrey, Senator Adams floor-managed the Resolution.

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

SCR 96 was introduced and considered for adoption on motion of Senator Minner:

SCR 96 - EXTENDING THE DATE BY WHICH THE MOBILE HOME STUDY COMMISSION IS TO ISSUE A REPORT OF ITS FINDINGS AND RECOMMENDATIONS. Sponsors: Senators Minner, Slatcher; Representatives Steele, Wingate.

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 by the Senate and sent to the House for consideration.

SB 171 which had previously passed the Senate was taken up for reconsideration as now further amended by HA 1 on motion of Senator Berndt.

The roll call vote on SB 171 w HA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Bair, Berndt, Cook, Cordrey, Holloway, Knox, Martin, McBride, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 17.

NO: Senators Citro, Connor, Marshall, McDowell - 4.

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

SB 206 which had previously passed the Senate was taken up for reconsideration as now further amended by HA 1 on motion of Senator Adams.

The privilege of the floor was extended to Gary Dalton, Senate Attorney.

The roll call vote on SB 206 w HA 1 was then taken and revealed:

YES: Senators Adams, Arnold, Berndt, Cook, Cordrey, Holloway, Marshall, McDowell, Minner, Neal, Sharp, Slatcher - 12.

NO: Senators Bair, Citro, Connor, Knox, McBride, Torbert - 6.

NOT VOTING: Senators Martin, Vaughn, Zimmerman - 3.

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

At 3:22 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 7th Legislative Day.

7TH LEGISLATIVE DAY January 29, 1986

The Senate convened at 3:22 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

SB 355 was reported out of the Health-Social Services/Aging Committee: 5 Merits.

HB 404 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 404 w HA 1 - AN ACT TO AMEND TITLES 10, 13, 29 AND 30 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT.

At 3:25 p.m. Senator Sharp presiding.

The privilege of the floor was extended to Barbara A. Paulin (Division of Child Support Enforcement), Joe Miller (Division of Child Support) and Susan F. Paikin (Family Court of Delaware).

At 3:41 p.m. Senator Cordrey presiding.

Senator McBride marked PRESENT.

The roll call vote on HB 404 w HA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 408 w HA 1 was lifted from the table for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 408 w HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 29 OF THE DELAWARE CODE, AND CHAPTER 1, TITLE 8 OF THE DELAWARE CODE, ESTABLISHING A DIVISION OF CORPORATIONS CORPORATE REVOLVING FUND AND A FEE SCHEDULE FOR SPECIAL REQUEST 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 403 was lifted from the table for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 403 – AN ACT TO AMEND TITLE 30, CHAPTER 20, SUBCHAPTER III, RELATING TO TARGETED AREAS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Minner) voting NO and 1 (Zimmerman) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

SCR 88 was introduced and considered for adoption on motion of Senator Sharp:

SCR 88 – DIRECTING LEGISLATIVE COUNCIL TO STUDY, EVALUATE AND RECOMMEND TO THE GENERAL ASSEMBLY CONCERNING THE STATE COMPENSATION AND PRODUCTIVITY COMMISSION REPORT. Sponsors: Senators Cordrey and Sharp.

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

SB 362 was introduced and assigned to Health-Social Services/Aging Committee:

SB 362 – AN ACT TO AMEND CHAPTER 79, TITLE 29, DELAWARE CODE, RELATING TO THE POWERS, DUTIES, AND FUNCTIONS OF THE SECRETARY OF HEALTH AND SOCIAL SERVICES. Sponsors: Senators Holloway, Berndt, Vaughn, McDowell, Marshall; Representatives West, Sills, Plant.

Senator Cook moved that the House be requested to return to the Senate **SB 278** for reconsideration. There was no objection.

At 4:07 p.m. on motion of Senator Sharp the Senate recessed until 1:30 p.m., January 30, 1986.

The Senate reconvened at 1:45 p.m., January 30, 1986, Senator Cordrey presiding.

The following Committee reports were announced:

From the Executive Committee: Alta C. Harrington – 1 Favorable, 4 Merits; David E. Burke – 2 Favorable, 3 Merits; H. Dawson Shulties – 2 Favorable, 3 Merits; Joseph R. Slights, Jr. – 1 Favorable, 4 Merits; MaryJane Behrens – 2 Favorable, 3 Merits; Norman S. Wix – 2 Favorable, 3 Merits.

At 1:47 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 8th Legislative Day.

8TH LEGISLATIVE DAY January 30, 1986

The Senate convened at 1:47 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman – 21.

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

SCR 97 was introduced and considered for adoption on motion of Senator Marshall:

SCR 97 – DEEPLY MOURNING THE DEATHS OF SCHOOL TEACHER SHARON C. "CHRISTA" MCAULIFFE AND ASTRONAUTS GREGORY B. JARVIS, ELLISON S. ONIZUKA, RONALD E. MCNAIR, JUDITH A. REDNIK, FRANCIS R. SCOBEE, AND MICHAEL J. SMITH DURING A CATASTROPHIC EXPLOSION OF THE SPACE SHUTTLE CHALLENGER. Sponsors: Senators Marshall, Cordrey, Sharp, Bair and all Senators; Representatives Hebner, Oberly, George and all Representatives.

Senators Citro and McBride marked PRESENT.

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

Pursuant to the above Resolution, the Senate stood for a moment of silence on the motion of Senator Marshall.

JOINT SESSION SENATE CHAMBER January 30, 1986

At 1:54 p.m. Senator Cordrey appointed Senator Vaughn and Berndt as a committee to inform the House that the Senate was prepared for a Joint Session.

The Sergeant-at-Arms announced and admitted the members of the House of Representatives.

Senator Cordrey invited the Speaker of the House, Mr. Hebner, to be his guest on the rostrum.

The Sergeant-at-Arms announced and admitted to the Chamber the State elected officials and members of the Governor's Cabinet.

At 1:57 p.m. on motion of Senator Sharp, and without objection, the House and Senate convened in Joint Session pursuant to **SCR 90**.

Senator Sharp moved that Senator Cordrey preside over the Joint Session. There was no objection. On motion of Senator Sharp and without objection, the Secretary of the Senate and Chief Clerk of the House were appointed as secretaries to the Joint Session.

On motion of Senator Sharp, the Chair appointed the following as an Escort Committee for the Governor: Senators Holloway and Neal, Representatives Corrozi and Bennett.

A brief recess was called by the Chair awaiting the Governor's arrival.

At 2:00 p.m. the Sergeant-at-Arms announced and admitted to the Chamber Governor Michael N. Castle escorted by the fore-named Committee.

Senator Holloway introduced the Governor and Senator Cordrey invited him to the podium.

The Governor addressed the Joint Session as follows:

Mr. President Pro Tem, Mr. Speaker, members of the 133rd General Assembly, the Cabinet, Honored guests and fellow Delawareans.

I will take about 25 minutes of the rest of your day. But, I can tell you to get to this point a lot of people put in a lot of hard work. And there are a lot of big books which you will be looking at later today. And, a lot of members of my Cabinet do that; but, of course, there is always one who has to do most of the work and stands out; and that is Steve Golding, my Budget Director. And I would like to thank him for all the work he's done for the last six months.

Delaware has enjoyed some very good years recently. It has been a time of prosperity and opportunity for our citizens.

This must be attributed, in part, to the fact that state government has learned to meet its responsibilities while limiting the demands it makes on its taxpayers.

The result has been eight years of balanced budgets and a ninth in the one I am presenting today, a healthy reserve of \$47.6 million in the constitutionally mandated rainy-day fund, and another \$19.2 million in the two-percent set-aside.

At the same time, we have continued to provide the programs and services our citizens expect. In fact, the State's ability to serve its citizens has increased in recent years, while the cost to individual taxpayers has decreased.

The tax cuts enacted in 1984 and 1985 alone have resulted in \$130 million the State might have collected remaining in our taxpayers' hands, and since 1979 the average family has seen its personal income taxes cut by over 40 percent.

We have done very well.

But now there is concern about the effect of the Gramm-Rudman Amendment, which is supposed to reduce the federal deficit by cutting federal spending. Tomorrow President Reagan will sign an order cutting funds that would have gone to state and local governments.

Delaware will not be exempt from the Gramm-Rudman cuts, and in the months ahead we must decide which programs deserve our continued support and whether State funds should replace federal funds.

But while we will have to shoulder our fair share of the burden, we will not find ourselves among the hand-wringers, for one very good reason -- we have learned from experience the importance of imposing limits on State spending. We know how to make the hard choices.

I will have more to say about Gramm-Rudman shortly. Now, however, I would like to turn to the budget I am presenting to you today.

First of all, it reflects the importance of controlling the growth of State spending. This budget provides for a total increase of 5.3 percent in expenditures when compared, dollar-for-dollar, to the current fiscal year, including both base operating budget and one-time expenditures.

I believe that is enough.

It is a budget which allows government to both match the rate of inflation and provide for additional growth in key areas -- notably education and environmental protection -- that will have long-term and lasting benefits for the citizens of Delaware and their children and grandchildren.

It is a budget that will allow the State to live within its means, and turn back to those who support it -- the taxpayers -- whatever revenues are not essential for its operation.

The Delaware Economic and Financial Advisory Council's latest estimate of new revenues in fiscal 1987 is \$911.3 million. After we add the expected fiscal '86 surplus of \$58.1 million and meet our reserve requirements, \$939.3 million will be available for State programs, plus \$10.8 million for grants-in-aid. Of that amount, I am recommending \$923.6 million for the fiscal 1987 budget.

The balance, \$15.7 million, I will discuss later.

Having described the budget in general terms, I now turn to the specifics, and there is no more appropriate starting point than the departments which claim a substantial part of the State's resources and provide services to many of our citizens.

* * * * *

Under the broad umbrella of human services are a number of important agencies --- Health and Social Services, youth services, as well as elements of our education system.

Diverse as their concerns may be, they share a philosophy -- that the State's role is to assist each individual to live his or her life to the fullest, independent and unencumbered by institutional restraints or regulations.

They work to prevent cause rather than effect, to get at the roots of poverty and failure rather than simply provide long-term support for those who suffer the consequences of early neglect.

They are committed to making institutionalization the solution of last resort, keeping as many citizens as possible in the community.

And they share a goal --- that the quality of care the State provides for each citizen is the best possible.

I told you two weeks ago that I am proposing a comprehensive program to treat many of the problems that affect our youngest citizens --- poor health, the effects of broken families, poverty and inadequate education.

Just as our aggressive economic development program aims at bringing new opportunities to our citizens, so our social programs must be designed to assure that every citizen is able to seize those opportunities, that they have not been robbed of initiative and hope as children.

In the coming year, we will begin a comprehensive effort to assure that all children in Delaware are born healthy and that they receive postnatal care that keeps them healthy. This will be a statewide effort, and one that centers in the home, where it can do the most good.

At the same time, recognizing that foster care is sometimes a necessary alternative, I am recommending that we take steps to assure that enough foster care homes are available by increasing foster care rates by 15.5 percent in the coming fiscal year, and provide the staff necessary to improve service coordination.

Finally, to assure that young children are able to derive full benefit from our education system when they begin school, I am recommending that pilot programs be established in each county to identify learning disabilities among four-year-olds.

Many other citizens require our help, of course, and the budget I am presenting to you today will allow us to meet federal guidelines to care for the mentally handicapped at Stockley, and in the process increase our ability to provide adequate services.

I am also recommending increased funding to continue toward our goal of deinstitutionalization whenever possible, and to continue to reduce the Stockley population from over 400 to 240 -- giving our mentally handicapped citizens a new measure of independence.

If society's progress is measured in part by how we treat the mentally retarded, then we have made a great deal of progress. We have recognized that few people need or want their lives regulated by those who would help, or their independence taken away in the name of compassion.

The assistance the State provides must be appropriate to the level of an individual's needs.

If providing meals at home for the aged will allow our senior citizens to live out their years in greater dignity, then we should provide resources to do it.

If there is a need for temporary shelter for someone in need, then we should provide that as well.

And if there is a youngster in need of guidance which is not provided at home but who does not require incarceration at Ferris, then we should provide an alternative.

The budget I am presenting to you today does those things.

It also recognizes that at times the State's responsibility to provide assistance is accompanied by the need to provide incentives to greater independence and productivity.

We are meeting our responsibility by recommending a four percent increase in Aid to Families with Dependent Children, the second such increase in as many years.

But a study of our AFDC clients shows that over 29 percent remained on public assistance for over nine years, reflecting the failure of the system to provide alternative programs to assist people to regain their self-respect.

We must provide the means to break the chain of dependency that prevents people from achieving independence and success. We will take our first steps in that direction this year.

I am recommending creation of an employability program that will permit the department to begin to target clients who, because they are going to school or caring for children at home, cannot get a job.

* * * * *

In my State of the State Address, I told you that I have given high priority to protecting our environment.

Recently the State's ability to respond to threatening situations, and our willingness to take tough action where necessary, have been tested and proven.

A major oil spill in the Delaware River was contained; laws to protect both our environment and our citizens have been vigorously enforced; and dangerous storage sites have been cleaned up. Each underlines the importance of the State's role in protecting our citizens from harm.

In the budget before you, I am allocating over \$1 million to insure that Delaware has the resources to monitor the air quality, the expertise to keep our water clean and enough enforcement personnel to insure that the regulations we establish are obeyed.

We are also living up to our promise to clean up already contaminated sites which threaten our natural resources. An additional million dollars has been set aside to continue the programs of toxic waste cleanup and insure that there are no needless delays once appropriate remedial plans have been approved and these Superfund projects can begin.

The message of this administration is clear: we will not tolerate the violation of our laws or the pollution of our environment. The citizens of this State, and the vast majority of businesses and industries in Delaware, expect nothing less.

* * * * *

You cannot read a newspaper or listen to a news report today without realizing that crime continues to demand society's -- and the State's -- attention.

Our citizens expect to be safe in their homes and on the streets of their communities. That requires an efficient and fair criminal justice system, and a corrections system that can protect society from dangerous criminals while helping other offenders learn to be productive members of society.

The citizens of this State don't want to hear excuses. They don't want to be told about overcrowding which has resulted in dangerous offenders being set free, or that those convicted of drunk-driving offenses are not serving their sentences.

Commissioner Sullivan has already begun to address those twin concerns and, to assure that the State is able to live up to its responsibility for public safety, this budget includes \$1.4 million for the start-up of the new, 300-bed minimum-security facility at Smyrna.

In conjunction with existing facilities, this will help us meet the demands placed on us by a growing prison population while guaranteeing that those sentenced for drunk-driving offenses indeed serve out their sentences.

I am recommending that you continue funding for an alcohol and drug program as well as the broader elements of our sentencing accountability initiative, and a new alternative program for juveniles, which will provide the means for rehabilitation for forty young offenders.

My budget also includes new funding for Family Court in Kent and Sussex counties, and resources to continue to eliminate delays in both Family Court and the criminal justice system as a whole.

* * * * *

One third of the budget I am presenting to you today will be spent on the education of our children in kindergarten through 12th grade - over \$306 million. Not only does education again receive the largest allocation of new State funds, but almost a quarter of total spending on public schools has been added in just three years.

As set forth in my State of the State Address, several steps are being taken to enhance teachers' salaries and assure that we have the ability to continue to attract and keep good teachers:

I have recommended a \$285 increase for every teacher to be adopted immediately.

I have recommended a \$9.5 million pay increase for education employees - adding up to over \$1,000 per teacher - with a proposed change in the teacher pay structure to increase starting salaries by approximately \$2,000.

And I am recommending an additional \$5.4 million for Division III, 98 percent of which has been used for educational salaries in the past.

Combined with increased local supplements, particularly in those districts which have passed referenda, teachers this year will receive perhaps the largest single pay increase in any year in Delaware's history.

Other funds are being recommended for a scholarship loan program for high school seniors going to Delaware colleges and majoring in education; to support the training and education components of the DPI Instructional Improvement Model; and to support the development of Mastery Testing.

Now, we should examine what we expect to obtain for this great commitment of our dollars and human resources.

As I have already said, we want the ability to recruit new teachers in a highly competitive market.

At the same time, we must retain more experienced teachers, whose financial needs draw them away from the classroom.

We must follow through on an evaluation process in which administrators and teachers know exactly what to expect and are focused on the teaching elements which have direct correlation with student achievement.

We need a comprehensive teacher in-service program to help make good teachers better and to provide improvement programs for those evaluated as unsatisfactory.

Our efforts to enhance education must focus on improving the way we use existing dollars. We spend more per pupil on education than almost any other state, and this year I want educators and interested citizens to work together to ensure that that money is being spent properly.

And we need to begin a pilot program that will make schools more efficient in providing support where it belongs -- in the classroom.

This is in addition to the pilot incentive program I described in my State of the State Address and which Mike Walls, the Christina School District and the local teachers association have already begun working on.

* * * * *

While much of our time and resources have been devoted to public education in Delaware, higher education must not be ignored.

Each of our institutions plays an important role in the State, but I think it is appropriate to single out one development at the University of Delaware for mention.

In the past year, the University has taken great strides toward becoming a national center for research in the area of composite materials, an esoteric subject with results as practical as a new, safer bumper for automobiles.

I am particularly proud that the University of Delaware has begun to receive national recognition, and my budget includes an increase in funding for the important research that is going on under Byron Pipes' enthusiastic leadership.

We are also increasing our support for the colleges of engineering, science and business, funding a pilot program in computer software development -- another area where the University excels -- and more funding for the Research Partnership Fund.

The budget also reflects the priorities of both Delaware State College, where a Faculty Development Program is addressed, and Delaware Technical & Community College by earmarking substantial funds to make salaries competitive.

* * * * *

In my State of the State Address, I indicated my support for the report prepared by the Compensation and Productivity Commission. My budget includes funding which will accomplish the major recommendations made by the Commission.

First, I propose that we restore internal equity to our system. The Commission ranked each of our 1,200 job classes in relation to all other classes. Some 900 employees were found to be compensated at less than the minimum pay level for the type of job they are performing. My budget provides \$650,000 to bring these employees within the higher recommended pay range and to assure that our entire pay structure is competitive with other state and local governments.

Second, funds are included in my budget to help improve productivity. I propose we focus on management ineffectiveness, since that has been identified as the single greatest cause of declining productivity in the United States. A Management Development Institute to provide a comprehensive, structured training program for managers and supervisors will help them improve their skills and become more effective. I have also included funds to develop employee incentive programs -- like flextime, service awards, and employee participation programs.

Finally, my budget includes a 4.5 percent pay increase for all State employees. When combined with the teachers' pay plan, additional compensable elements -- such as hazardous duty pay -- and a uniform shift differential, I am proposing over \$26 million be dedicated to salaries. That's 49 percent of our new revenues available this year.

* * * * *

Since the beginning of this decade, Delaware has received over \$300 million in federal funds for highway projects; in 1985 alone, we received almost \$56 million.

Few other states have qualified to receive their full share of federal funding for highways, and this speaks well of what we have accomplished in building a good road system statewide.

As we address our highway needs in the coming session through the budget and bond bills, it might be useful to consider what has been accomplished recently.

Of great concern to the residents of the Dover area, as well as travelers up and down our State, is the U. S. 13 relief route. I'm happy to report that the initial public hearing stage of planning on this important project has been completed, and the Department of Transportation's recommendation for a route will be presented to the public and the General Assembly in the near future.

Construction on several other major projects begun during 1985, after years of planning, and Delaware motorists will soon see the benefits of improvements to Concord Pike, Route 4 in the Newark area and Route 8 in the Dover area.

And this year other major projects will begin -- the I-495 Edgemoor Interchange, Route 7 from Route 13 to the Pennsylvania line, U.S. 13 through Smyrna, Denney's Road in Dover, U.S. 13 from Seaford to Kent County, Route 1 through Bethany Beach, the second phase of work on Concord Pike and Naamans Road.

For Sussex County in particular, we will begin a comprehensive planning study of east-west routes to address the problem of heavy summer traffic and inconvenience experienced by many Sussex County towns.

* * * * *

A good transportation system is essential to all segments of our economy. The success of our agricultural community, for instance, depends on good roads.

But the State's support for farming does not stop there. My recommended budget includes funding both to assist the State's farmers in protecting their crops from harmful pests, and in marketing their products effectively once they have been harvested.

And it addresses a problem that has caused havoc in other states in recent years --- Avian Influenza.

We in Delaware have been spared from the substantial losses other states have experienced, in part because the State has moved quickly when there is a threat. Today I am recommending that we provide the Department of Agriculture with the means to sustain and enhance its efforts to control Avian Flu.

* * * * *

Now I would like to turn to the annual bond bill, which authorizes long-term borrowing and sets priorities for improvements to the State's infrastructure.

While we consider budget and bond projects separately, in fact they are closely linked and discussion of both is appropriate today.

It has become apparent to all of us that the time has come to increase both public scrutiny and public discussion of the State's capital spending program.

Each agency and department already has been asked to set its own priorities for the coming fiscal year, to document them and measure their cost effectiveness. After the Director of the Delaware Development Office holds public hearings on these proposals in February, I will present them to the General Assembly in early April.

In addition, I will instruct all cabinet secretaries to make their capital spending proposals available during their presentations to the Joint Finance Committee.

* * * * *

As I said when I began, the last few years have been good to Delaware as we have learned the importance of cooperation and bipartisanship.

