

STATE OF DELAWARE



Journal of the STATE SENATE

**Session
of the
137th General Assembly**

**Convened
Tuesday, January 12, 1993
Dover, Delaware**

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**1993-1994**



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## ***MEMBERSHIP***



**MEMBERSHIP of the DELAWARE STATE SENATE  
137TH GENERAL ASSEMBLY**

Lt. Governor Ruth Ann Minner, President of the Senate  
Senator Richard S. Cordrey, President pro Tempore

District   Senator

|      |                                                                       |                          |
|------|-----------------------------------------------------------------------|--------------------------|
| 1st  | Harris B. McDowell, III - 2311 Baynard Boulevard - Wilmington         | 19802                    |
| 2nd  | Herman M. Holloway, Sr. - 2008 Washington Street - Wilmington         | 19802 - Deceased 3/14/94 |
|      | Margaret Rose Henry - 17 W. 41st Street - Wilmington                  | 19802 - Elected 4/16/94  |
| 3rd  | Robert I. Marshall - 601 South duPont Street - Wilmington             | 19805                    |
| 4th  | Richard A. Hauge - 122 Delview Drive (Windybush) - Wilmington         | 19810                    |
| 5th  | Myrna L. Bair - 4 Little Leaf Court (Fouk Woods) - Wilmington         | 19810                    |
| 6th  | Andrew G. Knox - 107 Quintynnes Drive (Centreville) - Wilmington      | 19807                    |
| 7th  | Patricia M. Blevins - 209 Linden Avenue (Elsmere) - Wilmington        | 19805                    |
| 8th  | David P. Sokola - 24 Beech Hill Drive - Newark                        | 19711                    |
| 9th  | Thomas B. Sharp - 2226 East Huntington Drive (Pinecrest) - Wilmington | 19808                    |
| 10th | James P. Neal - 50 Bridle Brook Lane - Newark                         | 19711                    |
| 11th | Roger A. Martin - 13 Pinedale Road (Windy Hills) - Wilmington         | 19711                    |
| 12th | Robert T. Connor - 18 Crippen Drive - Wilmington                      | 19720                    |
| 13th | David B. McBride - 21 Andover Court - New Castle                      | 19720                    |
| 14th | James T. Vaughn - 201 Washington Avenue - Clayton                     | 19938                    |
| 15th | Nancy W. Cook - Post Office Box 127 - Kenton                          | 19955                    |
| 16th | William C. Torbert - 8A Bradys Lane - Dover                           | 19901                    |
| 17th | John C. Still - Post Office Box 311 - Dover                           | 19901-0311               |
| 18th | Robert J. Voshell - 506 Reed Road - Milford                           | 19963                    |
| 19th | Thurman Adams Jr. - Post Office Box 367 - Bridgeville                 | 19963                    |
| 20th | Richard S. Cordrey - P.O. Box 486 River Drive - Millsboro             | 19966                    |
| 21st | Robert L. Venables, Sr. - 116 Hearn Avenue - Laurel                   | 19956                    |

Majority Leader – Thomas B. Sharp – Roger A. Martin – March 22, 1994

Majority Whip – Harris B. McDowell, III – Robert I. Marshall – March 22, 1994

Minority Leader – Myrna L. Bair

Minority Whip – Robert T. Connor





## ***COMMITTEE MEMBERSHIPS***



**COMMITTEE MEMBERSHIPS**  
**137th GENERAL ASSEMBLY**

**Administrative Services**: William C. Torbert, Chairman; Nancy W. Cook, Roger A. Martin, Robert Connor.  
**Adult and Juvenile Corrections**: James T. Vaughn, Chairman; Nancy W. Cook, Herman M. Holloway, Sr., Thomas B. Sharp, William C. Torbert, Richard A. Hauge.

**Agriculture**: Thurman G. Adams, Chairman; Nancy W. Cook, Richard S. Cordrey, James T. Vaughn, Robert L. Venables, John C. Still.