Delaware is a working partnership, and that partnership has paid off.

The guiding and fundamental principles of that partnership have been to restrain the growth of government; to help those who need help, but otherwise keep government out of its citizens' affairs; and to make sure that those who are responsible for our prosperity enjoy the benefits of their own labor by returning to them revenues the State does not need.

In preparing my recommendations on State spending for Fiscal 1987, I have hewed closely to those principles.

As a result, this budget, which meets the needs of all departments and increases State spending in several critical areas, leaves unexpended \$15.7 million which will be available during fiscal 1987.

These funds should be used to address two important considerations.

The success which we have achieved in producing balanced budgets and surplus revenues is directly linked to the success of the private sector and to the employers and employees who make it work.

Therefore, I would propose that we return \$10.5 million to further encourage job growth. I propose that this be done in a balanced way.

I am recommending that we reduce the Public Utility Tax by 10 percent, reduce the Gross Receipts Tax on manufacturers to help attract blue collar jobs, extend a monthly exclusion from the Gross Receipts Tax to all businesses that do not have one now, and reduce paperwork for thousands of small businesses by simplifying filing requirements.

In addition, I am supporting several measures which will close loopholes and assure fairness in our tax laws. Taken together, these regulatory changes will result in no cost to the State or to our taxpayers.

One other adjustment must be noted: I am recommending that we increase the permitted deduction for charitable contributions to match the federal limit. This will help Delaware's charitable organizations.

Balanced with this tax adjustment for the business community, I would also continue our effort to lower Delaware's personal income tax with a modest, across-the-board reduction of all tax rates, from the lowest to the highest, of four percent.

These two proposals for tax relief to the business community and to the individual taxpayers would result in a net reduction in State revenue for the next year of approximately \$10.5 million -- and leave another \$5.3 million still unappropriated.

Those revenues I would leave unappropriated until we know how Gramm-Rudman will affect us.

Unbridled and unchecked federal spending over the last decade has endangered the vitality of this national by producing a deficit so large that the federal government is competing with both the states and the private sector for capital needed to continue economic expansion.

While we must recognize that some cuts will cause pain for certain groups in our society and their legitimate needs should be met with state and local resources, we cannot simply replace federal cuts dollar for dollar.

I therefore propose reserving \$5.3 million for the purpose of examining those final federal cuts as the Joint Finance Committee prepares to draft the budget and using those funds in areas we decide should be addressed.

* * * * *

The people of this State have made it abundantly clear that they want us to take as little as possible from them to use what we take wisely, and to place clear limits on what government is and does.

There is no question that the excellent management and careful control of State spending in recent years offers new opportunities. But they are opportunities to improve government and refocus its efforts, and not an excuse to expand it or increase its cost beyond reason.

Compassionate? Yes. Caring? Yes. Innovative? Yes.

But there is no compassion in creating a life of dependence.

It is not caring to stifle initiative.

And there is no innovation in simply increasing government's spending appetite, adding new programs on top of old ones.

The citizens of this State want responsive, active government that continues to set and meet new goals.

But, at the same time, they want government to exercise judgement as it weighs the new programs it would impose on its agencies, to meet the goals it set already before taking on new responsibilities.

If I may leave my text for a moment at this point as I conclude, I would like to discuss the tragedy that came to this country two days ago in the death of Christa McAuliffe and six other very brave people who undertook a space mission on the space shuttle Challenger. I think in this case it was made perhaps more terrible by the mere fact that there was a teacher aboard and so many young people in our country were focusing on this. But this teacher, Christa McAuliffe, was living her dream, her dual dreams perhaps to teach and to go into space and I watched the television as many of us did perhaps to see if we could fathom any reason for something like this and she said something which she probably never intended to be a quote but I noted that she said it as she was being prepared to go up into space. She said, "To follow your instincts and go for your dreams." And I think that Christa McAuliffe would have approved what teachers are doing today -- trying to explain to young people around this country and perhaps around the world what happened and why it happened. And it is for these reasons today that I want to propose that the Education Scholarships I have recommended be named in her honor. It is a fitting tribute to honor her memory in encouraging young people perhaps to follow in her footsteps, to follow into teaching and perhaps into space.

And I thank your very much.

The Chair thanked the Governor and asked the previously named Committee to escort the Governor back to the Executive Office.

On motion of Senator Sharp, the Secretary of the Senate and the Chief Clerk of the House compared their respective journals and found them to agree.

At 2:30 p.m., on motion of Senator Sharp, the Joint Session then adjourned and the two Houses separated to reconvene in their respective Chambers.

On motion of Senator Sharp, the Senate recessed for a short period and reconvened at 3:30 p.m. January 30, 1986, Senator Cordrey presiding.

At 3:31 p.m., Senator Sharp presiding.

Senators Martin, Zimmerman, Connor marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Joseph R. Slights, Jr., was taken up for consideration and the roll call vote taken which revealed 18 Senators voting YES and 3 (Citro, Marshall, McDowell) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Alta C. Harrington was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 2 (Cook and McDowell) ABSENT; therefore, the appointment was declared confirmed.

SCR 99 was introduced and considered for adoption on motion of Senator Cordrey:

SCR 99 - RECOGNIZING AND COMMENDING THE ACCOMPLISHMENTS OF MIKE HALL, OF SEAFORD, WORLD CHAMPION DRUGFREE POWERLIFT CHAMPION, AND EXPRESSING GRATITUDE FOR THE EXAMPLE HE SETS FOR YOUNG ATHLETES. Sponsors: Senator Cordrey, Representative Fallon.

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.

Pursuant to the above Resolution the privilege of the floor was extended to Mike Hall at the request of Senator Cordrey.

Senator Sharp introduced former Speaker of the House, John P. Ferguson, to the Senate.

Senator Connor introduced former State Senator Darling to the Senate.

Senator Arnold requested the personal privilege of the floor and moved that the Ethics Committee be directed to convene for the purpose of investigating the passage of HB 266 w HA 1. The Chair called for a roll call vote on the motion which was taken and revealed 21 Senators voting YES; therefore, the motion carried.

On motion of Senator Adams, the Governor's nomination for appointment of MaryJane Behrens was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of H. Dawson Shulties was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Norman S. Wix was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of David E. Burke was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Zimmerman) voting NO; therefore, the appointment was declared confirmed.

On motion of Senator Marshall and without objection, the roll call vote on SCR 97 was rescinded and a new roll call vote taken which revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SS 1 for SB 278 was introduced and adopted in lieu of the Original on motion of Senator Cook:

SS 1 for SB 278 - 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, 1986; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY OF THE STATE OF DELAWARE. Sponsors: Senator Cook, Representative Fallon, Senators Holloway, McBride, Vaughn, Slatcher, Adams, Cordrey, Marshall, Martin, McDowell, Minner, Sharp, Torbert, Zimmerman, Arnold, Bair, Berndt, Citro, Connor, Knox, Neal; Representatives Bennett, Corrozi, Soles, Davis, Clark, Caulk, B. Ennis, Outten, Wingate, Anderson, Barnes, Boykin, Brady, Buckworth, Campanelli, Carey, C. Cordrey, D. Ennis, Free, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steel, Taylor, VanSant, West.

SB 278 which had been returned from the House at the request of the Senate was taken up for reconsideration on motion of Senator Cook. The roll call vote on the Bill was rescinded on motion of Senator Cook without objection.

The roll call vote on SS 1 for SB 278 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 359 was lifted from the table and taken up for consideration under suspension of the necessary rules on motion of Senator Cook:

SB 359 – AN ACT TO AMEND CHAPTER 87, VOLUME 65, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1986; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.", BEING HOUSE BILL NO. 350 OF THE 133RD GENERAL ASSEMBLY OF THE STATE 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.

SB 358 was lifted from the table and taken up for consideration under suspension of the necessary rules on motion of Senator Cook:

SB 358 – AN ACT TO AMEND CHAPTER 212, VOLUME 65, LAWS OF DELAWARE, RELATING TO THE REVERSION RATHER THAN DEAUTHORIZATION OF A SPECIFIC FUND LINE.

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

YES: Senators Adams, Arnold, Bair, Berndt, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Slatcher, Torbert, Vaughn – 16.

NO: Senators Citro, Cordrey, Minner, Sharp, Zimmerman – 5.

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

At 4:24 p.m., Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 418; HB 415; SB 285; SB 298; HB 416; SB 273 w HA 1; SB 228 w HA 1; HB 409; HB 424 and adopted HCR 96; HCR 97; HCR 98; HCR 99; SCR 89; SCR 90; SCR 91; SCR 92; HCR 90.

HB 416 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Sharp:

HB 416 – AUTHORIZING AND DIRECTING THE SECRETARY OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO EXECUTE ON BEHALF OF THE STATE OF DELAWARE A PROPERTY LINE AGREEMENT AND DEED FOR THE PURPOSE OF RESOLVING A PROPERTY LINE ENCROACHMENT THUS ENABLING NEW CASTLE COUNTY GOVERNMENT TO HAVE A CLEAR TITLE TO A PARCEL OF LAND. Sponsors: Representatives Corrozi, Gilligan; Senator Citro.

Senator Citro floor-managed the Bill at the request of Senator Sharp.

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 409 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Adams:

HB 409 – AN ACT CONCURRING IN A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE TERM OF OFFICE OF SHERIFF FOR KENT AND SUSSEX COUNTIES. Sponsor: Representative Bennett.

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., Senator Sharp presiding.

SCR 100 was introduced and considered for adoption on motion of Senator Adams:

SCR 100 – IN MEMORY OF RACHEL SMITH CORDREY, MOTHER OF THE PRESIDENT PRO-TEMPORE OF THE DELAWARE STATE SENATE. Sponsors: Senators Adams, Arnold, Bair, Berndt, Citro, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman; Representatives Anderson, Barnes, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Caulk, Clark, Cordrey, Corrozi, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, VanSant, West, Wingate.

The Resolution was read in its entirety at the request of Senator Adams.

Pursuant to the above Resolution, the Senate observed a minute of silence at the request of Senator Sharp, after which 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 #17 was introduced and considered for adoption on motion of Senator Minner.

The Calendar was comprised of the following:

SR 88 – DEPLORING THE RECENT INCREASE IN THE INCIDENCE OF DOMESTIC VIOLENCE AND URGING LAW ENFORCEMENT AGENCIES TO BEGIN TREATING SUCH INCIDENTS AS CRIME RATHER THAN MERE FAMILY SQUABBLES. Sponsor: Senator Holloway.

SR 89 - DIRECTING THE SENATE MEMBERS OF LEGISLATIVE COUNCIL TO STUDY, EVALUATE AND RECOMMEND TO THE GENERAL ASSEMBLY CONCERNING THE STATE COMPENSATION AND PRODUCTIVITY COMMISSION REPORT. Sponsors: Senators Cordrey, Sharp.

SCR 98 - EXPRESSING SYMPATHY TO THE FAMILY OF THE LATE WILLIAM E. MATTHEWS, JR., A SMYRNA UNDERTAKER AND FORMER STATE SENATOR FROM 1934 THROUGH 1938. Sponsors: Senator Vaughn, Representative B. Ennis.

HCR 90 - CONGRATULATING THE CLAYMONT HIGH SCHOOL INDIANS ON BECOMING THE 1985 FLIGHT B FOOTBALL CHAMPIONS AND FURTHER CONGRATULATING CHRIS STORY ON BEING NAMED THE INDIANS' 1985 MOST VALUABLE PLAYER. Sponsors: Representatives Brady, Hebner; Senators Bair, Berndt.

HCR 96 - CONGRATULATING THE DICKINSON HIGH SCHOOL CROSS COUNTRY TEAM UPON WINNING THE DIVISION II STATE CROSS COUNTRY CHAMPIONSHIP. Sponsors: Representatives Taylor, Roy, Gilligan, Petrilli, Corrozi; Senators Sharp, Arnold.

HCR 97 - COMMENDING TERENCE STANSBURY FOR WINNING THE DISTINGUISHED HONOR OF "DELAWARE ATHLETE OF THE YEAR AWARD," VOTED BY MEMBERS OF THE DELAWARE SPORTSWRITERS AND BROADCASTERS ASSOCIATION. Sponsors: Representative Jonkirt, Senator Marshall.

HCR 98 - CONGRATULATING TONY MACZYNSKI UPON BEING NAMED THE 1985 EMPLOYEE OF THE YEAR BY THE GOVERNOR'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED. Sponsors: Representatives Spence, Oberle; Senator Martin.

HCR 99 - COMMENDING ROBERT ZACHMANN ON ACHIEVING THE RANK OF EAGLE SCOUT. Sponsors: Representative Taylor; Senators Arnold, Sharp.

* * * * *

The roll call vote on CONSENT CALENDAR #17 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted; the Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

Senator Cordrey announced that Senator Arnold would step-down temporarily as a member of the Ethics Committee and be replaced by Senator Berndt.

SB 228 which had previously passed the Senate, was taken up for reconsideration as now further amended by **HA 1** on motion of Senator Vaughn. The roll call vote on **SB 228 w 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 273 which had previously passed the Senate, was taken up for reconsideration as now further amended by **HA 1** on motion of Senator Cook. The roll call vote on **SB 273 w HA 1** was then taken and revealed 20 Senators voting YES and 1 (Marshall) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

The following legislation was introduced:

SB 363 - AN ACT TO AMEND CHAPTER 51, TITLE 30 OF THE DELAWARE CODE RELATING TO THE MOTOR FUEL TAX. Sponsors: Senators Slatcher, McBride, Neal, Citro, Adams, Minner, Connor, Cordrey, Cook, Vaughn, Holloway, Marshall; Representatives Cordrey, Fallon, Steele, Corrozi. Assigned to Revenue and Taxation Committee.

SB 364 - AN ACT TO AMEND CHAPTER 81, TITLE 10 OF THE DELAWARE CODE RELATING TO COMPARATIVE NEGLIGENCE AND THE RECOVERY TO BE ALLOWED AGAINST EACH DEFENDANT IN A NEGLIGENCE ACTION. Sponsors: Senators Cordrey, Bair, Neal; Representatives Bennett, Petrilli. Assigned to Judiciary Committee.

SB 365 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF LICENSURE PROVISIONS FOR AUTOMOTIVE RECYCLERS. Sponsors: Senators Cordrey, Citro, Vaughn; Representatives Spence, VanSant, Davis, B. Ennis, D. Ennis. Assigned to Public Safety Committee.

SB 366 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 7, TITLE 5 OF THE DELAWARE CODE TO PROVIDE FOR ADDITIONAL POWERS OF STATE BANKS AND TRUST COMPANIES. Sponsors: Senator Cordrey; Representatives Petrilli, D. Ennis. Assigned to Banking Committee.

SA 1 to SB 362. Sponsor: Senator Holloway. Placed with the Bill.

SJR 14 - DIRECTING THE SECRETARY OF THE DELAWARE DEPARTMENT OF TRANSPORTATION NOT TO PROCEED WITH IMPLEMENTATION OF ANY PLAN ACCRUING FROM A STUDY PREPARED FOR THE DEPARTMENT AND THE FEDERAL HIGHWAY ADMINISTRATION FOR THE U.S. ROUTE 13 RELIEF ROUTE FOR CENTRAL DELAWARE UNTIL SUCH TIME AS A FORMAL DEBATE HAS OCCURRED AND VOTE BY THE DELAWARE LEGISLATURE. Sponsors: Senators McDowell, Vaughn. Assigned to Administrative Services/Energy Committee.

HB 415 - AN ACT TO AMEND CHAPTER 32, VOLUME 47, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FREDERICA", RELATING TO THE MAYOR AND TOWN COUNCIL. Sponsors: Representative Caulk, Senator Torbert. Assigned to Community Affairs Committee.

HB 418 - AN ACT TO AMEND CHAPTER 59, VOLUME 63, LAWS OF DELAWARE ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DEWEY BEACH", RELATING TO THE TERRITORY AND LIMITS OF THE TOWN. Sponsors: Representative Wingate, Senator Cordrey. Assigned to Community Affairs Committee.

HB 424 was introduced and laid on the table on motion of Senator McBride:

HB 424 - AN ACT SPECIFYING CERTAIN CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF FUNDS PREVIOUSLY APPROPRIATED FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1986. Sponsors: Representative Fallon, Senator McBride; Representatives Anderson, Barnes, Boykin, Buckworth, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, D. Ennis, Free, George, Gilligan, Hebner, Houghton, Jester, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Soles, Spence, Steele, Taylor, VanSant, West; Senators Bair, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McDowell, Neal, Sharp, Slatcher, Torbert, Vaughn.

SB 360 was introduced and assigned to Finance Committee:

SB 360 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1987; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Senators Bair, Arnold; Representatives Oberle, Hebner, Barnes.

SJR 14 which had been assigned to the Administrative Services/Energy Committee was reassigned to Highways and Transportation Committee on motion of Senator Martin.

HB 424 was lifted from the table and taken up for consideration under suspension of the necessary rules on motion of Senator McBride:

HB 424 - AN ACT SPECIFYING CERTAIN CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF FUNDS PREVIOUSLY APPROPRIATED FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1986.

The privilege of the floor was extended to Helen Foss of the Governor's Office.

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

The Secretary announced that a message from the House informed the Senate that it had passed HB 377; SB 359; SB 358; SB 332; SB 347; SB 349; SB 335; SB 337.

At 5:06 p.m. on motion of Senator Cordrey, the Senate recessed to the call of the President pro Tempore.

The Senate reconvened at 3:30 p.m., March 18, 1986, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SS 1 for SB 278, SB 245 w SA 1 and adopted HCR 100, HJR 21 w HA 1, SCR 95, SCR 96, SCR 97, SCR 98, SCR 99.

LEGISLATIVE ADVISORY #24 (as corrected) was read which indicated that the Governor signed the following legislation: On January 30, 1986 - SB 227 w SA 1 (Volume 65, Chapter 221, Laws of Delaware), SB 279 (Volume 65, Chapter 222, Laws of Delaware), SB 281 (Volume 65, Chapter 223, Laws of Delaware), SB 282 (Volume 65, Chapter 224, Laws of Delaware), SB 295 (Volume 65, Chapter 225, Laws of Delaware), SB 299 (Volume 65, Chapter 226, Laws of Delaware); On February 3, 1986 - SB 293 (Volume 65, Chapter 227, Laws of Delaware), HB 404 w HA 1 (Volume 65, Chapter 228, Laws of Delaware); On February 4, 1986 - SB 218 w SA 1 (Volume 65, Chapter 229, Laws of Delaware), SS 1 for SB 278 (Volume 65, Chapter 230, Laws of Delaware), SB 298 (Volume 65, Chapter 231, Laws of Delaware), SB 332 (Volume 65, Chapter 232, Laws of Delaware), HB 403 (Volume 65, Chapter 233, Laws of Delaware), HB 408 w HA 1 (Volume 65, Chapter 234, Laws of Delaware), HB 424 (Volume 65, Chapter 236, Laws of Delaware), HB 409 is a Constitutional Amendment and does not require the Governor's signature (Volume 65, Chapter 235, Laws of Delaware).

* * * * *

LEGISLATIVE ADVISORY #25 was read which indicated that the Governor signed the following legislation on February 5, 1986: SB 171 w HA 1 (Volume 65, Chapter 237, Laws of Delaware); SB 285 (Volume 65, Chapter 238, Laws of Delaware); SB 314 w SA 1 (Volume 65, Chapter 239, Laws of Delaware); SB 326 (Volume 65, Chapter 240, Laws of Delaware); HB 416 (Volume 65, Chapter 241, Laws of Delaware).

* * * * *

LEGISLATIVE ADVISORY #26 was read which informed the Senate that on February 7, 1986 the Governor signed SB 359 (Volume 65, Chapter 242, Laws of Delaware) and on February 12, 1986 SB 206 w HA 1 (Volume 65, Chapter 243, Laws of Delaware) became law without the signature of the Governor.

* * * * *

LEGISLATIVE ADVISORY #27 was read which informed the Senate that on February 19, 1986 the Governor signed SB 347 (Volume 65, Chapter 244, Laws of Delaware) and on February 21 the Governor signed SB 228 w HA 1 (Volume 65, Chapter 245, Laws of Delaware), SB 245 w SA 1 (Volume 65, Chapter 246, Laws of Delaware), SB 273 w HA 1 (Volume 65, Chapter 247, Laws of Delaware), SB 335 (Volume 65, Chapter 248, Laws of Delaware), SB 337 (Volume 65, Chapter 249, Laws of Delaware), SB 349 (Volume 65, Chapter 250, Laws of Delaware), SB 358 (Volume 65, Chapter 251, Laws of Delaware).

* * * * *

The following communications were read:

THE WHITE HOUSE
WASHINGTON
January 30, 1986

Dear Miss Caniford:

It was good of you to send President Reagan Senate Resolution 60 adopted by the Delaware State Senate. Your forwarding of this statement is appreciated, and you may be sure that it has been fully noted.

With the President's best wishes to you and the members of the Senate.

Sincerely,
Anne Higgins
Special Assistant to the President
and Director of Correspondence

The Honorable Betty Jean Caniford
Secretary of the Senate of the State of Delaware
Legislative Hall
Dover, DE 19901

* * * * *
THE WHITE HOUSE
WASHINGTON
February 3, 1986

Dear Miss Caniford:

It was good of you to send President Reagan Senate Resolution No. 80 adopted by the Delaware State Senate. Your forwarding of this statement is appreciated, and you may be sure that it has been fully noted.

With the President's best wishes to you and the members of the Senate.

Sincerely,
Anne Higgins
Special Assistant to the President
and Director of Correspondence

The Honorable Betty Jean Caniford
Secretary of the Senate of the State of Delaware
Legislative Hall
Dover, DE 19901

* * * * *
The following report of the Senate Ethics Committee was read and made part of this record at the request of Senator Neal:

REPORT OF SENATE ETHICS COMMITTEE
CONCLUSIONS

1. We find that Senator John Arnold should have known on June 30, 1985, that his contractual interest to purchase 40 Fox Den Road constituted a personal and private interest in H.B. 266.
2. We further find that his failure to publicly disclose that interest and to refrain from voting on H.B. 266 on June 30, 1985, violated the constitutional obligation imposed on him by Article II, Section 20, of the State Constitution.

These conclusions are supported by the great weight of the testimony and the documentary record compiled during two days of open public hearings. The factual record developed during our proceedings confirms the following factual sequence which we find relevant to our conclusions.

The Ethics Committee was asked to determine whether Senator John Arnold violated Article II, Section 20, of the Constitution when he (1) failed to disclose his interest to buy a home affected by pending legislation and (2) voted on that legislation rather than being recorded as "not voting".

Section 20 states:

Any member of the General Assembly who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon.

Senator Arnold argued that his personal and private interests in H.B. 266 did not include financial gain, therefore, was not a violation of Article II, Section 20. This committee feels that a violation of Article II, Section 20 can also occur where a legislator gains a significant personal benefit, by legislation that otherwise would not be available to him.

FINDINGS

1. On June 30, 1985, Senator Arnold voted in favor of H.B. 266, as amended.
2. H. B. 266, as amended, changed a small area of land in which three homes are located by taking that area out of the 9th Senatorial District and placing it in the 8th Senatorial District.
3. At the time that H.B. 266 came up before the Senate for consideration, Senator Arnold was a party to a contract which was signed on May 18, 1985, and secured by a deposit, containing a contingency clause stating, "This offer contingent upon Senatorial District line being moved to include this property. Bill to be introduced and acted upon within 30 day."
4. At no time during the Senate's debate on H. B. 266, as amended, did Senator Arnold inform the Senate of the sales contract, the above stated contingency or of any interest of any kind in one of the homes to be effected by H. B. 266.
5. Senator Arnold voted affirmatively on H. B. 266 as amended on June 30, 1985.
6. Between May 18 and June 4, Senator Arnold requested the attorney for the Republican caucus to draft H. B. 266. After learning that there was a mistake in the description of the area to be changed, Senator Arnold requested the same attorney to draft an amendment to correct the mistake.
7. Senator Arnold began looking at the subject house in April of 1985. After apparently becoming interested in purchasing it he urged Representative Steve Taylor to introduce a bill to change the district lines so that he could consider buying the house.
8. Representative Taylor had not introduced any legislation as of May 18, 1985.
9. H. B. 266 was introduced on June 4, 1985.
10. H. A. 1 to H. B. 266 was printed on Senate letterhead, but introduced in the House on June 19, 1985. The draft bill, and the amendment were drafted by the Senate minority caucus attorney at Senator Arnold's request. The final bill was prepared in the House and introduced there.
11. The bill passed the Senate on June 30, 1985 and was signed by the Governor on July 3, 1985.
12. Senator Arnold and his wife went to final settlement on July 17, 1985.
13. Senator Arnold has admitted that his failure to publicly admit his contractual interest in the home and refrain from voting were wrong.

RECOMMENDATIONS

Pursuant to the powers of the Senate under Article II, Section 9, we recommend all five members therein concurring the following:

1. We recommend Senator Arnold's removal from all standing committees.
 2. We recommend Senator Arnold's removal from legislative council.
 3. We recommend to the minority caucus that Senator Arnold be relieved of his position of senate leadership as minority whip.
 4. We recommend introduction and passage of legislation restoring the Senatorial lines of the eighth district to its position prior to passage of H. B. 266.
- The Senate Ethics Committee will make available all information to any and all interested parties including the Attorney General for any further investigation with recognition that our responsibilities are limited to our own members' acts under Article II, Section 20 of the constitution.

(Signed) Richard S. Cordrey, Chairman; Harris B. McDowell, III; James T. Vaughn; Robert J. Berndt; James P. Neal.

MINORITY RECOMMENDATION CONCURRED IN BY SENATOR VAUGHN AND SENATOR MCDOWELL

1. Suspension from the Senate for thirty days.
- (Signed) Harris B. McDowell, III; James T. Vaughn.

* * * * *

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

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901
March 18, 1986

Honorable S. B. Woo
President, Delaware State Senate
Legislative Hall
Dover, DE

Dear Lt. Governor Woo:

Former Senator John H. Arnold did violate Article II, Section 20 of the Delaware Constitution. Because of that he is not with us in the Senate today. But Senator John H. Arnold did have a positive impact as a Senator in his community, senatorial district, New Castle County and in the State of Delaware. I think that it is fitting that we take note of some of those accomplishments today.

Born in Mountain City, Tennessee in 1927, John served in active combat in the Korean War, married his high school sweetheart, Lois, help raise 6 fine girls, and concluded a fine career with the Diamond State Telephone Co. in 1985. After serving one term in the House of Representatives from 1972-1976, John served in the Delaware State Senate from 1977 to 1986. The last 7 years as the Minority Whip.

As it has been noted in the Press, "Quiet, conservative and earnest, Arnold sponsors legislation selectively and, therefore, successfully". Some of the legislation sponsored by Arnold has included:

- * A voluntary transfer plan in the New Castle County public schools.
- * The four-district plan to divide the New Castle County School District, merged under a federal court desegregation order.
- * Legalizing the use of deadly force if you believe the alternative is serious physical injury to yourself or other people.
- * Provisions for stiff penalties for drug users.
- * Lighter sentences for non-addicted drug users.
- * The State Missing Children Clearinghouse to help locate missing children.
- * The Delaware Lemon Law that creates an appeal procedure for owners of defective new cars.

But probably of most significance was the role that Senator John Arnold played as the Chairman of the Joint Legislative Committee, formed after the Federal District Court ordered 12 New Castle County school districts to merge into a single district. It was noted a few years ago in the News Journal "A staunch conservative, well-meaning legislator, Arnold made his mark as leader of the legislature's Joint Committee on Desegregation. . . . Arnold is credited by some with guiding the legislature away from the kind of action that the state---and its school children---may have regretted later." John Arnold's role, in a most volatile time, in the public schools of New Castle County was a positive one. A role that took courage and, in retrospect, played a significant part in the effort to see that our school children were able to receive a good education during those trying times.

As legislators, we are given the opportunity, license, charge, and obligation to do good for Delaware. Senator John Arnold did have some positive accomplishments, and they should be part of the record.

Thank you for listening.

Sincerely,
James P. Neal, State Senator
Member, Ethics Committee

At 3:40 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 9th Legislative Day.

9TH LEGISLATIVE DAY
March 18, 1986

The Senate convened at 3:40 p.m., Lt. Governor Woo presiding.
A Prayer was offered by Senator Slatcher.
Pledge of Allegiance to the Flag.
The following communication was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901
March 6, 1986

The Honorable S. B. Woo, President
Delaware State Senate
Legislative Hall
Dover, DE 19901

Dear Governor Woo:

I hereby submit my resignation from the Delaware State Senate effective today. I believe that this action will be in the best interests of my family and constituents.

I have appreciated the opportunity to serve my constituents for the past 14 years.

Sincerely,
John H. Arnold
* * * * *

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Berndt, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 18.

ABSENT: Senators Citro and Cordrey - 2.

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

Senator Bair, the Minority Leader, announced that Senator Connor would be the Minority Whip.

The following legislation was introduced:

SB 367 was introduced but not read in at the request of Senator Torbert.

SB 368 - AN ACT TO AMEND AN ACT BEING CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL," TO PERMIT EXEMPTION OF CERTAIN PROPERTY FROM TAXATION OF PROPERTY. Sponsors: Senator Slatcher, Representative Cordrey. Assigned to Community Affairs Committee.

SB 369 - 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), BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE BORROWED IN ANTICIPATION OF REVENUES ON THE FULL FAITH AND CREDIT OF THE TOWN. Sponsors: Senator Minner, Representative Carey. Assigned to Community Affairs Committee.

SB 370 - AN ACT TO AMEND 29 DELAWARE CODE, CHAPTER 52, RELATING TO HEALTH CARE INSURANCE. Sponsors: Senators Cook, Berndt, Holloway, McBride, Slatcher, Vaughn; Representatives Corrozi, Bennett, Davis, Quillen, Smith, Soles. Assigned to Insurance and Elections Committee.

HB 377 - AN ACT TO AMEND CHAPTER 86, TITLE 29 AND CHAPTER 40, TITLE 31 OF THE DELAWARE CODE RELATING TO THE ELEVATION OF CERTAIN EXISTING PROGRAMS WITHIN THE DEPARTMENT OF COMMUNITY AFFAIRS TO DIVISIONAL STATUS AND PROVIDING FOR A CHANGE OF NAME FOR THE DIVISION OF HOUSING. Sponsors: Representatives Quillen, Boykin, Taylor, Reynolds, Steel, Corrozi, Mack, Maroney, Free, D. Ennis, Carey. Assigned to Health-Social Services Committee.

HJR 21 w HA 1 - INSTRUCTING THE DELAWARE DEVELOPMENT OFFICE IN COOPERATION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION TO PLAN AND EXECUTE A MARKETING PROGRAM TO ATTRACT NEW TEACHERS TO DELAWARE. Sponsors: Representatives Bennett, Davis; Senators Connor, Cook; Representatives Fallon, Free, Jester, Wingate; Senators Berndt, Vaughn. Assigned to Executive Committee.

SR 90 was introduced and considered for adoption on motion of Senator Holloway:

SR 90 - COMMENDING BASEBALL COMMISSIONER PETER UEBERROTH FOR SERVING NOTICE THAT DRUG ABUSE WILL NOT BE TOLERATED IN MAJOR LEAGUE BASEBALL. Sponsors: Senators Holloway, Bair, Zimmerman, Neal, Knox, Berndt, Connor.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 2 (Citro and Cordrey) ABSENT; therefore, the Resolution was declared adopted.

SR 91 was introduced and considered for adoption on motion of Senator Neal:

SR 91 - COMMENDING KURT HOWELL ON HIS PERFECT 108-0 WRESTLING CAREER. Sponsor: Senator Neal.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 2 (Citro and Cordrey) ABSENT; therefore, the Resolution was declared adopted.

At 4:00 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:40 p.m., Senator Sharp presiding.

SCR 101 was introduced and considered for adoption on motion of Senator Slatcher:

SCR 101 - CONGRATULATING CAROL LYNCH FOR EARNING THE TITLE "OUTSTANDING YOUNG INDIVIDUAL OF DELAWARE". Sponsors: Senator Slatcher, Representative Fallon.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 3 (Citro, Cordrey, Minner) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SR 92 was introduced and considered for adoption on motion of Senator Sharp:

SR 92 - EXTENDING THE SENATE'S BEST WISHES FOR A SPEEDY RECOVERY TO SENATE PRESIDENT PRO TEM RICHARD S. CORDREY. Sponsors: Senator Sharp and all Senators.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 3 (Citro, Cordrey, Minner) ABSENT; therefore, the Resolution was declared adopted.

SR 93 was introduced and considered for adoption on motion of Senator Sharp:

SR 93 - REQUESTING SECRETARY THOMAS P. EICHLER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO APPEAR BEFORE THE SENATE TO EXPLAIN HOW THE DEPARTMENT DETERMINES THE CRITERIA FOR LOCATION OF GROUP HOMES FOR THE MENTALLY RETARDED. Sponsor: Senator Sharp.

At 5:05 p.m. a standing recess for change of tape.

At 5:07 p.m., the Senate reconvened, Lt. Governor Woo presiding.

The roll call vote on SR 93 was taken and revealed 17 Senators voting YES, 1 (Neal) voting NO and 2 (Citro and Cordrey) ABSENT; therefore, the Resolution was declared adopted.

SCR 102 was introduced and considered for adoption on motion of Senator Holloway:

SCR 102 - COMMENDING MICHAEL DIELEUTERIO AS HE PREPARED TO RETIRE AFTER 25 YEARS OF DEDICATED SERVICE TO THE STATE OF DELAWARE AND THE CITY OF WILMINGTON. Sponsors: Senators Holloway, Marshall, McDowell, Zimmerman; Representatives George, Jonkiert, Plant, Sills.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 2 (Citro and Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 103 was introduced and considered for adoption on motion of Senator Vaughn:

SCR 103 - EXTENDING CONGRATULATIONS TO KENNETH V. HILTON ON BEING ELECTED AS PRESIDENT OF THE NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION. Sponsors: Senator Vaughn, Representative Jester.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 2 (Citro and Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The following legislation was introduced:

SB 371 - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER VII, SUBPART E, TITLE II OF THE DELAWARE CODE, RELATING TO THE SENTENCING PROVISIONS FOR POSSESSING A DEADLY WEAPON DURING THE COMMISSION OF A FELONY. Sponsors: Senators Connor, Citro, Sharp; Representatives Spence, Reynolds, Oberle. Assigned to Judiciary Committee.

SB 372 - AN ACT TO AMEND CHAPTER 55, TITLE 25, DELAWARE CODE, TO REQUIRE THAT INTEREST BE PAID ON TENANTS' SECURITY DEPOSITS. Sponsors: Senators Vaughn, Sharp. Assigned to Administrative Services Committee.

SB 373 - AN ACT TO AMEND CHAPTER 8, TITLE 29, DELAWARE CODE, RELATING TO THE BOUNDARY LINES OF CERTAIN DISTRICTS. Sponsors: Senators McDowell, Vaughn, Cordrey, Berndt, Neal. Assigned to Community Affairs Committee.

SCR 104 - CONGRATULATING V. EUGENE MCCOY AS RECIPIENT OF THE ANNUAL GOOD GOVERNMENT AWARD PRESENTED BY THE CIVIC LEAGUE FOR NEW CASTLE COUNTY. Sponsors: Senators Bair, Berndt, Knox; Representatives Boykin, Smith, D. Ennis, Hebner, Brady, Maroney.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES, 1 (Zimmerman) NOT VOTING, and 2 (Citro and Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

HCR 100 was introduced and considered for adoption on motion of Senator Bair:

HCR 100 - CONGRATULATING THE HONORABLE ROXANA C. ARSHT UPON RECEIVING THE DELAWARE CHAMBER OF COMMERCE JOSIAH MARVEL CUP FOR 1986. Sponsors: Representative Smith, Senator Cook; Representatives Anderson, Boykin, Caulk, Carey, Corrozi, Davis, D. Ennis, Fallon, Free, Gilligan, George, Hebner, Jester, Mack, Petrilli, Soles, Taylor, Bennett, Maroney; Senators Arnold, Bair, Citro, Knox, McDowell, Neal, Slatcher.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES, 1 (Zimmerman) NOT VOTING, and 2 (Citro and Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

The following legislation was introduced:

SB 374 - AN ACT TO AMEND CHAPTER 19, TITLE 7, DELAWARE CODE, RELATING TO UNLAWFUL TAKING OF SHELLFISH. Sponsor: Senator Zimmerman. Assigned to Natural Resources and Environmental Control Committee.

SB 375 - AN ACT TO AMEND TITLE 9, TITLE 22 AND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE AND COUNTY, MUNICIPAL, PARKING AUTHORITY AND MUNICIPAL ELECTRIC COMPANY BONDS; AND PROVIDING FOR NOTICE OF EARLY REDEMPTION. Sponsor: Senator Zimmerman. Assigned to Community Affairs Committee.

HB 377 which had been assigned to Health-Social Services/Aging Committee, was reassigned to Community Affairs Committee on request of Senator Minner and without objection.

At 5:29 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 19, 1986.

The Senate reconvened at 2:57 p.m., March 19, 1986, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 453.

The following legislation was introduced:

SB 376 - AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS BY KENT COUNTY, DELAWARE TO FINANCE IMPROVEMENTS TO VARIOUS SANITARY DISTRICTS CREATED BY THE COUNTY. Sponsors: Senators Cook, Minner, Torbert, Vaughn, Zimmerman; Representatives Bennett, Clark, B. Ennis, Outten, Buckworth, Caulk, Quillen. Assigned to Finance Committee.

SB 377 - AN ACT TO AMEND CHAPTER 55, TITLE 25, DELAWARE CODE, TO LIMIT SECURITY DEPOSITS IN RESIDENTIAL DWELLING UNITS TO ONE MONTH'S RENT. Sponsor: Senator Holloway. Assigned to Administrative Services/Energy Committee.

SB 378 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO PERSONAL INCOME TAXES BY ALLOWING A CREDIT FOR MEMBERS OF DELAWARE VOLUNTEER FIRE COMPANY AUXILIARIES. Sponsor: Senator Minner. Assigned to Revenue and Taxation Committee.

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

SR 94 - COMMENDING SGT. WILLIAM HONEY FOR HIS 25 YEARS OF DEDICATED SERVICE ON THE NEW CASTLE COUNTY POLICE FORCE AND CONGRATULATING HIM ON HIS SELECTION AS 1985 OFFICER OF THE YEAR BY THE BRANDYWINE HUNDRED KIWANIS CLUB. Sponsor: Senator Holloway.

The roll call vote on the Resolution was taken and revealed 14 Senators voting YES and 6 (Bair, Citro, Cordrey, Martin, McDowell, Neal) ABSENT; therefore, the Resolution was declared adopted.

HB 453 - AN ACT TO AMEND CHAPTER 8, TITLE 29 OF THE DELAWARE CODE RELATING TO THE BOUNDARY LINES OF THE EIGHTH AND NINTH SENATORIAL DISTRICTS. Sponsors: Representatives Taylor, Oberle, Hebner, Gilligan, B. Ennis, Brady; Senator Bair. Assigned to Insurance and Elections Committee.

SB 373 which had been assigned to Community Affairs Committee was reassigned to Insurance and Elections Committee.

SS 1 for SB 313 was introduced, adopted in lieu of the Original and laid on the table on motion of Senator McBride:

SS 1 for SB 313 - AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO ANATOMICAL GIFTS; AND PERMITTING A HOSPITAL TO REQUEST AN ANATOMICAL GIFT UNDER CERTAIN CIRCUMSTANCES. Sponsors: Senators McBride, Holloway, Berndt; Representative Maroney.

At 3:08 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 10th Legislative Day.

10TH LEGISLATIVE DAY

March 19, 1986

The Senate convened at 3:08 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 19.

ABSENT: Senator Cordrey - 1.

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

SS 1 for SB 313 was taken up for consideration under suspension of the necessary rules on motion of Senator McBride:

SS 1 for SB 313 - AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO ANATOMICAL GIFTS; AND PERMITTING A HOSPITAL TO REQUEST AN ANATOMICAL GIFT UNDER CERTAIN CIRCUMSTANCES.

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

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

SJR 12 - AUTHORIZING AND DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO DESIGN AND INSTALL IN AN APPROPRIATE PLACE A PLAQUE COMMEMORATING THE CIVILIAN CONSERVATION CORPS AND THE DELAWAREANS WHO SERVED THEREIN.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 3 (Cordrey, Martin, Neal) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 376 was taken up for consideration under suspension of the necessary rules on motion of Senator Cook:

SB 376 - AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS BY KENT COUNTY, DELAWARE TO FINANCE IMPROVEMENTS TO VARIOUS SANITARY DISTRICTS CREATED BY THE COUNTY.

A letter from N. Maxon Terry was read at the request of Senator Cook after which the roll call vote on the Bill was taken and revealed 18 Senators voting YES and 2 (Cordrey and Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 60 was taken up for consideration on motion of Senator McDowell:

SB 60 - AN ACT CREATING A MANDATORY PRELIMINARY REVIEW OF REGULATORY LEGISLATION PROPOSED FOR PROFESSIONS AND OCCUPATIONS.

The privilege of the floor was extended to Stephen P. Tanzer (Legislative Council - Sunset Committee) after which the Bill was laid on the table on motion of Senator McDowell.

Senator Torbert introduced Horace Short of Wyoming, Delaware to the Senate.

At 4:14 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:07 p.m., Senator Sharp presiding.

SB 304 was taken up for consideration on motion of Senator McDowell:

SB 304 - AN ACT TO AMEND TITLE 29 AND 31 OF THE DELAWARE CODE RELATING TO THE PRESENT DIVISION OF YOUTH REHABILITATION SERVICES OF THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES, PROVIDING A NEW NAME FOR SAID DIVISION; AND PROVIDING A NEW NAME FOR THE ADVISORY COUNCIL FOR SAID DIVISION.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 2 (Berndt and Cordrey) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SR 95 was introduced and considered for adoption on motion of Senator Bair:

SR 95 - COMMEMORATING THE LIFE OF CHARLES A CITRO AND EXPRESSING SYMPATHY TO HIS FAMILY UPON HIS PASSING. Sponsors: Senators Bair and Connor and all Senators.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES, 1 (Citro) NOT VOTING and 2 (Berndt and Cordrey) ABSENT; therefore, the Resolution was declared adopted.