**Banking**: Richard S. Cordrey, Chairman; Thurman G. Adams, David P. Sokola, William C. Torbert, John C. Still.

**Bond Bill Committee**: Roger A. Martin, Chairman; Nancy W. Cook, David B. McBride, Robert L. Venables, Richard A. Hauge, Andrew G. Knox.

**Children Youth and Families**: Harris B. McDowell, Chairman; Patricia M. Blevins, Roger A. Martin, Myrna L. Bair.

**Committee to Combat Drug Abuse**: Thomas B. Sharp, Chairman; Richard S. Cordrey, James T. Vaughn, Robert T. Connor, James P. Neal.

**Community/County Affairs**: Robert J. Voshell, Chairman; Harris B. McDowell, David P. Sokola, Robert L. Venables, Myrna L. Bair.

**Education**: David P. Sokola, Chairman; William C. Torbert, Robert J. Voshell, Richard A. Hauge, James P. Neal.

**Energy**: Harris B. McDowell, Chairman; Nancy W. Cook, Robert L. Venables, Myrna L. Bair.

**Ethics**: Richard S. Cordrey, Chairman; Herman M. Holloway, Sr., Thomas B. Sharp, Myrna L. Bair, Robert T. Connor.

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

**Finance (JFC)**: Nancy W. Cook, Chairman; Herman M. Holloway, Sr., David B. McBride, James T. Vaughn, James P. Neal, John C. Still.

**Health and Social Services/Aging**: Herman M. Holloway, Sr., Chairman; Patricia M. Blevins, Robert I. Marshall, Harris B. McDowell, Andrew G. Knox.

**Highways and Transportation**: Roger A. Martin, Chairman; Nancy W. Cook, Thomas B. Sharp, David P. Sokola, Robert J. Voshell, James P. Neal.

**Insurance and Elections**: James T. Vaughn, Chairman; Patricia M. Blevins, Harris B. McDowell, Robert I. Marshall, Thomas B. Sharp, John C. Still.

**Judiciary**: Thomas B. Sharp, Chairman; Thurman G. Adams, Harris B. McDowell, James T. Vaughn, Richard A. Hauge.

**Labor and Industrial Relations**: Robert I. Marshall, Chairman; Roger A. Martin, Thomas B. Sharp, Robert T. Connor.

**Natural Resources and Environmental Control**: David B. McBride, Chairman; David P. Sokola, Robert L. Venables, Robert J. Voshell, Andrew G. Knox.

**Public Safety**: Patricia M. Blevins, Chairman; Thomas B. Sharp, William C. Torbert, James T. Vaughn, Robert J. Voshell, Richard A. Hauge.

**Rules**: James T. Vaughn, Chairman; Robert J. Voshell, James P. Neal. Established 01/19/93

**Revenue and Taxation**: Robert I. Marshall, Chairman; Patricia M. Blevins, Nancy W. Cook, Herman M. Holloway, Sr., John C. Still.

**Small Business**: Robert L. Venables, Chairman; Harris B. McDowell, Robert I. Marshall, David P. Sokola, Andrew G. Knox, James P. Neal.

**Sunset**: Patricia M. Blevins, Chairman; David P. Sokola, Robert J. Voshell, Myrna L. Bair, Richard A. Hauge.

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

Senator Herman M. Holloway, Sr. - Deceased 3/14/94

Senator Patricia M. Blevins was appointed **Chair, of Health and Social Services** and Senator Robert J. Voshell appointed **Chair, Public Safety** on 3/23/94

Senator Margaret Rose Henry appointed to the following committees on 4/21/94:

**Children, Youth and Their Families**  
**Health and Social Services**  
**Judiciary**  
**Public Safety**

Senator Roger A. Martin was appointed to the **Legislative Council** replacing Senator Thomas B. Sharp, on 4/21/94.