SCR 107 was introduced and considered for adoption on motion of Senator Cook:

SCR 107 - EXTENDING CONGRATULATIONS TO DUANE O. OLSEN, FORMER CONTROLLER GENERAL OF THE STATE OF DELAWARE (RETIRED) ON BEING THE RECIPIENT OF THE DIAMOND STATE AWARD AND WISHING HIM THE BEST DURING HIS RETIREMENT YEARS. Sponsors: Senators Cook, Holloway, McBride, Vaughn, Berndt, Slatcher, Sharp, McDowell, Bair; Representatives Corrozi, Smith, Davis, Quillen, Soles, Bennett, Hebner, Oberle, Barnes, George, Gilligan.

The privilege of the floor was extended to Duane Olsen after which the roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 105 was introduced and considered for adoption on motion of Senator Zimmerman:

SCR 105 - COMMENDING THE DOVER HIGH SCHOOL WRESTLING TEAM AND ITS COACH, HARRY RIGBY, FOR WINNING THE HENLOPEN CONFERENCE WRESTLING TITLE. Sponsors: Senator Zimmerman; Representatives Bennett, Outten.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 367 was read in and assigned to Executive Committee:

SB 367 - AN ACT TO AMEND CHAPTER 3, TITLE 29, DELAWARE CODE, TO DESIGNATE THE "STATUE OF LIBERTY MARCH," MUSIC AND LYRICS BY CHARLOTTE TRINCHIERI WARD OF DOVER, AS THE OFFICIAL STATE MARCH. Sponsor: Senator Torbert.

At 5:24 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 20, 1986.

The Senate reconvened at 3:00 p.m., Senator Sharp presiding.

At 3:01 p.m., Lt. Governor Woo presiding.

The following Committee reports were announced:

From the Public Safety Committee: SB 353 - 1 Favorable, 3 Merits.

From the Executive Committee: SJR 13 - 3 Merits.

From the Judiciary Committee: SB 222 - 4 Merits; SB 255 - 4 Merits; SB 263 - 4 Merits; SB 302 - 4 Merits; SB 303 - 4 Merits; SB 334 - 4 Merits; SB 338 - 4 Merits; SB 342 - 4 Merits; SB 348 - 4 Merits; HB 32 w HA 1 - 4 Merits.

From the Insurance and Elections Committee: SB 327 - 4 Merits; SB 351 - 4 Merits; SB 268 - 4 Merits; SB 267 - 4 Merits; SB 266 - 4 Merits; SB 164 - 4 Merits; SB 370 - 4 Merits; SB 373 - 4 Merits; HB 453 - 4 Merits.

From the Natural Resources and Environmental Control Committee: SB 374 - 1 Favorable, 3 Merits.

At 3:03 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 11th Legislative Day.

11TH LEGISLATIVE DAY
March 20, 1986

The Senate convened at 3:03 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 20.

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

The following legislation was introduced:

SB 379 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO PERSONAL INCOME TAX DEDUCTIONS AND EXEMPTIONS FOR THE ELDERLY AND THE DISABLED. Sponsor: Senator Holloway. Assigned to Revenue and Taxation Committee.

SA 1 to SS 1 for SB 313. Sponsor: Senator McBride. Placed with the Bill.

SA 1 to SB 339. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 348. Sponsor: Senator Vaughn. Placed with the Bill.

SA 1 to SB 361. Sponsor: Senator Citro. Placed with the Bill.

SA 1 to SB 372. Sponsor: Senator Vaughn. Placed with the Bill.

SS 1 for SB 313 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator McBride:

SS 1 for SB 313 - AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO ANATOMICAL GIFTS; AND PERMITTING A HOSPITAL TO REQUEST AN ANATOMICAL GIFT UNDER CERTAIN CIRCUMSTANCES.

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

Senator McBride requested that Senator Marshall be named as co-sponsor of the Bill; however Senator Marshall requested that his name be removed as a co-sponsor.

The Bill and the Amendment were then laid on the table on further motion of Senator McBride.

SB 338 was taken up for consideration on motion of Senator Vaughn:

SB 338 - AN ACT TO AMEND CHAPTER 52, VOLUME 65 OF THE LAWS OF DELAWARE, RELATING TO THE SUPERIOR COURT.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 2 (Cordrey, Martin) 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 Adams:

SB 302 - AN ACT TO AMEND CHAPTERS 3, 5, 9 AND 13, TITLE 10, DELAWARE CODE PROVIDING FOR THE RESIDENCE OF PARTICULAR STATE COURT JUDGES.

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 18 Senators voting YES and 2 (Cordrey and Martin) ABSENT; therefore, the Amendment was declared adopted.

Senator McDowell marked PRESENT.

The privilege of the floor was extended to Bill Walls and Richard Dillard (Senate Attorneys).

Sensors Citro, Holloway, Martin marked PRESENT.

SB 302 w SA 1 was then laid on the table on motion of Senator Adams.

SB 303 was laid on the table on motion of Senator Adams.

At 4:00 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:30 p.m., Senator McDowell presiding.

SJR 13 was taken up for consideration on motion of Senator Martin:

SJR 13 - MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO EXERCISE THE INFLUENCE AND POWER OF THEIR HIGH OFFICES TO ENACT LEGISLATION DEPRIVING U. S. CITIZENS OF CERTAIN PRIVILEGES AND IMMUNITIES WHO ARE CONVICTED OF COMPROMISING THEIR COUNTRY'S SECURITY.

At 4:31 p.m., the Chair called a brief recess due to the lack of a quorum.

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

YES: Senators Adams, Cook, Martin, McBride, Minner, Torbert, Vaughn - 7.

NO: Senators Marshall, Neal, Slatcher - 3.

NOT VOTING: Senators Bair, Connor, Holloway, Knox, McDowell, Sharp, Zimmerman - 7.

ABSENT: Senators Berndt, Citro, Cordrey - 3.

Therefore, the Resolution was declared defeated.

SJR 15 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Vaughn:

SJR 15 - URGENTLY REQUESTING GOV. MICHAEL N. CASTLE AND CORRECTIONS COMMISSIONER JOHN L. SULLIVAN TO DELAY AND RECONSIDER THEIR DECISION TO CHANGE THE MORRIS CORRECTIONAL INSTITUTION IN DOVER FROM A COMMUNITY WORK PROGRAM CENTER TO A HOLDING FACILITY FOR DRUNK DRIVING OFFENDERS. Sponsors: Senator Vaughn, Representative Bennett; Senators Adams, Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Zimmerman; Representatives Outten, B. Ennis, Clark.

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

STATE OF DELAWARE
OFFICE of the GOVERNOR
March 13, 1986

Mr. John T. McKenna, Vice President
Kent County Levy Court
County Administration Building - 414 Federal Street
Dover, DE 19901

Dear Mr. McKenna:

I am writing in reply to your letter of February 24, 1986 regarding plans to convert the John E. Morris Correctional Institute to a facility for DUI offenders.

I agree with you that the present system at MCI has been accepted by the local community and that the inmates there are making a positive contribution. Further, I am well aware of the value of inmate services to Kent County and the beneficial effect on the prisoners of this kind of community service.

However, the loss of a valuable service to the community is really not at issue here. I am committed to continuing the program at MCI once Commissioner Sullivan has converted the facility for drunk driving and other minor offenders. In fact, I anticipate an expanded community support role for the Department because a similar program will be offered out of the Pre-Trial Annex (PTA) at Greenbank.

What is really at issue here is whether the mandatory 60-day sentence for second time DUI offenders is served. It is very clear to me that the citizens of this state are unwilling to tolerate the carnage caused by drunk drivers, and that they want offenders punished for their actions. Unfortunately, the mandatory sentence is rarely, if ever, served because our prison population is expanding. In fact, the Highway Safety Task Force has recommended a mandatory seven-day sentence for second-time offenders in an effort to insure that they would serve some time in jail. By designating two facilities for the DUI program, we would be able to increase the certainty of fulfilling these sentences.

If it were necessary to choose one benefit over the other, the need to stop drunk driving in our state must take priority over the need for community service programs. Fortunately, it will not be necessary to choose one program over the other, because we will be able to house DUI offenders and expand the Department of Corrections community services program.

There are other reasons to convert MCI, as well as PTA, to minimum security facilities.

At present, the small prison in Dover is among the most expensive in our entire corrections system. MCI is inefficient because of the staffing required to manage the serious offenders being housed there. The minimum security programs would require less staff and thus could accommodate more inmates, and make these programs more efficient.

Moreover, with reduced staffing requirements at Morris and the Pre-Trial Annex, we have the opportunity to shift corrections personnel to Smyrna and reduce the cost of opening a new facility there by over \$500,000 a year. This step will also allow us to open the new facility ahead of schedule and stem potential problems arising from a growing prison population.

Finally, there is the issue of the DUI offenders themselves. Given the fact that MCI and PTA are located near residential communities, it is in the interest of our citizens that we place offenders who represent a lower security risk in these facilities and move more serious offenders to Smyrna. At the same time, it is inappropriate to house DUI offenders with more serious criminal offenders, and by placing them in a separate facility, we have the opportunity to provide treatment programs more readily.

Given my commitment to continue community service programs in our correctional system, and considering the overwhelming need to remove drunk drivers from our roads because of the terrible toll they take on lives and property in the state, I hope I can count on your support and the support of the Kent County Levy Court in this effort.

Sincerely,
Michael N. Castle, Governor
* * * * *

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

YES: Senators Adams, Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman - 12.

NO: Senator Bair - 1.

NOT VOTING: Senators Berndt, Connor, Knox, Neal, Slatcher - 5.

ABSENT: Senators Citro, Cordrey - 2.

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

SS 2 for SB 313 was adopted in lieu of SS 1 and taken up for consideration under suspension of the necessary rules on motion of Senator McBride:

SS 2 for SB 313 - AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO ANATOMICAL GIFTS; AND PERMITTING A HOSPITAL TO REQUEST AN ANATOMICAL GIFT UNDER CERTAIN CIRCUMSTANCES. Sponsors: Senator McBride, Representative Hebner; Senators Holloway, Berndt; Representative Maroney.

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

The Secretary announced that a message from the House informed the Senate that it had adopted HC 107, HC 101, HC 102, HC 103, HC 104, HC 105, HC 106, SC 101, SC 102, SC 103, SC 104.

HC 107 was introduced and considered for adoption on motion of Senator Connor:

HC 107 - CONGRATULATING MARVIN DOOLEY OF THE WILLIAM PENN HIGH SCHOOL WRESTLING TEAM ON WINNING THE STATE CHAMPIONSHIP IN THE 185 POUND WEIGHT CLASS. Sponsors: Representatives Houghton, Mack, Reynolds; Senator Connor.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 2 (Citro and Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SENATE CONSENT CALENDAR #18 was introduced and considered for adoption on motion of Senator Minner.

The CONSENT CALENDAR was comprised of the following:

HC 101 - COMMENDING MRS. NANCY B. TIEMAN OF WYOMING, DELAWARE FOR HER DEDICATED SERVICE AS COUNCILWOMAN FOR TEN YEARS, THE LAST SIX OF WHICH WERE AS MAYOR OF WYOMING. Sponsors: Representatives Buckworth, Bennett; Senator Torbert.

HC 102 - COMMENDING THE LIBRARY STAFFS OF WESTERN SUSSEX COUNTY LIBRARIES FOR THEIR OUTSTANDING ACHIEVEMENTS AND FOR BEING THE BEST IN THE STATE. Sponsors: Representatives Fallon, Barnes; Senators Slatcher, Adams.

HC 103 - COMMENDING THE CITIZENS' HOSE COMPANY NO. 1, INC., OF SMYRNA, DELAWARE ON 100 YEARS OF OUTSTANDING SERVICE TO THE CITIZENS OF DELAWARE. Sponsors: Representatives B. Ennis, Clark; Senators Cook, Vaughn.

HC 105 - COMMENDING SEAFORD HIGH SCHOOL FOR SPONSORING THE FIRST DELAWARE ACADEMIC DECATHLON ON SATURDAY, FEBRUARY 8, 1986 AND FURTHER EXTENDING CONGRATULATIONS TO SEAFORD HIGH SCHOOL FOR WINNING THE DECATHLON. Sponsors: Representative Fallon, Senator Slatcher.

HC 106 - EXPRESSING DEEP SORROW UPON LEARNING OF THE DEATH OF MRS. CORNELIA T. JONES, TEACHER, HISTORIAN AND LEGISLATIVE REPORTER FOR THE NEWS JOURNAL PAPERS. Sponsors: Representatives Outten, Bennett, Quillen; Senator Zimmerman.

* * * * *

The roll call vote on the CONSENT CALENDAR was taken and revealed 18 Senators voting YES and 2 (Citro and Cordrey) ABSENT; therefore, the Resolutions were declared adopted by the Senate and returned to the House.

SR 96 was introduced and considered for adoption on motion of Senator Vaughn:

SR 96 - WISHING CHARLES P. STAATS A SPEEDY RECOVERY DURING HIS ILLNESS. Sponsors: Senator Vaughn and all Senators.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 2 (Citro and Cordrey) ABSENT; therefore, the Resolution was declared adopted.

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, 1986

To the Senate of the 133rd General Assembly
of the State of Delaware

On behalf of the Board of Trustees of the University of Delaware and in conformity with the Constitution and Laws of the State of Delaware, I hereby submit for the consent and confirmation of the Senate, the following, elected by the Board of Trustees to be a member of that Board: Robert F. Rider, Post Office Box 396, Bridgeville, DE 19933, to be appointed as a member of the Board of Trustees of the University of Delaware, to a six year expiring December 13, 1991, to replace Elbert N. Carvel, resigned.

The above name is not a gubernatorial appointment.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
March 20, 1986

To the Senate of the 133rd 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 T. Rash, 240 Old North Road, Camden, DE 19934, to be reappointed as a Justice of the Peace, in and for Kent County, State of Delaware, 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 20, 1986

To the Senate of the 133rd 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 M. Polo, 59 Sackarackin Avenue, Dover, DE 19901, to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware, for a term of four years to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
March 20, 1986

To the Senate of the 133rd General Assembly
of the State of Delaware

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

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

SCR 106 was introduced and considered for adoption on motion of Senator Adams:
SCR 106 - COMMENDING THE DELAWARE COUNCIL OF FARM ORGANIZATIONS FOR A SUMPTUOUS OCCASION AT THE SIXTEENTH ANNUAL AGRICULTURAL INDUSTRY DINNER HELD ON SATURDAY, MARCH 15, 1986 AT CLAYTON HALL, UNIVERSITY OF DELAWARE AND FURTHER RECOGNIZING THE WEEK OF MARCH 16 THROUGH 22 AS AGRICULTURAL WEEK IN DELAWARE. Sponsors: Senator Adams, Representative Clark.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 2 (Citro and Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The following legislation was introduced:

HB 411 w HA 1, 2 - AN ACT TO AMEND CHAPTER 68, TITLE 16, DELAWARE CODE, RELATING TO EXEMPTIONS FROM CIVIL LIABILITY OF CERTAIN PERSONS ASSOCIATED WITH NON-PROFIT SPORTS PROGRAMS. Sponsors: Representatives Bennett, Buckworth, Anderson, Brady, Campanelli, C. Cordrey, Corrozi, B. Ennis, George, Gilligan, Houghton, Jester, Mack, Outten, Reynolds, Sills, Soles, Spence, VanSant, West, Wingate; Senators Cordrey, Minner, Vaughn. Assigned to Health-Social Services Committee.

SB 380 - AN ACT TO AMEND CHAPTER 49, SUBCHAPTER XI, TITLE 10, DELAWARE CODE, RELATING TO OCCASION FOR SUING OUT WRITS OF SCIRE FACIAS; PARTIES AND NOTICE. Sponsors: Senator Vaughn; Representatives Quillen, Barnes. Assigned to Judiciary Committee.

SB 381 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, §2, OF THE CONSTITUTION OF THE STATE OF DELAWARE PROVIDING FOR THE RESIDENCE OF THE JUSTICES OF THE SUPREME COURT. Sponsors: Senators Adams, Cordrey, Cook; Representative Barnes. Assigned to Judiciary Committee.

SB 382 - AN ACT TO AMEND CHAPTER 43, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO THE EQUIPMENT AND CONSTRUCTION OF VEHICLES; AND PROVIDING FOR A PROHIBITION ON THE USE OF DEVICES ON MOTOR VEHICLES TO DETECT THE PRESENCE OF RADAR UPON HIGHWAYS. Sponsor: Senator Martin. Assigned to Public Safety Committee.

SB 383 - AN ACT TO AMEND CHAPTER 3, SUBCHAPTER IV, OF TITLE 28, DELAWARE CODE, RELATING TO THE STATE TAX ON PARI-MUTUEL INCOME AND LICENSEE'S COMMISSION ON CONTRIBUTIONS TO PARI-MUTUEL AND TOTALIZATOR POOLS CONDUCTED OR MADE AT THOROUGHBRED RACE TRACKS AND STATE LICENSE FEES FOR THOROUGHBRED RACE MEET OPERATORS. Sponsors: Senators Sharp, Holloway; Representatives Quillen, Roy, Gilligan, Taylor. Assigned to Community Affairs Committee; reassigned to Revenue and Taxation Committee.

SB 384 - AN ACT TO AMEND CHAPTER 39, TITLE 12 OF THE DELAWARE CODE RELATING TO THE TERM OF GUARDIANSHIP. Sponsors: Senators Vaughn, Cook; Representatives B. Ennis, Jester, VanSant. Assigned to Judiciary Committee.

HCN 104 was introduced and laid on the table:

HCN 104 - REQUESTING THAT THE INSURANCE COMPANIES SERVING DELAWARE'S LIFE INSURANCE CONSUMERS DEVELOP NEW INSURANCE POLICY ALTERNATIVES WHICH WILL PROVIDE FOR THE CUSTODIAL CARE NEEDS OF THE INCREASING NUMBER OF INDIVIDUALS LIVING IN NURSING HOMES. Sponsor: Representative George.

At his request, Senator Martin's name was removed as co-sponsor of **SB 346**.

At 5:30 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 25, 1986.

The Senate reconvened at 2:15 p.m., March 25, 1986, Senator Cordrey presiding.

At 2:16 p.m., Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 328**; **HB 455**; **HB 400 w HA 1, 2**.

Senator Cordrey marked PRESENT.

The following legislation was introduced:

HB 328 - AN ACT TO AMEND CHAPTER 25, TITLE 29, DELAWARE CODE, RELATING TO TERMINATION OF TENURED DEPARTMENT OF JUSTICE PERSONNEL. Sponsors: Representatives Spence, Reynolds, Caulk. Assigned to Judiciary Committee.

HB 400 w HA 1, 2 - AN ACT TO AMEND CHAPTER 43, PART II, TITLE II OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE; AND PROVIDING FOR THE HOUSE ARREST OF NON-VIOLENT OFFENDERS. Sponsors: Representatives Jonkiert, Spence; Senator Marshall; Representatives West, VanSant, Barnes, Free, Buckworth, Quillen, Maroney, Clark, Houghton, Corrozi, C. Cordrey, B. Ennis, Hebner, Reynolds, Taylor, Boykin, Steele, Petrilli, Brady, Wingate, Outten, Bennett, Oberle, Roy, Davis, Carey, Campanelli, Jester, Anderson, Caulk, Fallon; Senators Minner, Torbert. Assigned to Judiciary Committee.

HB 455 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON" BEING CHAPTER 50I, VOLUME 6I, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 265, VOLUME 64, LAWS OF DELAWARE, BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE BORROWED IN ANTICIPATION OF REVENUES ON THE FULL FAITH AND CREDIT OF THE TOWN. Sponsors: Representative Carey and Senator Minner. Assigned to Community Affairs Committee.

At 2:18 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 12th Legislative Day.

12TH LEGISLATIVE DAY

March 25, 1986

The Senate convened at 2:18 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 20.

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

SJR 13 which had been defeated for adoption was restored to the Calendar and laid on the table on motion of Senator Holloway without objection.

Senator McBride marked PRESENT.

SR 97 was introduced and considered for adoption on motion of Senator Cordrey:

SR 97 - MOURNING THE DEATH OF GEORGE A WHARTON, OF MILLSBORO, AND EXTENDING CONDOLENCES TO MEMBERS OF HIS FAMILY. Sponsor: Senator Cordrey.

Senators Berndt, Marshall, Torbert marked PRESENT.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 3 (Citro, Martin, Zimmerman) ABSENT; therefore, the Resolution was declared adopted.

SS 2 for SB 313 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator McBride.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Richard Dillard (Senate Attorney) and Eugene H. Wolinsky (Association of Delaware Hospitals).

Senator Zimmerman marked PRESENT.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Bair and the roll call vote taken which revealed 18 Senators voting YES and 2 (Martin and McDowell) ABSENT; therefore, the Amendment was declared adopted.

SS 2 for SB 313 w SA 1 was then laid on the table on motion of Senator McBride.

SR 98 was introduced and considered for adoption on motion of Senator Cordrey:

SR 98 - CONGRATULATING THE 1986 CONSTITUTIONAL SCHOLARS OF THE DELAWARE HERITAGE COMMISSION AND WELCOMING THEM TO THE STATE SENATE. Sponsors: Senators Cordrey, Sharp, McDowell, Bair, Connor.

Pursuant to the above Resolution, the privilege of the floor was extended to Howard E. Row (Acting Chairman of the Delaware Heritage Commission) and the three winners of the scholarships - Cheryl McAllister, Kathleen Morris, Michelle Tan - and their parents.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 1 (Martin) ABSENT; therefore, the Resolution was declared adopted.

SS 2 for SB 313 w SA 1 was lifted from the table for consideration on motion of Senator McBride.

Senator Martin marked PRESENT.

The privilege of the floor was extended to Eugene H. Wolinsky (Association of Delaware Hospitals) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 1 (McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:39 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:30 p.m., Lt. Governor Woo presiding.

The following Committee reports were announced:

From the Community Affairs Committee: SB 368 - 5 Merits; SB 375 - 3 Merits; HB 415 - 4 Merits; HB 418 - 5 Merits.

Pursuant to SR 79, the privilege of the floor was extended to the Delaware Insurance Commissioner, David N. Levinson.

At 5:10 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 26, 1986.

The Senate reconvened at 2:42 p.m., March 26, 1986, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 430; HB 333; HB 369 w HA 1.

The following legislation was introduced:

SA 1 to SB 60. Sponsor: Senator McDowell. Placed with the Bill.

SB 385 - AN ACT TO AMEND CHAPTER 23, TITLE 10, DELAWARE CODE, RELATING TO THE OFFICE OF PROTHONOTARY. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 386 - AN ACT TO AMEND SECTION 8305, CHAPTER 83, TITLE 29 OF THE DELAWARE CODE BY PROVIDING FOR BIENNIAL REPORTS TO THE GOVERNOR AND THE GENERAL ASSEMBLY CONCERNING THE IMPACT OF TAX PREFERENCES ON STATE REVENUE. Sponsors: Senator Marshall, Representative Petrilli. Assigned to Executive Committee.

SA 1 to SB 386. Sponsor: Senator Marshall. Placed with the Bill.

SB 387 - AN ACT TO AMEND SECTIONS 335, 337 and 410 OF TITLE 9 OF THE DELAWARE CODE RELATING TO MEETINGS AND QUORUMS AND PROCEDURES OF COUNTY BODIES. Sponsors: Senators Minner, Cook; Representative Quillen; Senators Torbert, Vaughn, Zimmerman; Representatives Bennett, Buckworth, Caulk, Clark, B. Ennis, Outten. Assigned to Community Affairs Committee.

SB 388 - AN ACT TO AMEND TITLE 9, SECTION 8606 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY RECEIVER OF TAXES. Sponsors: Senators Cook, Minner; Representative Bennett; Senators Torbert, Vaughn, Zimmerman; Representatives Buckworth, Caulk, Clark, B. Ennis, Outten, Quillen. Assigned to Community Affairs Committee.

HB 430 - AN ACT TO AMEND CHAPTER 8, TITLE 22 OF THE DELAWARE CODE RELATING TO MUNICIPAL REGULATION OF FIREARMS. Sponsors: Representatives Davis, VanSant, Barnes, Buckworth, Houghton, Maroney, Quillen, Reynolds, Roy, Spence, Steele, Taylor; Senators Minner, Arnold, McBride. Assigned to Judiciary Committee.

HB 333 - AN ACT TO AMEND CHAPTER 42, TITLE 21, DELAWARE CODE, RELATING TO THE REPORTING OF MOTOR VEHICLE ACCIDENTS BY CHANGING THE MINIMUM DAMAGE REPORTABLE FROM \$250.00 TO \$500.00. Sponsors: Representatives Spence, VanSant, Taylor, Oberle, Free, Reynolds, Caulk, Houghton, B. Ennis; Senator Connor. Assigned to Judiciary Committee.

HB 369 w HA 1 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF MOTORCYCLES BY MINORS. Sponsors: Representatives B. Ennis, VanSant, Jonkiert, Anderson, West, Spence, Barnes, Fallon, Cordrey; Senator Torbert. Assigned to Public Safety Committee.

SB 389 - AN ACT TO AMEND CHAPTER 63, TITLE 7, DELAWARE CODE, RELATING TO THE DISPOSITION OF SOLID WASTE. Sponsors: Senators Sharp, Knox; Representative VanSant. Assigned to Natural Resources and Environmental Control Committee.

SB 390 - AN ACT TO AMEND CHAPTER 25, TITLE 10, DELAWARE CODE, RELATING TO THE OFFICE OF REGISTER IN CHANCERY. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SA 1 to SB 353. Sponsor: Senator Holloway. Placed with the Bill.

At 2:50 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 13th Legislative Day.

**13TH LEGISLATIVE DAY
March 26, 1986**

The Senate convened at 2:50 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 20.

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

SB 342 was stricken at the request of the sponsor, Senator Minner.

SB 353 was taken up for consideration on motion of Senator Holloway:

SB 353 - AN ACT TO AMEND TITLE 6, DELAWARE CODE, TO REQUIRE USED CAR DEALERS TO PROMINENTLY POST SCHEDULE OF INTEREST RATES AND OTHER FEES AND CHARGES AND PROVIDING A PENALTY FOR FAILURE TO COMPLY.

A letter from Douglas A. Shachtman was read at the request of Senator Holloway.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Holloway; however, before action was taken, the Bill and the Amendment were temporarily laid on the table on motion of Senator Holloway.

Senator Sharp introduced to the Senate and requested the privilege of the floor for William Dannehauser and Dr. William Keene (Department of Public Instruction) and three Delaware students, Michele Dolan, Billy Clemmons and Charles Gray who made a presentation. Each Senator was then presented with an Easter Lily.

SB 353 was lifted from the table for consideration on motion of Senator Holloway.

Senators McBride, Neal, Cook marked PRESENT.

The roll call vote on **SA 1** to the Bill was taken and revealed 18 Senators voting YES, 1 (Minner) NOT VOTING, and 1 (Martin) ABSENT; therefore, the Amendment was declared adopted.

At 3:21 p.m., Lt. Governor Woo presiding.

The roll call vote on **SB 353 w SA 1** was then taken and revealed 18 Senators voting YES, 1 (Minner) NOT VOTING, and 1 (Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Pursuant to **SR 93**, the privilege of the floor was extended to Thomas P. Eichler, Secretary of the Department of Health and Social Services to speak on the Department's criteria for location of group homes for the mentally retarded.

Senator Holloway introduced to the Senate James Dickenson, Political Editor of the Washington Post.

The privilege of the floor was extended to Margo Pollak (Division of Mental Retardation), Mr. and Mrs. Joseph O'Donnell, William Englehart (Fairfax Civic Association), R. J. Detto (Delaware Association of Retarded Citizens), Linda Forskey (Greater Newark Civic Association), Bruce Downing (Fairfax Civic Association) who also addressed the issue of group homes.

SB 383 was reported out of the Revenue and Taxation Committee: 5 Merits.

The following Bills were stricken at the request of Senator Minner: **SB 140, SB 356, SB 369.**

At 6:00 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 27, 1986.

The Senate reconvened at 2:13 p.m. March 27, 1986, Senator Cordrey presiding.

The following legislation was introduced:

SA 1 to SB 334. Sponsor: Senator Cordrey. Placed with the Bill.

SB 391 - AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE RELATING TO CERTAIN SALARY INCREASES OF ADMINISTRATIVE SECRETARIES, FINANCIAL SECRETARIES, SENIOR SECRETARIES, SECRETARIES AND CLERKS. Sponsors: Senators Connor, Berndt, Holloway, Martin, Torbert. Assigned to Finance Committee.

SB 392 - AN ACT AUTHORIZING THE SUSSEX COUNTY COUNCIL TO AWARD A PENSION BENEFIT TO A FORMER SPECIFIC EMPLOYEE. Sponsors: Senators Slatcher, Minner, Adams; Representatives Steele, West, Cordrey, Fallon, Wingate, Carey, Barnes. Assigned to Executive Committee.

At 3:15 p.m., Lt. Governor Woo presiding.

SB 393 - AN ACT TO AMEND CHAPTER 41, TITLE 21, OF THE DELAWARE CODE RELATING TO CHEMICAL EVIDENCE OBTAINED IN DRIVING UNDER THE INFLUENCE CASES. Sponsors: Senators Torbert, Neal, Citro; Representatives Davis, Spence, Plant. Assigned to Public Safety Committee.

SB 394 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE RULES OF THE ROAD. Sponsors: Senators Torbert, Neal, Citro; Representatives Davis, Spence, Plant. Assigned to Public Safety Committee.

SB 395 - AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE, RELATING TO THE BONDING REQUIREMENTS FOR THE PAYMENT OF MOTOR FUEL TAXES. Sponsors: Senators Torbert, Neal, Citro; Representatives Davis, Spence, Plant. Assigned to Revenue and Taxation Committee.

SB 396 - AN ACT TO AMEND CHAPTER 1, TITLE 21, OF THE DELAWARE CODE RELATING TO THE DEFINITION OF MOTORIZED WHEELCHAIR. Sponsors: Senators Torbert, Neal, Citro; Representatives Davis, Spence, Plant. Assigned to Public Safety Committee

SB 397 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO THE DEFINITION OF MOTOR VEHICLE UNDER THE MOTOR CARRIERS FUEL PURCHASE LAW. Sponsors: Senators Torbert, Neal, Citro; Representatives Davis, Spence, Plant. Assigned to Revenue and Taxation Committee.

SS 1 for SB 260 - AN ACT TO AMEND CHAPTER 80, TITLE 21 OF THE DELAWARE CODE RELATING TO THE VEHICLE EQUIPMENT SAFETY COMPACT. Sponsors: Senators Torbert, Neal, Citro; Representatives Davis, Spence, Plant. Laid on the table on motion of Senator Torbert.

The Secretary announced that a message from the House informed the Senate that it had adopted **HCR 108, HCR 109, HCR 110, HCR 111, HCR 112, HCR 113, HCR 114, SCR 105, SCR 106, SCR 107** and passed **HB 468**.

The following legislation was introduced:

HB 468 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 9, TITLE 5 OF THE DELAWARE CODE TO REMOVE INVESTMENT LIMITATIONS IN WHOLLY-OWNED SUBSIDIARIES. Sponsors: Representative Petrilli, Senator Cordrey, Representative D. Ennis. Assigned to Banking Committee.

The following Committee reports were announced:

From the Insurance and Elections Committee: **HB 411 w HA 1, 2 - 3** Merits; **HB 42 w HA 1 - 3** Merits.

SB 368 was taken up for consideration on motion of Senator Slatcher:

SB 368 - AN ACT TO AMEND AN ACT BEING CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL," TO PERMIT EXEMPTION OF CERTAIN PROPERTY FROM TAXATION OF PROPERTY.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 3 (Martin, Torbert, Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 2:25 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 14th Legislative Day.

14TH LEGISLATIVE DAY March 27, 1986

The Senate convened at 2:25 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 20.

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

SB 373 was taken up for consideration on motion of Senator McDowell:

SB 373 - AN ACT TO AMEND CHAPTER 8, TITLE 29, DELAWARE CODE, RELATING TO THE BOUNDARY LINES OF CERTAIN DISTRICTS.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 3 (Martin, Torbert, Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 415 was taken up for consideration on motion of Senator Minner:

HB 415 - AN ACT TO AMEND CHAPTER 32, VOLUME 47, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF FREDERICA", RELATING TO THE MAYOR AND TOWN COUNCIL.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 3 (Martin, Torbert, Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 418 was taken up for consideration on motion of Senator Minner:

HB 418 - AN ACT TO AMEND CHAPTER 59, VOLUME 63, LAWS OF DELAWARE ENTITLED "AN ACT TO INCORPORATE THE TOWN OF DEWEY BEACH", RELATING TO THE TERRITORY AND LIMITS OF THE TOWN.

Senator Zimmerman marked PRESENT.

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

YES: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Knox, Marshall, McDowell, Minner, Neal, Sharp, Slatcher, Vaughn - 15.

NOT VOTING: Senators McBride, Zimmerman - 2.

ABSENT: Senators Holloway, Martin, Torbert - 3.

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

At 2:57 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:00 p.m., Lt. Governor Woo presiding.

Senators Martin and Torbert marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Robert F. Rider was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES and 1 (Slatcher) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of David F. Marvin was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES and 1 (Slatcher) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of George M. Records, Jr., was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES and 1 (Slatcher) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Norman G. Wilder was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES and 1 (Slatcher) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Thomas E. Cole was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES and 1 (Slatcher) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Gerald E. Dixon was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES and 1 (Slatcher) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Russell T. Rash was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES and 1 (Slatcher) ABSENT; therefore, the appointment was declared confirmed.

SB 60 was lifted from the table for consideration on motion of Senator McDowell.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator McDowell and the roll call vote taken which revealed 18 Senators voting YES and 2 (Citro and Slatcher) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Lorraine Cusick (Administrative Assistant to the House) after which SB 60 w SA 1 was laid on the table on motion of Senator McDowell.

SB 383 was taken up for consideration on motion of Senator Sharp:

SB 383 - AN ACT TO AMEND CHAPTER 3, SUBCHAPTER IV, OF TITLE 28, DELAWARE CODE, RELATING TO THE STATE TAX ON PARI-MUTUEL INCOME AND LICENSEE'S COMMISSION ON CONTRIBUTIONS TO PARI-MUTUEL LAND TOTALIZATOR POOLS CONDUCTED OR MADE AT THOROUGHbred RACE TRACKS AND STATE LICENSE FEES FOR THOROUGHbred RACE MEET OPERATORS.

SA 1 to the Bill (sponsored by Senator Sharp) was introduced and considered for adoption on motion of Senator Sharp.

The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 2 (Cook and Slatcher) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 383 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Berndt, Citro, Connor, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman - 17.

NO: Senator Neal - 1.

ABSENT: Senators Cook and Slatcher - 2.

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

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

SCR 108 - EXPRESSING THE GENERAL ASSEMBLY'S SORROW UPON THE DEATH OF JAMES E. MILLER, EDITOR OF THE DELAWARE STATE NEWS. Sponsors: Senators Zimmerman, Torbert, Minner, Vaughn, Adams, Cook and All Senators; Representatives Outten, Bennett, B. Ennis, Clark, Caulk, Buckworth, Quillen and all Representatives.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 1 (Slatcher) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The privilege of the floor was extended to Lorraine Cusick (Administrative Assistant to the House Majority) concerning the Sunset Committee at the request of Senator Bair.

SB 397 was stricken at the request of the sponsor, Senator Torbert.

The following corrected Committee Report was announced: From the Insurance and Elections Committee: **HB 411 w HA 1, 2 - 3 Merits.**

SB 366 was stricken at the request of the sponsor, Senator Cordrey.

SENATE CONSENT CALENDAR #19 was introduced and considered for adoption on motion of Senator Minner. The Calendar was comprised of the following House Concurrent Resolutions:

HCR 108 - COMMENDING THE SEAFORD HIGH SCHOOL BASKETBALL TEAM, "THE BLUE JAYS" AND THEIR COACHES, DAVE BAKER AND GEORGE SCHENCK FOR THEIR OUTSTANDING PERFORMANCE IN THE STATE CHAMPIONSHIP GAME AGAINST SANFORD, HELD SATURDAY, MARCH 15, 1986 AT THE UNIVERSITY OF DELAWARE FIELD HOUSE. Sponsors: Representative Fallon, Senator Slatcher.

HCR 109 - CONGRATULATING DELAWARE TECHNICAL AND COMMUNITY COLLEGE WOMEN'S BASKETBALL TEAM ON WINNING THE NATIONAL JUNIOR COLLEGE ATHLETIC ASSOCIATION REGION 19 CHAMPIONSHIP GAME. Sponsors: Representatives VanSant, Campanelli, George, Jonkiert; Senator Marshall.

HCR 110 - CONGRATULATING PATROLMAN FREDERICK C. TATE OF THE WILMINGTON POLICE DEPARTMENT, RECIPIENT OF THE KIWANIS CLUB 1985 POLICEMAN OF THE YEAR AWARD. Sponsors: Representative George, Senator McDowell.

HCR 111 - MOURNING THE DEATH OF H. BLAKE WILSON OF NEWARK. Sponsors: Representatives Soles, Anderson, Bennett; Senator Neal.

HCR 112 - CONGRATULATING WILLIAM COLLICK FOR HIS ACOMPLISHMENTS AS HEAD FOOTBALL COACH OF DELAWARE STATE COLLEGE. Sponsors: Representatives Outten, Bennett, Buckworth; Senators Cook, Zimmerman.

HCR 113 - CONGRATULATING THE DELAWARE STATE COLLEGE VARSITY FOOTBALL TEAM FOR ITS 1985 FOOTBALL SEASON. Sponsors: Representatives Outten, Bennett, Buckworth; Senators Cook, Zimmerman.

HCR 114 - EXPRESSING APPRECIATION FOR THE EXCEPTIONAL SERVICES PROVIDED BY DELAWARE LIBRARIES AND CALLING ATTENTION TO NATIONAL LIBRARY WEEK, APRIL 6 THROUGH APRIL 12, 1986. Sponsors: Representative Fallon and all Representatives and all Senators.

* * * * *

The roll call vote on **SENATE CONSENT CALENDAR #19** was then taken and revealed 19 Senators voting YES and 1 (Slatcher) ABSENT; therefore, the Resolutions were declared adopted by the Senate and returned to the House.

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

SCR 109 - MOURNING THE DEATH OF MYRTLE SIPPLE MORRIS, WIDOW OF THE LATE REP. JOHN EDWARD MORRIS. Sponsors: Senator Cook and all Senators; Representative Caulk and all Representatives.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 2 (Citro and Slatcher) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SR 99 was introduced and considered for adoption on motion of Senator McDowell:

SR 99 - PROVIDING FOR THE CONTINUATION OF AN AD HOC COMMITTEE TO INVESTIGATE METHODS OF IMPROVING THE DELIVERY OF SERVICES TO CHILDREN AND YOUTH IN DELAWARE. Sponsor: Senator McDowell.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 2 (Citro and Slatcher) ABSENT; therefore, the Resolution was declared adopted.

The following legislation was introduced:

SB 398 - AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A FIRE MARSHALL'S ADVISORY BOARD AND A FIRE SCHOOL ADVISORY BOARD. Sponsors: Senator Vaughn, Representative B. Ennis. Assigned to Health-Social Services/Aging Committee.

SB 399 - AN ACT TO AMEND PART II, CHAPTER 21, TITLE 19, DELAWARE CODE, RELATING TO COMPOSITION OF THE INDUSTRIAL ACCIDENT BOARD. Sponsors: Senator Vaughn, Representative B. Ennis. Assigned to Labor and Industrial Relations Committee.

SB 400 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO THE DEFINITION OF MOTOR VEHICLE UNDER THE MOTOR CARRIERS FUEL PURCHASE LAW. Sponsors: Senators McBride, Cook, Minner, Holloway, Sharp, Marshall, Vaughn, Torbert; Representatives Davis, Spence. Laid on the table on motion of Senator McBride.

SR 100 (sponsored by Senator Bair) was introduced and immediately stricken at the request of the sponsor:

SR 100 - IN REFERENCE TO TEMPORARY RULES OF THE DELAWARE STATE SENATE.

SR 101 was introduced and assigned to the Executive Committee:

SR 101 - IN REFERENCE TO TEMPORARY RULES OF THE DELAWARE STATE SENATE.

Sponsor: Senator Bair.

At 5:03 p.m. on motion of Senator Sharp, the Senate took a brief standing recess and reconvened at 5:12 p.m., Lt. Governor Woo presiding.

At 5:14 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 8, 1986 or to the call of the President pro Tempore.

The Senate reconvened at 2:19 p.m., April 8, 1986, Lt. Governor Woo presiding.

HB 468 was reported out of the Banking Committee: 3 Merits.

The following legislation was introduced:

SB 401 - AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO SALE OF ALCOHOLIC BEVERAGES TO MEMBERS OF CLUB AND MULTIPLE ACTIVITY CLUB. Sponsor: Senator Holloway. Assigned to Administrative Services/Energy Committee.

SB 402 - AN ACT TO AMEND CHAPTER 5, TITLE 22, DELAWARE CODE, RELATING TO ACQUISITION OF PROPERTY OR PROPERTY RIGHTS BY MUNICIPAL PARKING AUTHORITIES. Sponsor: Senator Holloway. Assigned to Community Affairs Committee.

SB 403 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 5, TITLE II, DELAWARE CODE, RELATING TO THEFT. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 404 - AN ACT TO AMEND TITLE 9 §9418, AND TITLE 10, §8702, §8707 OF THE DELAWARE CODE, RELATING TO FEES OF THE KENT COUNTY CLERK OF THE PEACE, SHERIFF AND REGISTER IN CHANCERY. Sponsors: Senators Minner, Torbert; Representatives Clark, Outten, Caulk, Barnes. Assigned to Community Affairs Committee.