***RULES***  
***of the***  
***SENATE***



**IN REFERENCE RULES OF THE DELAWARE STATE SENATE.**

**SENATE RESOLUTION 19**

BE IT RESOLVED by the Senate of the 137th General Assembly that the following Rules of the Senate be and they hereby are adopted as Rules for the governing of the present session, until further action of the Senate:

**Rule 1. ORDER OF BUSINESS**

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

**Rule 2. CONVENING OF SENATE**

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

**Rule 3. ATTENDANCE OF MEMBERS**

- (a) Every member shall be in his place at the time to which the Senate stands recessed.
- (b) No Senator shall absent himself from the service of the Senate without notifying the President Pro Tem.

**Rule 4. ROLL CALL; READING OF JOURNAL**

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

**Rule 5. CONTENTS OF JOURNAL**

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

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

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

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

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

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

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

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

**Rule 8. PREPARATION OF BILLS AND RESOLUTIONS**

(a) No bill or resolution shall be received by the Senate unless it be prefaced by a brief statement of the purpose of the bill or resolution, which shall be known as the title, and shall also contain the text of the bill or resolution in full. The original of all bills and resolutions shall be printed or stenciled on permanent rag content bond paper, be properly backed, contain no erasures or interlineations and shall be produced in such a manner as shall be

approved by the State Archivist and Director of Legislative Council. At the end of each bill, Joint Resolution or amendments there shall be placed the name of the author and/or Department who was responsible for writing same and a brief synopsis of the intent of the bill. In the lower left hand corner of page one there shall be the initials of the unit preparing the bill or resolution, the initials of the author and the typist, and, if prepared by automatic equipment, the identification number. Each bill or resolution shall have an appropriate enacting or resolving clause. The first name listed after the word "sponsor" on the first page of a bill or resolution shall be the "prime" sponsor. Once a bill or resolution has been pre-filed or introduced, the addition or deletion of a sponsor shall not cause the bill to be reprinted. The change in sponsorship shall be noted in the calendar, on the jacket of the original bill and on the first page of the original bill.

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

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

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

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

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

#### Rule 9. PROCEDURE APPLICABLE TO BILLS AND JOINT RESOLUTIONS

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

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

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

(d) An agenda of bills to be considered on the succeeding day shall be kept by the Secretary of the Senate and published each day and a copy thereof distributed to each member of the Senate prior to adjournment of the preceding day shall, with out otherwise limiting the right of any member to put a bill upon its passage, stand in the same order of preference for consideration by the Senate unless otherwise ordered by it.

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

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

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

(2) A bill or resolution that is presented to the Secretary of the

Senate while the Senate stands in recess, in adjournment, or is not otherwise meeting, may be given a number, entered upon a docket kept for that purpose.

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

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

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



Rule 8.

B. Other Methods of Introduction.

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

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

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

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

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

Rule 10. MOTIONS

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

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

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

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

To adjourn;

To adjourn to a certain day.

To take a recess;

To proceed to the consideration of executive business;

To lay on the table;

To postpone indefinitely;

To postpone to a certain day;

To commit;

To amend.

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

Rule 11. VOTING

Every bill, amendment, joint resolution, concurrent resolution, or simple resolution shall be decided by a roll call vote and shall require a majority vote of all members elected to the Senate for adoption. The names of the Senators shall be called alphabetically and each Senator shall without debate answer "Yes" or "No" or "Not Voting"; and no Senator shall be permitted to vote after the roll call shall have been announced by the Secretary, but may change his vote prior to said announcement. No Senator shall be granted privilege of the floor from the time the Secretary has announced the roll call to the time the roll call is declared by the presiding officer of the Senate. Any motion to table a roll call shall be made prior to the announcement of the roll call by the Secretary.

Rule 12. RECONSIDERATION

Any motion for reconsideration must be made by a member of the prevailing side within three (3) legislative days of the original action. When a motion for reconsideration is granted, there can be not further consideration until the sponsor or floor manager rescinds the roll call and takes appropriate action.

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

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

Rule 14. QUESTION OF ORDER

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

question of order for the decision of the Senate.