HB 493 - AN ACT AUTHORIZING THE TRANSFER OF FUNDS FROM BUDGET OFFICE CONTINGENCY (10-02-004) (SALARIES & OEC) TO THE DEPARTMENT OF CORRECTION, MORRIS CORRECTIONAL INSTITUTION (38-04-007) (SALARIES & OEC) AND TO THE PRE-TRIAL ANNEX (38-04-002) (SALARIES & OEC) FOR THE PURPOSE OF FUNDING TEN (10.0) NEW GENERAL FUND POSITIONS. Sponsors: Representatives Davis, Bennett, B. Ennis, Outten, Quillen, VanSant; Senators Cook, Vaughn. Assigned to Corrections Committee.

The Secretary announced that a message from the House informed the Senate that it had passed HB 493 and adopted HJR 22 w HA 1.

HJR 22 w HA 1 was introduced and assigned to Executive Committee:

HJR 22 w HA 1 - MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO DO ALL WITHIN THEIR POWER TO ENSURE THAT FAIR CONSIDERATION IS GIVEN TO THE ILC DOVER, INC., BID FOR A PRODUCTION CONTRACT FOR THE XM40 CHEMICAL/BIOLOGICAL PROTECTIVE MASK TO BE AWARDED BY THE UNITED STATES ARMY THROUGH THE CHEMICAL RESEARCH AND DEVELOPMENT COMMAND, ABERDEEN PROVING GROUND, MARYLAND. Sponsors: Representative Bennett, Senator Torbert; Representatives Outten, Caulk, Quillen, B. Ennis, Clark, Barnes; Senators Cook, Minner, Vaughn, Zimmerman.

At 2:25 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 15th Legislative Day.

15TH LEGISLATIVE DAY April 8, 1986

The Senate convened at 2:25 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 20.

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

LEGISLATIVE ADVISORY #28 was read which informed the Senate that the Governor signed the following legislation on April 3, 1986: SB 373 (Volume 65, Chapter 252, Laws of Delaware), SB 376 (Volume 65, Chapter 253, Laws of Delaware), HB 415 (Volume 65, Chapter 254, Laws of Delaware).

* * * * *

SB 321 was taken up for consideration on motion of Senator Cordrey:

SB 321 - AN ACT TO AMEND TITLE 18 DELAWARE CODE RELATING TO IN VITRO FERTILIZATION.

During discussion of the Bill and the Amendments offered to it, the privilege of the floor was extended to Charles S. Twardowski, Jr. (I.V.F. Parents and Parents to be) and Paul R. Stoffer (Delaware Health Care Coalition).

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

SA 2 to the Bill (sponsored by Senator Cordrey) was introduced and considered for adoption on motion of Senator Cordrey.

Senator McBride marked PRESENT.

The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 2 (Martin and Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill (sponsored by Senator Bair) was introduced and considered for adoption on motion of Senator Bair.

From 3:15 to 3:17 p.m. a standing recess was taken for purpose of changing the tape.

At 3:30 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:10 p.m., Senator Sharp presiding.

At 4:20 p.m., Lt. Governor Woo presiding.

The roll call vote on SA 3 to the Bill was then taken and revealed 17 Senators voting YES and 3 (Adams, Vaughn, Zimmerman) voting NO; therefore, the Amendment was declared adopted.

Senators Martin and Zimmerman marked PRESENT.

A messenger from the Governor's Office was announced and admitted.

SA 4 to the Bill (sponsored by Senator Adams) was introduced and considered for adoption.

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

YES: Senators Adams, Berndt, Citro, Connor, Holloway, Knox, Sharp, Slatcher, Vaughn - 9.

NO: Senators Bair, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Neal, Torbert, Zimmerman - 11.

Therefore, the Amendment was declared defeated.

The roll call vote on SB 321 w SA 2, 3 was then taken and revealed:

YES: Senators Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman - 16.

NO: Senators Adams, Knox, Neal, Slatcher - 4.

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

HB 468 was taken up for consideration on motion of Senator Cordrey:

HB 468 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 9, TITLE 5 OF THE DELAWARE CODE TO REMOVE INVESTMENT LIMITATIONS IN WHOLLY-OWNED SUBSIDIARIES.

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

At 5:40 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 9, 1986.

The Senate reconvened at 2:13 p.m., April 9, 1986, Senator Cordrey presiding.

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

STATE OF DELAWARE
Office of the Governor
April 8, 1986

To the Senate of the 133rd 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. Bryon Palmer, Sr., 425 North Hall Street, Seaford, DE 19973, to be reappointed as a member of the State Personnel Commission 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
April 8, 1986

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: C. Leslie Ridings, Jr., 100 Plaza Center, Wilmington, DE 19810, to be reappointed as a member of the Commission Adult Entertainment Establishments 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
April 8, 1986

To the Senate of the 133rd General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Walter B. Omans, M.D., R. D. 3, Box LW19, Felton, DE 19943, to be reappointed as a member of the Delaware Institute of Medical Education and Research 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
April 8, 1986

To the Senate of the 133rd 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: Muriel E. Gilman, 17 Woodbrook Circle, Wilmington, DE 19810, to be reappointed as a member of the Consumer Affairs Board to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

SCR 110 was introduced and considered for adoption on motion of Senator Slatcher:
SCR 110 - CONGRATULATING DAVE BAKER, COACH OF THE SEAFORD HIGH SCHOOL BASKETBALL TEAM ON BEING NAMED "COACH OF THE YEAR". Sponsors: Senator Slatcher, Representative Fallon.

The roll call vote on the Resolution was taken and revealed 12 Senators voting YES and 8 (Bair, Berndt, Citro, Martin, McBride, McDowell, Torbert, Zimmerman) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The following legislation was introduced:

SA 1 to SB 374. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 1 to SB 411. Sponsor: Senator Minner. Placed with the Bill.

SB 405 - AN ACT TO AMEND TITLE 9, CHAPTER 92, §9203 OF THE DELAWARE CODE, RELATING TO CHIEF DEPUTIES SALARIES OF KENT COUNTY. Sponsors: Senators Torbert, Minner; Representatives Clark, B. Ennis, Outten. Assigned to Judiciary Committee.

SB 406 - AN ACT TO AMEND AN ACT BEING CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" TO GRANT AUTHORITY TO THE TOWN TO BORROW FOR CURRENT EXPENSES. Sponsors: Senator Adams, Representative Barnes. Assigned to Community Affairs Committee.

The Secretary announced that a message from the House informed the Senate that it had passed HB 332 w HA 1.

Senator Bair requested personal privilege of the floor for purpose of introduction of former State Senator Winifred Spence and students from Phelps School who were present in the Chamber, including Senator Spence's son and Senator Adams' nephew.

The following legislation was introduced:

SB 407 - AN ACT TO AMEND CHAPTER 6, TITLE 29 OF THE DELAWARE CODE PROVIDING FOR ATTORNEYS' FEES FOR SMALL BUSINESSES IN ACTIONS INVOLVING A STATE AGENCY. Sponsors: Senator Adams, Representative Outten; Senators Zimmerman, Cordrey, McDowell, Neal, Bair; Representatives Barnes, Clark, Cordrey, Bennett, Campanelli, VanSant, B. Ennis, Sills, Wingate. Assigned to Small Business Committee.

SB 408 - AN ACT TO AMEND TITLE 9, §8604 OF THE DELAWARE CODE RELATING TO PENALTY FOR LATE PAYMENT OF REAL ESTATE TAXES IN KENT COUNTY. Sponsors: Senators Torbert, Minner, Vaughn, Cook, Zimmerman, Adams; Representatives Clark, B. Ennis, Outten, Caulk, Barnes. Assigned to Community Affairs Committee.

SB 409 - AN ACT TO AMEND TITLE 9, CHAPTER 93 OF THE DELAWARE CODE RELATING TO FILLING BY APPOINTMENT THE UNEXPIRED TERMS OF KENT COUNTY ROW OFFICERS. Sponsors: Senators Zimmerman, Minner, Adams, Cook, Vaughn, Torbert; Representatives Bennett, Outten, B. Ennis. Assigned to Community Affairs Committee.

HB 332 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE CODE, RELATING TO OFFENSES CONCERNING ALCOHOLIC LIQUORS AND FINES FOR CERTAIN CRIMINAL OFFENSES. Sponsors: Representative Spence, Senator Sharp; Representatives Caulk, Hebner, Reynolds, Boykin, Taylor, Davis, VanSant, Oberle, Houghton, Free; Senators Connor, Minner. Assigned to Administrative Services/Energy Committee.

The following Committee reports were announced:

From the Executive Committee: **SB 112** - 5 Merits; **SB 367** - 2 Merits, 1 Unfavorable; **SB 386** - 4 Merits; **HJR 22 w HA 1** - 3 Merits; **HJR 21 w HA 1** - 3 Merits.

From the Health-Social Services/Aging Committee: **SB 324** - 5 Merits.

From the Natural Resources and Environmental Control Committee: **SB 389** - 5 Merits.

At 2:25 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 16th Legislative Day.

16TH LEGISLATIVE DAY **April 9, 1986**

The Senate convened at 2:25 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, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 20.

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 115**.

HB 411 w HA 1, 2 was taken up for consideration on motion of Senator Sharp:

HB 411 w HA 1, 2 - AN ACT TO AMEND CHAPTER 68, TITLE 16, DELAWARE CODE, RELATING TO EXEMPTIONS FROM CIVIL LIABILITY OF CERTAIN PERSONS ASSOCIATED WITH NON-PROFIT SPORTS PROGRAMS.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Gary Dalton (Senate Attorney) and Bruce L. Hudson (Delaware Trial Lawyers Association).

At 2:35 p.m., Senator Berndt presiding.

At 3:00 p.m., the Chair declared a short recess due to lack of a quorum.

The Senate reconvened at 3:01 p.m., Senator Berndt presiding.

SA 1 to **HB 411 w HA 1, 2** which had been placed with the Bill was taken up for consideration on motion of Senator Minner and the roll call vote taken which revealed 17 Senators voting YES, 2 (Bair and McBride) NOT VOTING and 1 (Martin) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on **HB 411 w HA 1, 2, SA 1** was then taken and revealed 18 Senators voting YES, 1 (Bair) NOT VOTING and 1 (Martin) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

At 3:25 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:24 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Executive Committee: **SB 110** - 5 Merits; **SB 155** - 5 Merits; **SB 392** - 4 Merits; **HB 390** - 4 Merits.

SB 410 was introduced and assigned to Banking Committee:

SB 410 - AN ACT INSERTING A NEW CHAPTER 18 OF TITLE 6 OF THE DELAWARE CODE BY ENACTING A LAW RELATING TO THE TREATMENT OF DELAWARE BUSINESS TRUSTS. Sponsor: Senator Cordrey.

SCR 111 was introduced and considered for adoption on motion of Senator Slatcher:

SCR 111 - CONGRATULATING PAULINE E. HAMMOND ON BEING SELECTED FOR THE 1986 DELAWARE SCHOOL BOARDS ASSOCIATION DISTINGUISHED SERVICE AWARD. Sponsors: Senator Slatcher, Representative Cordrey.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 3 (Knox, Marshall, Neal) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

HCR 115 was introduced and considered for adoption on motion of Senator Citro:

HCR 115 - EXTENDING CONGRATULATIONS TO THE BOYS BASKETBALL TEAM OF SANFORD SCHOOL FOR WINNING THE DELAWARE'S HIGH SCHOOL BOYS BASKETBALL TOURNAMENT FOR 1985-1986. Sponsors: Representative Oberle, all Representatives, all Senators.

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

SB 374 was taken up for consideration on motion of Senator Zimmerman:

SB 374 - AN ACT TO AMEND CHAPTER 19, TITLE 7, DELAWARE CODE, RELATING TO UNLAWFUL TAKING OF SHELLFISH.

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

The roll call vote on SB 374 w SA 1 was then taken and revealed 19 Senators voting YES and 1 (Martin) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 4:41 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 10, 1986.

The Senate reconvened at 2:08 p.m., April 10, 1986, Senator Cordrey presiding.

The following Committee reports were announced:

From the Judiciary Committee: HB 329 w HA 1 - 4 Merits; SB 403 - 4 Merits; SB 380 - 3 Favorable, 1 Merits; SB 384 - 3 Favorable, 1 Merits.

From the Executive Committee: Muriel Gilman - 4 Merits; Walter B. Omans - 4 Merits; Jan C. Ting - 1 Favorable, 4 Merits; C. Leslie Ridings, Jr. - 2 Favorable, 2 Merits; R. Byron Palmer - 1 Favorable, 3 Merits; Theresa F. Knox - 5 Merits.

The following communication was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

April 10, 1986

TO: All Members of the Senate of the 133rd General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Ethics Committee

The purpose of this memo is to re-establish the Senate Ethics Committee.

The following members of the Senate are appointed to serve as members of the Senate Ethics committee: Senator Richard S. Cordrey; Senator Thomas B. Sharp, Senators Harris B. McDowell, III; Senator Myrna L. Bair; Senator Robert T. Connor

This is to be effective as of April 10, 1986. If there is no objection, I would like to take this opportunity to thank everyone who has served on this committee over the past few months.

* * * * *

The following communication was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

April 10, 1986

TO: All Senators of the 133rd General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore

I would like the following Senators to serve on a committee established for the purpose of setting up guidelines for the Senate Ethics Committee.

Also, I would request this committee review the Temporary Rules of the Senate, Senate Resolution No. 4 of the 133rd General Assembly, for the purpose of suggested updating and revision: Senator Ruth Ann Minner, Chairman; Senator James T. Vaughn; Senator James P. Neal

Any Senator wishing to have input in this committee, please contact one of the committee members.

* * * * *

SB 411 was introduced and assigned to Community Affairs Committee:

SB 411 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE AUTHORITY OF KENT COUNTY TO ESTABLISH BUILDING PERMIT FEES AND ESTABLISH PENALTIES FOR OFFENSES OR VIOLATION OF ITS CONSTRUCTION CODE. Sponsors: Senator Minner, Cook, Torbert, Vaughn, Zimmerman; Representatives Bennett, Buckworth, Barnes, Caulk, Clark, B. Ennis, Outten, Quillen.

At 2:14 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY
April 10, 1986

The Senate convened at 2:14 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 20.

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 115; HCR 116; HCR 117; HCR 118; HCR 119; SCR 108; SCR 110; SCR 111.

On motion of Senator Adams, the Governor's nomination for appointment of C. Leslie Ridings, Jr. was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 1 (Martin) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Jan C. Ting, was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 19 Senators voting YES and 1 (Martin) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Theresa F. Knox was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 1 (Martin) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of R. Byron Palmer, SR. was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 1 (Martin) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Walter B. Omans, M.D., was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 1 (Martin) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Muriel E. Gilman was taken up for consideration and the roll call vote taken which revealed 19 Senators voting YES and 1 (Martin) ABSENT; therefore, the appointment was declared confirmed.

At 2:34 p.m., Senator Sharp presiding.

SB 324 was taken up for consideration on motion of Senator Cordrey:

SB 324 - AN ACT TO AMEND CHAPTER 24, TITLE 16, DELAWARE CODE, RELATING TO HAZARDOUS CHEMICAL INFORMATION.

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

HJR 21 w HA 1 was taken up for consideration on motion of Senator Adams:

HJR 21 w HA 1 - INSTRUCTING THE DELAWARE DEVELOPMENT OFFICE IN COOPERATION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION TO PLAN AND EXECUTE A MARKETING PROGRAM TO ATTRACT NEW TEACHERS TO DELAWARE.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 1 (Martin) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HJR 22 w HA 1 was taken up for consideration on motion of Senator Adams:

HJR 22 w HA 1 - MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO DO ALL WITHIN THEIR POWER TO ENSURE THAT FAIR CONSIDERATION IS GIVEN TO THE ILC DOVER, INC., BID FOR A PRODUCTION CONTRACT FOR THE XM40 CHEMICAL/BIOLOGICAL PROTECTIVE MASK TO BE AWARDED BY THE UNITED STATES ARMY THROUGH THE CHEMICAL RESEARCH AND DEVELOPMENT COMMAND, ABERDEEN PROVING GROUND, MARYLAND.

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

YES: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, McBride, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 17.

NO: Senators McDowell, Neal - 2.

ABSENT: Senator Martin - 1.

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

HB 390 was taken up for consideration on motion of Senator Adams:

HB 390 - AN ACT TO AMEND CHAPTER 6, TITLE 29, DELAWARE CODE, RELATING TO STATE GOVERNMENT BY DELETING THE REQUIREMENT THAT COPIES OF RULES AND REGULATIONS PROMULGATED BY STATE AGENCIES BE DELIVERED TO THE DIRECTOR OF RESEARCH OF LEGISLATIVE COUNCIL.

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

YES: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Knox, Marshall, McBride, Neal, Sharp, Slatcher, Vaughn - 14.

NO: Senators Holloway, McDowell, Minner, Zimmerman - 4.

NOT VOTING: Senator Torbert - 1.

ABSENT: Senator Martin - 1.

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

At 3:08 p.m. on motion of Senator McDowell, the Senate recessed for Party Caucus and reconvened at 4:06 p.m., Senator Cordrey presiding.

SR 103 was introduced and considered for adoption on motion of Senator Sharp:

SR 103 - COMMENDING MR. CARSON R. HERR, OUTGOING PRINCIPAL OF PAUL M. HODGSON VOCATIONAL TECHNICAL SCHOOL FOR HIS MANY YEARS OF DEDICATED AND FAITHFUL SERVICE TO EDUCATION IN DELAWARE AND EXTENDING BEST WISHES TO MR. HERR AND HIS WIFE KAY DURING THEIR RETIREMENT. Sponsor: Senator Sharp.

Senator Martin marked PRESENT.

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

SR 102 was introduced and laid on the table on motion of Senator McDowell:

SR 102 - URGING THE SECRETARY OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO POSTPONE TRANSFER OF LAND OWNED BY BELLEVUE STATE PARK TO THE HIGHWAY DIVISION FOR PURPOSES OF CONSTRUCTING A SECOND ENTRANCE TO THE PARK. Sponsor: Senator McDowell.

SB 412 was introduced and considered for passage under suspension of the necessary rules on motion of Senator Sharp:

SB 412 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO THE DISPOSITION OF SOLID WASTE. Sponsors: Senator Sharp; Representative VanSant. At the request of Senator Neal he was added as co-sponsor of the Bill.

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

SB 392 was taken up for consideration on motion of Senator Slatcher:

SB 392 - AN ACT AUTHORIZING THE SUSSEX COUNTY COUNCIL TO AWARD A PENSION BENEFIT TO A FORMER SPECIFIC EMPLOYEE.

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

At 4:23 p.m., Senator Citro presiding.

SR 104 was introduced and considered for adoption on motion of Senator McDowell:

SR 104 - URGING THE SECRETARY OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO POSTPONE TRANSFER OF LAND OWNED BY BELLEVUE STATE PARK TO THE HIGHWAY DIVISION FOR PURPOSES OF CONSTRUCTING A SECOND ENTRANCE TO THE PARK. Sponsors: Senators McDowell, Berndt, Bair.

Pursuant to the above Resolution, Senator Zimmerman requested the Secretary of the Senate to request the Secretary of Natural Resources and Environmental Control and the Secretary of Highways and Transportation to appear before the Senate on Tuesday, April 15 at 3:00 p.m.

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

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

SENATE CONSENT CALENDAR #20 was introduced and considered for adoption on motion of Senator Minner.

The Calendar was comprised of the following House Concurrent Resolutions:

HCR 116 - REQUESTING ALL CITIZENS OF DELAWARE TO PARTICIPATE IN ARBOR DAY ACTIVITIES INCLUDING PLANTING OF TREES. Sponsor: Representative Smith.

HCR 117 - URGING CONGRESS TO TAKE CERTAIN ACTION RELATING TO THE LIABILITY INSURANCE INDUSTRY. Sponsors: Representative Free, Senator McDowell; Representatives Barnes, Brady, Buckworth, Campanelli, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Gilligan, Hebner, Mack, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Smith, Spence, Steele, Taylor, West; Senators Adams, Berndt, Citro, Holloway, Martin, Minner, Neal, Torbert, Vaughn, Zimmerman.

HCR 118 - CONGRATULATING FIREFIGHTERS FRANNY WILLIAMS, GENE JOHNSON, ANDY MILLIS, ED TESTA, CHUCK HAYES, PAUL SCHAVACK, JIM CHAMBERS, LARRY TRENTAM, KEVIN JACOBS, MIKE SAGGIONE AND TOM STIGILE AND PARAMEDICS EDDIE KLINE AND SARAH JOHNSON ON BEING NAMED HEROIC FIREFIGHTERS OF 1985 OF THE FIVE POINTS FIRE COMPANY. Sponsors: Representatives VanSant, Campanelli; Senator McBride.

HCR 119 - CONGRATULATING VICTOR W. LEVERING ON BEING NAMED 1985 MEMBER OF THE YEAR OF THE FIVE POINTS FIRE COMPANY. Sponsors: Representatives VanSant, Campanelli; Senator McBride.

* * * * *

The roll call vote on SENATE CONSENT CALENDAR #20 was then taken and revealed 20 Senators voting YES; therefore, the Resolutions were declared adopted by the Senate and returned to the House.

The following legislation was introduced:

SB 413 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO THE RELEASE OF TOXIC VAPORS AND FUMES. Sponsors: Senators Holloway, Bair; Representatives Taylor, VanSant. Assigned to Judiciary Committee.