**Rule 15. SPECIAL ORDER OF BUSINESS**

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

**Rule 16. PETITION OUT OF COMMITTEE**

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

**Rule 17. CONDUCT**

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

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

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

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

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

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

**Rule 18. APPOINTMENT OF COMMITTEES**

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

**Rule 19. STANDING COMMITTEE**

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

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

**Rule 20. DELIBERATIVE PROCESS AND PROCEDURE OF STANDING COMMITTEES**

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

proposed legislation; and by notice to the sponsor, makes time available for each formal sponsor to explain the legislation and answer possible committee questions.

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

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

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

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

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

Rule 21. CONTESTS

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

Rule 22. UNDER THE LEADERSHIP. SUPERVISION OF ATTACHES

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

Rule 23. PRIVILEGE OF THE FLOOR

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

The Governor of the State

The Secretary of the State

Ex-Governors of the State

Ex-Lieutenant Governors of the State

Ex-Members of the General Assembly

Members of the Congress of the United States

Ex-Members of the Congress of the United States

Members of the House of Representatives of the State

Attorneys, Officers and Employees of the Senate

Attorneys, Officers and Employees of the House of Representatives  
of the State

The staff of Legislative Council

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

Rule 24. CHANGE OR SUSPENSION OF RULES

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

Rule 25. RULES OF ORDER

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

Rule 26. NEWS MEDIA

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

Rule 27. TRAVEL BY MEMBERS OF THE SENATE

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

Rule 28. CONSENT CALENDAR

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

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

(c) Upon receipt of a proposal for inclusion the Secretary of the Senate shall prepare the Consent

Calendar noting each inclusion thereon and present the Consent Calendar to the membership at an appropriate time during each legislative day.

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

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

**Rule 29. CITATIONS**

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

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

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

***SENATE STAFF***



**SENATE STAFF  
137TH GENERAL ASSEMBLY**

Bernard J. Brady - Secretary of the Senate  
Kay Sandstrom - Assistant Secretary of the Senate  
Denise M. Coffman - Journal Clerk

Attaches and Administrative Staff

Venus M. Allen  
Scotty Wallace Amerine  
Doris C. Argo  
Marjorie Ash-Ferrell  
Kerwin L. Ashe  
Kristen K. Barnekov-Short  
Mary Lou Berry  
Michelle L. Bloothoofd  
Joy C. Bower  
Mary M. Carey  
Richard B. Carter  
Gina L. Cerasari  
Dawn M. Coffman  
Lawrence Coker, Jr.  
Teresa Marie Collier  
Elizabeth L. Cummings  
Lisa Ann Dawson  
Doris L. Dayton  
Thomas G. Dickerson  
Betty M. Dickinson  
Jean Ann Diener  
Jerome M. Donohue  
Marlene Dryden  
Mary F. Dugan  
John W. Elliott  
Paul A. Enright  
Stephanie Fedena  
Howard L. Ferrell  
Louis A. Ferrier  
John T. Fiorelli  
Joseph F. Fitzgerald, Jr.  
Marsha Elizabeth Fuller  
Anita Elaine Furman  
Eugene P. Furman  
Margaret M. Gill  
Nancy R. Green  
Mary Louise Guyer  
Lorielee J. Harrison  
Annie L. Harvey  
Mary Ann Hearne  
Sylvia A. Holloway  
Linda J. Kahn  
Laurence J. Kopec  
Charles H. Leatherbury  
Spiros G. Mantzavinos  
Mary E. Masten  
Sean P. McCormick  
Brian M. McGlinchey  
William J. McCool, Jr.  
Pushkor Mukerji

James E. Murray  
Richard L. Norwood  
Richard L. Norwood, III  
Thomas H. Peck  
Joseph N. Perkins  
Norma L. Rash  
Jack K. Russell  
Paul T. Sapanoro  
Clarence A. Schwatka, Jr.  
George T. Sharp  
Andrew P. Shields  
Charlotte L. Shirey  
Melissa A. Sipple  
Lisa Katherine Skeens  
Doris Lee Spicer  
Curtis W. Steen, Jr.  
Janet E. Stern  
Stephen P. Tanzer  
Thomas R. Taylor  
Beth Terry  
Helen Truitt  
Winston A. Truitt  
Charles W. Tulloch, II  
Lisa D. Webb  
David E. Wilkins  
Richard G. Winchell

Attorneys

John H. Cordrey  
Richard T. Dillard  
John W. Paradee  
Michael P. Reynolds  
Sherri L. Schaeffer



## ***SENATE ACTION***



137TH GENERAL ASSEMBLY  
FIRST SESSION  
1ST LEGISLATIVE DAY  
DOVER, DELAWARE  
JANUARY 12, 1993

Pursuant to Section 4, Article 2 of the Constitution of the State of Delaware, the Senate met at Legislative Hall in Dover, Delaware at 2:15 p.m., Senator Holloway presiding.

Senator Cordrey moved that Senator Holloway be made Acting President of the Senate. No objections.

Senator Cordrey then moved that Bernard Brady be made temporary Secretary of the Senate.

No objections.

A prayer was offered by Senator Venables.

Pledge of Allegiance to the Flag.

The Temporary Secretary then called the attendance roll of the Senate members for the legislative day which revealed: PRESENT - Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The Acting President appointed Senators Bair and Blevins as a committee to receive and examine the Certificates of Elections of the newly elected Senators.

The Chair called a short recess at 2:20 p.m. (in place) during the examination of the Certificates by the Committee.

The Senate reconvened at 2:23 p.m. and Senator Blevins announced that she and Senator Bair examined the Certificates of Election and found them to be in good order.

Senator Holloway welcomed all of the guests in the Chamber.

The Certificates of Election were as follows:

For New Castle County: 1st District - Harris B. McDowell, III, 2nd District - Herman M. Holloway, Sr., 3rd District - Robert I. Marshall, 4th District - Richard A. Hauge, 5th District - Myrna L. Bair, 6th District - Andrew G. Knox, 7th District - Patricia M. Blevins, 8th District - David P. Sokola, 9th District - Thomas B. Sharp, 10th District - James P. Neal, 11th District - Roger A. Martin, 12th District - Robert T. Connor, 13th District - David B. McBride.

For Kent County: 14th District - James T. Vaughn, 15th District - Nancy W. Cook, 16th District - William C. Torbert, 17th District - John C. Still, III, 18th District - Robert J. Voshell.

For Sussex County: 19th District - Thurman Adams, Jr., 20th District - Richard S. Cordrey, 21st District - Robert L. Venables, Sr.

The original Certificates of Election are in the activity file for this legislative day.

On motion of Senator Sharp, the Certificate of Election of Senator Richard S. Cordrey was read in its entirety and constituted the reading of all above mentioned Certificates. No objection.

THE STATE OF DELAWARE  
SUSSEX COUNTY, ss.

Be it remembered, that at the general election held on the Tuesday next after the first Monday in November, 1992, for Sussex County, according to the Constitution and Laws of the State of Delaware, Richard S. Cordrey was duly elected Senator in General Assembly from Senatorial District No. 20 which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE William Swain Lee and T. Henley Graves, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this 5th day of November 1992.

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

\* \* \* \* \*

Senator Cordrey moved that the Oath of Office be administered to Senator Herman S. Holloway, Sr. by Charles H. Tolliver IV, Associate Judge, Superior Court, New Castle County.

Then Senator Cordrey moved that the Oath of Office be administered to the following Senators. Motion carried by voice vote. The following Justices participated in the swearing in ceremony:

Haile L. Alford, Associate Judge, Superior Court for New Castle County.

Vincent A. Bifferato, Resident Judge, Superior Court for the New Castle County.

Richard R. Cooch, Associate Judge, Superior Court, New Castle County.  
Susan C. DelPesco, Associate Judge, Superior Court for New Castle County.  
Maurice A. Hartnett, III, Vice Chancellor, Court of Chancery.  
Randy J. Holland, Justice, State Supreme Court.  
Kenneth M. Millman, Associate Judge, Family Court for Sussex County.  
Vincent J. Poppiti, Chief Judge, of the Family Court.  
Henry duPont Ridgely, President Judge, Superior Court, State of Delaware.  
Myron T. Steele, Associate Judge, Superior Court.  
William J. Walls, Jr., Associate Judge of the Family Court for Kent County.