SB 414 - AN ACT TO AMEND CHAPTER 47, TITLE 16, OF THE DELAWARE CODE RELATING TO THE DEFINITION OF CERTAIN ILLEGAL DRUGS. Sponsors: Senators Bair, Holloway; Representatives Taylor, VanSant. Assigned to Administrative Services/Energy Committee. Reassigned to Judiciary Committee.

SB 415 - AN ACT TO AMEND CHAPTER 47, TITLE 16, OF THE DELAWARE CODE RELATING TO THE CRIMINALIZATION OF TRAFFICKING IN L.S.D. AND DESIGNER DRUGS. Sponsors: Senators Holloway, Bair; Representatives Taylor, VanSant. Assigned to Health-Social Services/Aging Committee. Reassigned to Judiciary Committee.

SB 416 - AN ACT TO AMEND CHAPTER 43, TITLE II, DELAWARE CODE, RELATING TO PAROLE AUTHORITY AND PROCEDURE. Sponsors: Senators Minner, Vaughn, Sharp. Assigned to Judiciary Committee.

SB 417 - AN ACT TO AMEND CHAPTER 39 OF TITLE 14 AND CHAPTERS 55 AND 56, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED ON OR BEFORE JULY 1, 1985. Sponsors: Senators Cook, Berndt, Adams, Bair, Citro, Connor, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman; Representatives Corrozi, Bennett, Anderson, Barnes, Boykin, Brady, Buckworth, Caulk, Campanelli, Carey, Clark, C. Cordrey, Davis, B. Ennis, D. Ennis, Fallon, Free, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Roy, Sills, Soles, Smith, Spence, Steele, Taylor, VanSant, West, Wingate. Assigned to Finance Committee.

SB 418 - AN ACT TO AMEND CHAPTER 47, TITLE 16, OF THE DELAWARE CODE BY CLARIFYING THE DEFINITION OF A CONTROLLED SUBSTANCE. Sponsors: Senators Holloway, Bair; Representatives Taylor, VanSant. Assigned to Judiciary Committee.

SB 419 - AN ACT AUTHORIZING THE TRANSFER OF GENERAL FUND POSITIONS FROM EXECUTIVE BRANCH AGENCIES TO THE STATE PERSONNEL OFFICE FOR PURPOSES OF PROVIDING EMPLOYMENT FOR QUALIFIED MENTALLY HANDICAPPED CITIZENS. Sponsors: Senators Berndt, Holloway, Representatives Maroney, VanSant, Sills. Assigned to Health-Social Services/Aging Committee.

SB 354 was reported out of the Finance Committee: 4 Favorable, 2 Merits.

SR 102 was stricken at the request of the sponsor, Senator McDowell.

At 4:43 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 15, 1986.

The Senate reconvened at 2:15 p.m. April 15, 1986, Lt. Governor Woo presiding.

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

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
Dover, Delaware 19901

April 11, 1986

Honorable Richard Cordrey
Legislative Hall
Dover, DE 19901

Dear Senator Cordrey:

Confirming my telephone contact with you and Senator Sharp, please be advised that I will be unable to attend the meeting on Tuesday, April 15 at 3:00 p.m., in the Senate Chamber. I have to be out of state attending a NASHTO Meeting, of which I am an officer. It has been a longstanding commitment which would be difficult to change.

Mr. Raymond Harbeson, Assistant Highway Director, will attend and represent me. I will be back in the state on Thursday.

Sincerely Kermit H. Justice, Secretary

cc: Hon. Thomas Sharp, Mr. Raymond M. Harbeson

* * * * *

A communication was read in from Paula Lehrer, Administrative Assistant to the House Minority.

At the request of Senator Holloway, the privilege of the floor was extended to Representative Tina Fallon who in turn introduced to the Senate students from the Tatnall School, St. Mark's High School and Seaford Schools.

At 2:19 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 18th Legislative Day.

18TH LEGISLATIVE DAY
April 15, 1986

The Senate convened at 2:19 p.m., Lt. Governor Woo presiding.
A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 20.

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

At the request of Senator Cordrey, the following Writ of Election was read:

STATE of DELAWARE
Office of the Lieutenant Governor

WRIT OF ELECTION

TO: THE DEPARTMENT OF ELECTIONS, NEW CASTLE COUNTY
Elbert N. Carvel Building
820 French Street
Wilmington, DE 19801

GREETINGS:

WHEREAS, a vacancy exists in the Senate of the 133rd General Assembly of the State of Delaware by reason of the resignation of John H. Arnold, on March 6, 1986, the Member of the 8th Senatorial District of New Castle County, State of Delaware; and

WHEREAS, such a vacancy has occurred and exists while said General Assembly is in session:

NOW, THEREFORE, I, S. B. Woo, Lieutenant Governor of the State of Delaware, Presiding Officer of the Delaware State Senate, in accordance with the Constitution and laws of the State of Delaware in such cases made and provided, do hereby issue this Writ of Election and command that you shall cause a special election to be held in said 8th Senatorial District of New Castle County, State of Delaware, by the qualified electors thereof on a day to be appointed by you, such day not to be more than eleven nor less than ten days next after receipt of this writ, exclusive of that day, for the purpose of filling the aforesaid vacancy, the person thereupon chosen to hold office for the residue of the term of the said John H. Arnold.

IN WITNESS THEREOF, I, S. B. Woo, President of the Senate of the 133rd General Assembly have hereunto set my hand and seal this 2nd day of April in the year One Thousand Nine Hundred and Eighty-six.

S. B. Woo
Lieutenant Governor of the State of Delaware and
Presiding Officer of the Delaware State Senate.

ATTEST:
Betty Jean Caniford
Secretary of the Senate 133rd General Assembly

Receipt of the foregoing Writ of Election is hereby
acknowledged this 2nd day of April, 1986.

Department of New Castle County
By: Harvey A. Woods, III

* * * * *

At the request of Senator Cordrey, the following Certificate of Election was read:

THE STATE OF DELAWARE
NEW CASTLE COUNTY, ss.

BE IT REMEMBERED, That at the Special Election held on April 12 in the year of our Lord one thousand nine hundred and eighty six for New Castle County, according to the Constitution and Laws of the State of Delaware, MARGO EWING BANE was duly elected Senator for the Eighth Senatorial District for said County in the General Assembly which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in the Eighth Senatorial District of New Castle County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, Albert J. Stiftel and Joshua W. Martin, III, constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said Eighth Senatorial District of said County as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this fourteenth day of April A.D. 1986.

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

* * * *

Pursuant to the above Certificate of Election, Lt. Governor Woo administered the Oath of Office of Senator to Margo Ewing Bane. Senator Bane's mother and daughter held the Bible during the ceremony.

SR 105 (sponsored by Senators Cordrey and Sharp) was introduced, read in its entirety, and considered for adoption on motion of Senator Cordrey:

SR 105 - IN REFERENCE TO THE ROLL OF MEMBERS OF THE SENATE.

BE IT RESOLVED by the Senate of the 133rd General Assembly of the State of Delaware that the following constitute the permanent roll of the Senate of the 133rd General Assembly:

Thurman Adams, Jr.
Myrna L. Bair
Margo Ewing Bane
Robert J. Berndt
Angelo T. Citro
Robert T. Connor
Nancy W. Cook
Richard S. Cordrey
Herman M. Holloway, Sr.
Andrew G. Knox
Robert Marshall
Robert A. Martin
David B. McBride
Harris B. McDowell, III
Ruth Ann Minner
James P. Neal
Thomas B. Sharp.
William A. Slatcher
William C. Torbert
James T. Vaughn
Jake Zimmerman
* * * *

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

The roll call vote of attendance was then taken and revealed:

PRESENT: Senators Adams, Bair, Bane, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

Senator Citro marked PRESENT.

At 2:35 p.m. on motion of Senator Sharp, the Senate recessed for a reception in honor of Senator Bane and reconvened at 3:06 p.m., Lt. Governor Woo presiding.

SCR 113 was introduced and considered for adoption on motion of Senator Cordrey:

SCR 113 - CONGRATULATING THE DELAWARE SCHOOL FOOD SERVICE ASSOCIATION AS IT CELEBRATES ITS 30TH ANNIVERSARY. Sponsors: Senator Cordrey, Representative Hebner.

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

SCR 112 was introduced and considered for adoption on motion of Senator Minner:

SCR 112 - CONGRATULATING LYNN MARIE TAYLOR UPON BEING CROWNED MISS DELAWARE - U.S.A. AT THE ANNUAL MISS DELAWARE-U.S.A. PAGEANT IN MILFORD, ON MARCH 15, 1986. Sponsors: Senators Minner, Vaughn; Representative Jester.

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

Pursuant to the above Resolution, Senator Minner requested the privilege of the floor for Miss Delaware - U.S.A.

Pursuant to SR 104, Senator Sharp requested the privilege of the floor for the following persons to address the proposed construction of a second entrance to Bellevue State Park: John Wilson, Jr. (Department of Natural Resources and Environmental Control), Raymond M. Harbeson, Jr. (Delaware Department of Transportation), William J. Hopkins (Acting Director, State Division of Park and Recreation), O. Francis Biondi (Bellevue Park Associates), Edward B. DeSeta (Bellevue Park Association).

At 4:00 p.m., Lt. Governor Woo called a one minute standing recess for the purpose of changing the tape.

SB 400 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator McBride:

SB 400 - AN ACT TO AMEND CHAPTER 52, TITLE 30, DELAWARE CODE, RELATING TO THE DEFINITION OF MOTOR VEHICLE UNDER THE MOTOR CARRIERS FUEL PURCHASE LAW.

SA 2 to the Bill (sponsored by Senator McBride) was introduced and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 1 to the Bill (sponsored by Senator McBride) was introduced.

The privilege of the floor was extended to William Walls (Senate Attorney) after which SB 400 w SA 2 (SA 1) was laid on the table on motion of Senator McBride.

SS 1 for SB 260 was taken up for consideration on motion of Senator Torbert and adopted in lieu of the Original:

SS 1 for SB 260 - AN ACT TO AMEND CHAPTER 80, TITLE 21 OF THE DELAWARE CODE RELATING TO THE VEHICLE EQUIPMENT SAFETY COMPACT.

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 354 was taken up for consideration on motion of Senator Vaughn:

SB 354 - AN ACT TO AMEND CHAPTER 90, TITLE 11 OF THE DELAWARE CODE PERMITTING THE VIOLENT CRIMES COMPENSATION BOARD TO GRANT AWARDS FOR OTHER THAN PECUNIARY LOSS, INCREASING THE QUALIFYING AMOUNT FOR A ONE MEMBER QUORUM AND REQUIRING THE VICTIMS TO REPORT THE CRIME WITHIN SEVENTY-TWO HOURS.

SA 1 to the Bill (sponsored by Senator Vaughn) was introduced and immediately stricken at the request of the Senator.

SA 2 to the Bill (sponsored by Senator Vaughn) was introduced. The privilege of the floor was extended to Oakley M. Banning, Jr., (Executive Director of the Violent Crimes Compensation Board) after which 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 354 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 386 was taken up for consideration on motion of Senator Marshall:

SB 386 - AN ACT TO AMEND SECTION 8305, CHAPTER 83, TITLE 29 OF THE DELAWARE CODE BY PROVIDING FOR BIENNIAL REPORTS TO THE GOVERNOR AND THE GENERAL ASSEMBLY CONCERNING THE IMPACT OF TAX PREFERENCES ON STATE REVENUE.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Marshall 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 Robert Chastant (Delaware Division of Revenue) after which the roll call vote on SB 386 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.

SR 106 was introduced and considered for adoption on motion of Senator Minner:

SR 106 - CRITICIZING THE DELAWARE DEPARTMENT OF CORRECTIONS FOR FAILURE TO COMPLY WITH THE NOTICE REQUIREMENTS OF CHAPTER 43, TITLE 11, DELAWARE CODE, AND URGING STRICT COMPLIANCE HENCEFORTH. Sponsor: Senator Minner:

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

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 14.

NO: Senator Neal - 1.

NOT VOTING: Senators Bair, Bane, Berndt, Connor, Knox - 5.

ABSENT: Senator Citro - 1.

Therefore, the Resolution was declared adopted.

The Secretary announced that a message from the House informed the Senate that it had passed HB 335; HB 495 and adopted HJR 20 and SCR 112.

The following communication was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901
April 15, 1986

TO: All Senators of the 133rd General Assembly
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: Senate Committee Appointments

I hereby appoint the following Senators of the 133rd General Assembly to serve on the following Senate committees: Senator Margo Ewing Bane: Judiciary Committee, Revenue and Taxation Committee, Corrections Committee, Sunset Committee.

Senator Robert T. Connor: Executive Committee.

These committee assignments become effective with this reading.

I hereby remove Senator Robert T. Connor from the Judiciary Committee.

This committee assignment becomes effective with this reading.

* * * * *

At 5:36 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 16, 1986.

The Senate reconvened at 2:07 p.m., April 16, 1986, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 382 w HA 1, 2; HB 176; SB 344; SB 345.

The following Committee reports were announced:

From the Community Affairs Committee: SB 387 - 4 Merits; SB 388 - 4 Merits; SB 402 - 4 Merits; SB 404 - 3 Merits; SB 406 - 4 Merits; SB 408 - 4 Merits; SB 409 - 3 Merits; SB 411 - 4 Merits.

The following legislation was introduced:

SB 420 - AN ACT AMENDING TITLE 5, CHAPTER 9, TITLE 12, CHAPTERS 2, 13, 15, 33 AND 35, AND TITLE 25, CHAPTER 5; AND INSERTING A NEW CHAPTER 34 OF TITLE 12 OF THE DELAWARE CODE BY REVISING AND ENACTING CERTAIN LAWS RELATING TO BANKS AND TRUST COMPANIES AS FIDUCIARIES, AND TO THE ADMINISTRATION OF ESTATES AND TRUSTS. Sponsor: Senator Cordrey. Assigned to Banking Committee.

SB 421 - AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE TO EMPOWER THE BOARD OF MEDICAL PRACTICE TO REGULATE ACUPUNCTURISTS AND THE PRACTICE OF ACUPUNCTURE IN THE STATE OF DELAWARE. Sponsor: Senator Holloway. Assigned to Administrative Services/Energy Committee.

SB 422 - AN ACT TO AMEND CHAPTER 68, TITLE 29, §6907 OF THE DELAWARE CODE, RELATING TO THE AWARD OF STATE CONTRACTS. Sponsors: Senators Adams, Cordrey; Representative Barnes. Assigned to Executive Committee.

SB 424 - AN ACT TO AMEND CHAPTER 7, TITLE 19, DELAWARE CODE, RELATING TO UNLAWFUL EMPLOYMENT PRACTICES Sponsor: Senator Holloway. Assigned to Labor and Industrial Relations Committee.

SB 425 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE, RELATING TO BUMPER HEIGHTS. Sponsors: Senators Martin, Sharp. Assigned to Public Safety Committee.

SB 426 - AN ACT TO AMEND CHAPTER II, SUBCHAPTER II, TITLE 30, OF THE DELAWARE CODE TO PROVIDE AN EDUCATIONAL EXEMPTION FROM TAXABLE INCOME. Sponsors: Senators Marshall, Berndt, Citro; Representatives Campanelli, Free, Jonkiert, Spence, VanSant. Assigned to Revenue and Taxation Committee.

SB 427 - AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN. Sponsors: Senator Adams, Representative West. Assigned to Community Affairs Committee.

SA 1 to SB 380 and SA 2 to SB 380. Sponsor: Senator Vaughn. Placed with the Bill.

SA 3 to SB 400. Sponsor: Senator McBride. Placed with the Bill.

SA 1 to SB 410. Sponsor: Senator Cordrey. Placed with the Bill.

HB 176 - 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, Brady, Sills; Senator Arnold. Assigned to Community Affairs Committee.

HB 335 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, RELATING TO EXEMPTION OF PERSONS 65 YEARS OF AGE FROM FOODFISHING EQUIPMENT PERMIT FEES. Sponsors: Representatives West, Carey, D. Ennis, Steele, Barnes, Jonkiert, Mack, Quillen, Clark, VanSant, Buckworth, B. Ennis, Soles, Houghton, Plant, Fallon, C. Cordrey, Sills, Jester, Anderson. Assigned to Natural Resources and Environmental Control Committee.

HB 382 w HA 1, 2 - AN ACT TO AMEND CHAPTER 27, TITLE 25 OF THE DELAWARE CODE RELATING TO MECHANICS' LIENS. Sponsors: Representatives Oberle, Mack, Reynolds, Davis. Assigned to Judiciary Committee.

HB 495 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, TO REQUIRE THE ATTORNEY GENERAL TO DEFEND IN LIABLE ACTIONS THOSE PERSONS ENGAGED IN PROFESSIONAL ENGINEERING REGULATORY ACTIVITIES. Sponsors: Representatives Spence, Outten; Senators Torbert, Berndt. Assigned to Judiciary Committee.

HJR 20 - DIRECTING THE DIRECTOR OF THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS AND THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO COMMEMORATE THE DELAWARE BREAKWATER QUARANTINE STATION 1884-1926 BY THE ERECTION OF A STATE HISTORICAL MARKER IN THE CAPE HENLOPEN STATE PARK ON OR NEAR OCTOBER 20, 1986, THE ONE HUNDRED AND SECOND ANNIVERSARY OF THE OPENING OF THE STATION. Sponsors: Representative Wingate; Senators Cordrey, Minner. Assigned to Natural Resources and Environmental Control Committee.

SCR 114 - CONGRATULATING SCOTT DICKERSON, A STUDENT AT MILFORD HIGH SCHOOL, FOR WINNING THE 1986 AMERICAN LEGION ORATORICAL CONTEST IN DELAWARE. Sponsors: Senator Minner, Representative Caulk. Laid on the table on motion of Senator Minner.

At 2:17 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 19th Legislative Day.

19TH LEGISLATIVE DAY
April 16, 1986

The Senate convened at 2:17 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

The following communication was read:

ASTRONAUT OFFICE
NASA Johnson Space Center
Houston, Texas

The families of Ron and Cheryl McNair gratefully acknowledge your expression of sympathy. Thank you for caring.

To: Senators Marshall, Cordrey, Sharp, Bair and all Senators; Representatives Hebner, Oberle, George and all Representatives.

Love, Cheryl McNair

* * * * *

The following LEGISLATIVE ADVISORIES received from the Office of Counsel to the Governor were read which indicated that the Governor signed the following legislation:

LEGISLATIVE ADVISORY #29: On April 8, 1986 the Governor signed HB 418 (Volume 65, Chapter 255, Laws of Delaware).

LEGISLATIVE ADVISORY #30: On April 9, 1986 the Governor signed HB 468 (Volume 65, Chapter 256, Laws of Delaware).

* * * * *

SB 380 was taken up for consideration on motion of Senator Vaughn:

SB 380 - AN ACT TO AMEND CHAPTER 49, SUBCHAPTER XI, TITLE 10, DELAWARE CODE, RELATING TO OCCASION FOR SUING OUT WRITS OF SCIRE FACIAS; PARTIES AND NOTICE.

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

Senators McBride and Torbert marked PRESENT.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration and the roll call vote taken which revealed 17 Senators voting YES and 4 (Holloway, Martin, McDowell, Zimmerman) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 380 w SA 2 was then taken and revealed 17 Senators voting YES and 4 (Holloway, Martin, McDowell, Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 400 w SA 2 was lifted from the table for consideration on motion of Senator McBride under suspension of the necessary rules.

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

SA 3 to the Bill (sponsored by Senator McBride) was introduced.

Senators Zimmerman and McDowell marked PRESENT.

The privilege of the floor was extended to Dale A. Shuirmann (Division of Motor Fuel Tax) after which the roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Holloway and Martin) ABSENT; therefore, the Amendment was declared adopted.

On motion of Senator McBride, the roll call vote on SA 2 to SB 400 was rescinded and the Amendment stricken.

The roll call vote on SB 400 w SA 3 was then taken and revealed 19 Senators voting YES and 2 (Holloway and Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 370 was taken up for consideration on motion of Senator Cook:
SB 370 - AN ACT TO AMEND 29 DELAWARE CODE, CHAPTER 52, RELATING TO HEALTH CARE INSURANCE.

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

At 2:50 p.m., Lt. Governor Woo presiding.

Senators Holloway and Martin marked PRESENT.

At his request, Senator Cordrey was added as co-sponsor of SB 370.

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

At 3:21 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:05 p.m., Senator Cordrey presiding.

SB 421 which had been assigned to Administrative Services/Energy Committee was reassigned to Health-Social Services/Aging Committee.

At 4:08 p.m., Lt. Governor Woo presiding.

The following legislation was introduced:

SB 423 - AN ACT TO CREATE A VOLUNTEER FIREMEN'S PENSION PLAN AND TO PROVIDE FOR THE ADMINISTRATION AND FUNDING THEREOF. Sponsors: Senators Adams, Berndt, Connor, Cook, Cordrey, Holloway, Martin, McBride, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman; Representatives Davis, Barnes, Brady, Campanelli, Carey, Caulk, Clark, B. Ennis, Gilligan, Oberle, Plant, Spence, Steele, VanSant, West, Wingate. Assigned to Executive Committee.

SB 428 - AN ACT TO AMEND CHAPTER 85, TITLE II, DELAWARE CODE, RELATING TO THE DELAWARE JUSTICE INFORMATION SYSTEM. Sponsor: Senator Vaughn. Assigned to Judiciary Committee.

SB 429 - AN ACT TO AMEND CHAPTER 86, TITLE II, DELAWARE CODE, RELATING TO THE DELAWARE JUSTICE INFORMATION SYSTEM. Sponsor: Senator Vaughn. Assigned to Judiciary Committee.

SA 1 to SB 404. Sponsor: Senator Minner. Placed with the Bill.

SR 107 was introduced and considered for adoption:

SR 107 - CREATING A SPECIAL SENATE COMMITTEE ON DRUG PRICING TO STUDY THE ESCALATING COST OF PRESCRIPTION DRUGS AND ITS RESULTANT THREAT TO PHYSICAL HEALTH AND LIFE. Sponsor: Senator Holloway.

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

SR 108 - URGING MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO LEND THEIR SUPPORT TO CONTINUATION OF THE FEDERAL HEALTH PLANNING PROGRAM. Sponsors: Senators Holloway and Neal.

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

SCR 115 was introduced and laid on the table on motion of Senator McBride:

SCR 115 - COMMENDING MRS. DORIS STEVENSON OF BRANDYWINE SCHOOL DISTRICT FOR BEING SELECTED AS DELAWARE TEACHER OF THE YEAR FOR 1986. Sponsors: Senator McBride, Representative Fallon, all Representatives and Senators.

SB 406 was taken up for consideration on motion of Senator Adams:

SB 406 - AN ACT TO AMEND AN ACT BEING CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" TO GRANT AUTHORITY TO THE TOWN TO BORROW FOR CURRENT 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 387 was taken up for consideration on motion of Senator Minner:

SB 387 - AN ACT TO AMEND SECTIONS 335, 337 AND 4110 OF TITLE 9 OF THE DELAWARE CODE RELATING TO MEETINGS AND QUORUMS AND PROCEDURES OF COUNTY BODIES.

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

SB 388 - AN ACT TO AMEND TITLE 9, SECTION 8606 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY RECEIVER OF TAXES.

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

SB 404 was taken up for consideration on motion of Senator Minner:

SB 404 - AN ACT TO AMEND TITLE 9, §9418, AND TITLE 10, §8702, §8707 OF THE DELAWARE CODE RELATING TO FEES OF THE KENT COUNTY CLERK OF THE PEACE, SHERIFF AND REGISTER IN CHANCERY.

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

The privilege of the floor was extended to Myron T. Steele representing Kent County.

The roll call vote on SB 404 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 408 was taken up for consideration on motion of Senator Torbert:

SB 408 - AN ACT TO AMEND TITLE 9, §8604 OF THE DELAWARE CODE RELATING TO PENALTY FOR LATE PAYMENT OF REAL ESTATE TAXES IN KENT COUNTY.

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

SB 411 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE AUTHORITY OF KENT COUNTY TO ESTABLISH BUILDING PERMIT FEES AND ESTABLISH PENALTIES FOR OFFENSES OR VIOLATION OF ITS CONSTRUCTION CODE.

The privilege of the floor was extended to Gary Dalton (Senate Attorney).

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.

SS 1 for SB 334 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cordrey:

SS 1 for SB 334 - AN ACT TO AMEND CHAPTER 43, SUBCHAPTER VI, §4361, TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOARD OF PARDONS; AND PROVIDING FOR NOTICE TO CERTAIN PERSONS PRIOR TO PARDONS HEARINGS.

The privilege of the floor was extended to Gary Dalton after which the Bill was laid on the table on motion of Senator Cordrey.

SB 384 was taken up for consideration on motion of Senator Vaughn:

SB 384 - AN ACT TO AMEND CHAPTER 39, TITLE 12 OF THE DELAWARE CODE RELATING TO THE TERM OF GUARDIANSHIP.

SA 1 to the Bill (sponsored by Senator Vaughn) was introduced.

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

At 4:55 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. April 17, 1986.

The Senate reconvened at 2:24 p.m., Lt. Governor Woo presiding.

The following Committee reports were announced:

From the Judiciary Committee: SB 413 - 4 Merits; SB 415 - 4 Merits; SB 416 - 1 Favorable, 3 Merits; SB 418 - 4 Merits; SB 428 - 1 Favorable, 3 Merits; SB 429 - 1 Favorable, 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 120; HCR 121; HCR 122; HCR 123; HCR 124; SCR 113.

The following legislation was introduced:

SB 430 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE, RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Sponsors: Senator Torbert, Representative Caulk; Senator McDowell, Representative Buckworth. Assigned to Insurance and Elections Committee.

SB 431 - AN ACT TO AMEND CHAPTER 43, SUBCHAPTER VI, §4361, TITLE 11 OF THE DELAWARE CODE RELATING TO THE BOARD OF PARDONS; AND PROVIDING FOR NOTICE TO CERTAIN PERSONS PRIOR TO PARDONS HEARINGS. Sponsors: Senators Cordrey and Neal. Laid on the table on motion of Senator Cordrey.

SA 4 to SB 58. Sponsor: Senator Bair. Placed with the Bill.

SA 1 to SB 407. Sponsor: Senator Adams. Placed with the Bill.

SJR 16 - DESIGNATING MONDAY, MAY 26, 1986, AS MEMORIAL DAY AND DECLARING IT A LEGAL HOLIDAY IN THE STATE OF DELAWARE FOR THE YEAR 1986. Sponsor: Senator Bair. Laid on the table on motion of Senator Bair.

HB 495 was reported out of the Judiciary Committee: 4 Merits.

At 2:28 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 20th Legislative Day.

20TH LEGISLATIVE DAY April 17, 1986

The Senate convened at 2:28 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

SCR 116 was introduced and considered for adoption on motion of Senator Cordrey:

SCR 116 - EXTENDING A "HEARTY WELCOME" TO SENATOR DAVID E. NETHING, SENATE MAJORITY LEADER OF NORTH DAKOTA, AND PRESIDENT OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES. Sponsors: Senators Cordrey, Connor, all Senators; Representative Maroney, all Representatives.

The privilege of the floor was extended to Senator David Nething at the request of Senator Cordrey. Mr. Nething in turn introduced two other members who were present from the National Conference of State Legislatures: O. Mackey and Rich Jones.

Senator Torbert marked PRESENT.

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

SB 384 was lifted from the table for consideration on motion of Senator Vaughn.

SA 1 to the Bill (sponsored by Senator Vaughn) was introduced and considered for adoption on his motion.

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

The roll call vote on SB 384 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Citro and Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 2:58 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:26 p.m., Lt. Governor Woo presiding.

HB 430 was reported out of the Judiciary Committee: 4 Merits.

The following legislation was introduced:

SB 432 - AN ACT TO AMEND CHAPTER 38, TITLE 31 OF THE DELAWARE CODE RELATING TO THE FOSTER CARE REVIEW BOARD. Sponsors: Senator Holloway, Representative Maroney; Senators Adams, Bair, Bane, Berndt, Citro, Cordrey, Knox, Martin, McBride, McDowell, Minner, Slatcher, Torbert, Zimmerman; Representatives Bennett, Boykin, Corrozi, B. Ennis, D. Ennis, Hebner, Outten Petrilli, Spence, VanSant. Assigned to Health-Social Services/Aging Committee.

SB 433 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO CONDITIONAL LICENSES. Sponsor: Senator Slatcher. Assigned to Public Safety Committee.

SB 364 was reported out of the Judiciary Committee: 2 Merits, 2 Unfavorable.

At the request of Senator Sharp, the written Committee report was read in its entirety and is made part of this record:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

April 17, 1986

REPORT OF THE SENATE JUDICIARY COMMITTEE ON SENATE BILL 364 DEALING WITH JOINT AND SEVERABLE LIABILITY OF TORT FEASORS.

All the members of the Senate Judiciary have met and discussed the provisions of SB 364 which deals with joint and severable liability of defendants in civil litigation. The issue raised by this proposed change to the tort system in Delaware along with the proposals in the House of Representatives arise in the context of a larger public debate about an "insurance crisis". Our considerations at the onset revealed a lack of information concerning the insurance industry's costs, paid benefits, premium profit, etc. as they relate to the current system of compensation to injured parties in Delaware. It is the feeling of the committee that without this type of information about the industry's current experience with our present tort system any reasoned analysis of this particular bill and of the tort system generally is impossible. We simply feel that in the absence of disclosure by the insurance industry a crisis is not substantiated much less the need for changes in the tort system. We recommend before any changes to the present tort system of compensating insured persons be considered that the following be done:

1. Passage of legislation requiring the insurance industry to demonstrate its financial experience with the current tort system relative to gross premiums, percentage of premium paid, percentage of profit on premium paid, profit generated from all sources of investment premium dollars, etc. House Bill 470 is illustrative of an approach to this problem.

2. Appointment of a Blue Ribbon Committee consisting of members of the insurance industry, State Bar, legislature, Insurance Commissioner's office, independent actuaries, affected citizens and other interested persons to conduct a comprehensive study of the insurance industry's financial experience under the current tort system and of the proposed changes to the tort system in light of that experience and to report their findings along with any recommendations on the industry and/or the tort system they deem advisable to the General Assembly.

Respectfully submitted,
(Signed):

Thomas B. Sharp, Chairman; Harris B. McDowell; James T. Vaughn; Jacob W. Zimmerman; Margo Ewing Bane

* * * * *

SJR 16 was lifted from the table and considered for adoption under suspension of the necessary rules on motion of Senator Bair:

SJR 16 - DESIGNATING MONDAY, MAY 26, 1986, AS MEMORIAL DAY AND DECLARING IT A LEGAL HOLIDAY IN THE STATE OF DELAWARE FOR THE YEAR 1986.

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

Senator Vaughn requested the Secretary of the Senate to request the House to return SB 158 to the Senate for reconsideration.

SB 422 was stricken at the request of the sponsor, Senator Adams.

Senator Bair introduced to the Senate two friends, Carey Crockett and Rachael Boone.

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

Senator Minner requested HCR 124 be removed from Consent Calendar #21.

The Calendar was comprised of the following Resolutions:

SR 109 - RECOGNIZING THE SPECIAL EFFORTS OF JOSEPH DAWSON, III, UPON HIS HONOR OF ATTAINING THE RANK OF EAGLE SCOUT. Sponsor: Senator McBride.

HCR 120 - REQUESTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO NOTIFY CERTAIN MEMBERS OF THE GENERAL ASSEMBLY PRIOR TO THE ISSUANCE OF PERMITS FOR HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL AND CONSTRUCTION AND OPERATION OF AIR CONTAMINANT SOURCES IN CERTAIN AREAS. Sponsors: Representatives Mack, Caulk, Carey, Clark, Cordrey; Senators Vaughn, Connor.

HCR 121 - EXTENDING CONGRATULATIONS TO REGINA "JEAN" S. MITTEN ON HER EIGHTIETH BIRTHDAY. Sponsors: Representative Bennett, Senator Zimmerman.

HCR 122 - IN RECOGNITION OF THE CHARITABLE AND ALTRUISTIC WORK OF NADA JONES, A NATIVE DELAWAREAN. Sponsors: Representatives Anderson, Jonkiert; Senator Martin.

HCR 123 - DESIGNATING MAY 22nd AS JUST SAY NO TO DRUGS AND ALCOHOL DAY IN DELAWARE. Sponsors: Representatives Taylor, Mack, Petrilli, Davis, Smith, Roy, Caulk, Carey, Buckworth, Boykin, D. Ennis, Fallon, Corrozi, Free, Barnes, Oberle, Steele, Reynolds, George, Anderson, Bennett, Brady, Jonkiert, Clark, Jester, West, Plant, B. Ennis, Outten, Campanelli, Sills, VanSant, Houghton, Wingate, Gilligan, Soles; Senators Bair, Bane, Citro, Neal, Slatcher, Knox, Torbert, Berndt, Connor, Cordrey, Sharp, Holloway.

* * * * *

The roll call vote on CONSENT CALENDAR #21 was taken and revealed 19 Senators voting YES and 2 (Citro and Connor) ABSENT; therefore, the Resolutions were declared adopted and the House Concurrent Resolutions were returned to the House.

At 5:02 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 22, 1986.

The Senate reconvened at 2:41 p.m., April 22, 1986, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 336 w SA 1, HA 1; HB 497 w HA 1, 2; HB 444 w HA 1, 4; SB 412.

The following Committee reports were announced:

From the Executive Committee: SB 423 - 1 Favorable, 3 Merits.

From the Health-Social Services/Aging Committee: SB 432 - 6 Merits.

The following legislation was introduced:

SB 434 - AN ACT TO AMEND CHAPTER 69, TITLE 29, §6907 OF THE DELAWARE CODE, RELATING TO THE AWARD OF STATE CONTRACTS. Sponsor: Senator Adams. Assigned to Executive Committee.

SB 435 - AN ACT TO AMEND CHAPTER 85, TITLE II, DELAWARE CODE, RELATING TO THE STATE BUREAU OF IDENTIFICATION. Sponsor: Senator Vaughn. Assigned to Judiciary Committee.

HB 444 w HA 1, 4 - AN ACT TO AMEND CHAPTER 5, TITLE 18, DELAWARE CODE RELATING TO EMERGENCY POWERS OF THE INSURANCE COMMISSIONER TO REGULATE CANCELLATION AND NONRENEWALS OF COMMERCIAL, MUNICIPAL AND PROFESSIONAL LIABILITY INSURANCE POLICIES. Sponsors: Representatives D. Ennis, Petrilli, VanSant, West, Anderson. Assigned to Insurance and Elections Committee.

HB 497 w HA 1, 2 - AN ACT TO AMEND CHAPTER 4, VOLUME 65, LAWS OF DELAWARE, (ALSO BEING HOUSE BILL NO. 99) RELATING TO THE TRANSFER OF \$70,000 TO FUND AN ACTUARIAL ANALYSIS FOR "POOLING" OF INSUREDS IN DELAWARE TO ANALYZE WHETHER MUNICIPALITIES, COUNTIES, AND VARIOUS COMMERCIAL INSUREDS CAN REDUCE THEIR COSTS AND ASSURE CONTINUED AVAILABILITY OF LIABILITY INSURANCE, AND TO CREATE SUCH A "POOL". Sponsors: Representatives Petrilli, D. Ennis, VanSant, West, Anderson. Assigned to Insurance and Elections Committee.

SB 336 w SA 1 which had been returned from the House with **HA 1** was laid on the table on motion of Senator Torbert.

Senator Citro marked PRESENT.

At 2:45 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 21st Legislative Day.

21ST LEGISLATIVE DAY
April 22, 1986

The Senate convened at 2:45 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 21.

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

The privilege of the floor was extended to Gladys Reese, spokesperson for Delaware School Food Service, at the request of Senator Cordrey.

The following communication was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

April 22, 1986

TO: Members of the 133rd General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Appointments

As per Senate Resolution No. 99 of the 133rd General Assembly, I reappoint the following to serve on the Ad Hoc Committee to Investigate Methods of Improving the Delivery of Services to Children and Youth in Delaware: Senator Harris B. McDowell, Senator James T. Vaughn, Senator Robert I. Marshall, Senator Myrna L. Bair, Senator Robert T. Connor.

At this time I would like to compliment this group of individuals who have continued to serve on this committee caring for the children in Delaware.

* * * * *

Senator Marshall marked PRESENT.

SB 334 was taken up for consideration on motion of Senator Cordrey:

SB 334 - AN ACT TO AMEND CHAPTER 43, PART II, TITLE II OF THE DELAWARE CODE RELATING TO THE BOARD OF PARDONS; AND PROVIDING FOR NOTICE TO CERTAIN PERSONS PRIOR TO PARDONS HEARINGS.

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

SS 1 for **SB 334** was stricken at the request of Senator Cordrey.

Senator Adams marked PRESENT.

The roll call vote on **SB 334 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 was laid on the table on motion of Senator McDowell.

SB 416 was laid on the table on motion of Senator Minner.

HB 495 was taken up for consideration on motion of Senator Sharp:

HB 495 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, TO REQUIRE THE ATTORNEY GENERAL TO DEFEND IN LIABLE ACTIONS THOSE PERSONS ENGAGED IN PROFESSIONAL ENGINEERING REGULATORY ACTIVITIES.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (McBride and Neal) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

At 3:05 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:27 p.m., Lt. Governor Woo presiding.

SB 437 was introduced and assigned to Executive Committee:
SB 437 - AN ACT TO AMEND §19, ARTICLE III, CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE SALARY OF THE LIEUTENANT GOVERNOR. Sponsor: Senator Cordrey.

SR 110 was introduced and considered for adoption on motion of Senator Minner:

SR 110 - EXTENDING BEST WISHES AND SINCEREST CONGRATULATIONS TO MR. AND MRS. J. EDWARD TAYLOR OF HARRINGTON UPON LEARNING OF THEIR FIFTIETH WEDDING ANNIVERSARY, WHICH WAS CELEBRATED ON APRIL 13, 1986. Sponsors: Senators Minner and Adams.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Bair, Holloway, Marshall, McBride) ABSENT; therefore, the Resolution was declared adopted.

SB 428 was stricken at the request of the sponsor, Senator Vaughn.

SB 429 was taken up for consideration on motion of Senator Vaughn:

SB 429 - AN ACT TO AMEND CHAPTER 86, TITLE II, DELAWARE CODE, RELATING TO THE DELAWARE JUSTICE INFORMATION SYSTEM.

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

SB 423 - AN ACT TO CREATE A VOLUNTEER FIREMEN'S PENSION PLAN AND TO PROVIDE FOR THE ADMINISTRATION AND FUNDING THEREOF.

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

SB 423 was lifted from the table for consideration on motion of Senator Adams.

SA 1 to the Bill (sponsored by Senator Adams) was introduced and considered for adoption on his motion. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 423 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.

SS 1 for SB 402 was introduced and adopted in lieu of the Original on motion of Senator Holloway:

SS 1 for SB 402 - AN ACT TO AMEND CHAPTER 5, TITLE 22, DELAWARE CODE, RELATING TO ACQUISITION OF PROPERTY OR PROPERTY RIGHTS BY MUNICIPAL PARKING AUTHORITIES. Sponsors: Senators Holloway and McDowell.

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

SR III - TO EXPRESS APPRECIATION TO THE VOLUNTEERS IN THE STATE OF DELAWARE. Sponsor: Senator Martin.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Zimmerman and Holloway) voting NO; therefore, the Resolution was declared adopted.

SB 294 was stricken at the request of the sponsor, Senator McDowell.

At 4:55 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 23, 1986.

The Senate reconvened at 2:18 p.m., April 23, 1986, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 423; HB 505 w HA 1; HB 464; HB 478; HB 479; HB 481.

The following Committee reports were announced:

From the Health-Social Services/Aging Committee: SB 398 - 5 Merits; SB 419 - 5 Merits; SB 421 - 5 Merits.

At 4:19 p.m., Lt. Governor Woo presiding.

The following legislation was introduced:

HB 423 - AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE CODE RELATING TO THE PUNISHMENT FOR ALTERING, DEFACING OR CONCEALING BILLS OR ACTS. Sponsors: Representatives Barnes, Oberle, Hebner, George, Gilligan; Senators Cordrey, Sharp, Bair, Arnold, McDowell. Assigned to Executive Committee.

HB 464 - AN ACT TO AMEND CHAPTER 5, PART I, TITLE II OF THE DELAWARE CODE, RELATING TO THE DELAWARE CRIMINAL CODE; AND INCREASING CERTAIN JURISDICTIONAL AMOUNTS FROM THREE HUNDRED DOLLARS (\$300) TO FIVE HUNDRED DOLLARS (\$500). Sponsors: Representatives Jonkiert, Spence. Assigned to Judiciary Committee.

HB 478 - AN ACT TO AMEND CHAPTER 7, TITLE 21, OF THE DELAWARE CODE RELATING TO WARRANTLESS ARRESTS FOR TRAFFIC VIOLATIONS. Sponsors: Representative Davis, Senator Torbert; Representatives Spence, Plant; Senators Neal, Citro. Assigned to Public Safety Committee.

HB 479 - AN ACT TO AMEND CHAPTER 23, TITLE 21 OF THE DELAWARE CODE RELATING TO THE SATISFACTION OF LIENS ON MOTOR VEHICLES. Sponsors: Representative Davis, Senator Torbert; Representatives Spence, Plant; Senators Neal, Citro. Assigned to Public Safety Committee.

HB 481 - AN ACT TO AMEND CHAPTER 52, TITLE 30, OF THE DELAWARE CODE RELATING TO PROCEDURES FOR IMPLEMENTING DELAWARE'S MOTOR CARRIERS FUEL PURCHASE LAW. Sponsors: Representative Davis, Senator Torbert; Representatives Spence, Plant; Senators Neal, Citro. Assigned to Revenue and Taxation Committee.

HB 505 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 28, DELAWARE CODE RELATING TO HARNES RACING COMMISSIONS ON PARI-MUTUEL AND TOTALIZATOR POOLS. Sponsors: Representative Quillen, Senator Vaughn. Assigned to Community Affairs Committee.