Senators elect were sworn in the following order:

Senator Bair by Judge Ridgely.  
Senator Blevins by Judge Poppiti.  
Senator Connor by Judge Ridgely.  
Senator Cook by Judge Hartnett.  
Senator Cordrey by Judge Walls.  
Senator Hauge by Judge DelPesco.  
Senator Knox by Judge Ridgely.  
Senator Marshall by Judge Poppiti.  
Senator Martin by Judge Cooch.  
Senator McBride by Judge Bifferato.  
Senator McDowell by Judge Bifferato.  
Senator Neal by Judge Ridgely.  
Senator Sharp by Judge Poppiti.  
Senator Sokola by Judge Alford.  
Senator Still by Judge Holland.  
Senator Adams by Judge Holland.  
Senator Torbert by Judge Steele.  
Senator Vaughn by Judge Walls.  
Senator Venables by Judge Millman.  
Senator Voshell by Judge Holland.

The following oath was administered to the Senators as noted above.

#### OATH OF OFFICE FOR MEMBERS OF THE SENATE

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

(Signed)  
Senator

Sworn (or affirmed) and subscribed before me this 12th day of January A.D. 1993.  
(Signed)  
Judge

\* \* \* \* \*

Messengers from the House were announced and admitted, notifying the Senate that the House was organized and ready for business.

**SR 1** was introduced and brought before the Senate for consideration on motion of Senator Sharp.

**SR 1** - IN REFERENCE TO THE ROLL OF MEMBERS OF THE SENATE. Sponsors: Senators Cordrey, Sharp.

BE IT RESOLVED by the Senate of the 137th General Assembly of the State of Delaware that the following constitute the permanent roll of the Senate of the 137th General Assembly.

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

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

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

**SR 2** - IN REFERENCE TEMPORARY RULES OF THE DELAWARE STATE SENATE. Sponsors: Senators Cordrey, Sharp.

Senator Hauge requested **SA 1 to SR 2** be introduced and brought before the Senate for consideration.

Senator Sharp objected and so moved to lay the amendment on the table. Senator Hauge objected to the motion made by Senator Sharp.

A roll call vote to lay the amendment on the table was taken and revealed 15 Senators voting YES, 6 (Bair, Connor, Hauge, Knox, Neal, and Still) NO; therefore, the motion was adopted and the amendment was laid on the table.

**SR 2** was now before the Senate. Several Senators commented. A roll vote was taken and revealed 20 Senators voting YES, 1 (Hauge) NO; therefore, **SR 2** was declared adopted.

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

**SR 3** - IN REFERENCE TO ELECTION OF PRESIDENT PRO TEMPORE. Sponsor: Senator Sharp.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SR 3** was declared adopted.

The Oath of Office of PRESIDENT PRO TEMPORE was then administered to Senator Richard S. Cordrey by Judge William J. Walls, Jr.

After which, Senator Cordrey briefly addressed the Senate.

### OATH OF OFFICE FOR PRESIDENT PRO TEMPORE

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

(Signed) Richard S. Cordrey  
President Pro Tempore

Sworn (or affirmed) and subscribed before me this 12th day of January A.D. 1993.

(Signed) William J. Walls, Jr.  
Associate Judge of the Family Court, Kent County  
\* \* \* \* \*

At 3:46 p.m. Senator Cordrey presided.

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

**SR 4** - IN REFERENCE TO ELECTION OF OFFICERS. Sponsors: Senators Cordrey, Sharp.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SR 4** was declared adopted.

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

**SR 5** - APPOINTING A COMMITTEE TO NOTIFY THE GOVERNOR THAT THE SENATE IS ORGANIZED. Sponsors: Senators Sharp, Cordrey.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SR 5** was declared adopted.

Pursuant to **SR 5**, Senator Cordrey appointed Senators Adams and Knox as a committee to notify the Governor that the Senate was organized.

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

**SR 6** - APPOINTING A COMMITTEE TO NOTIFY THE HOUSE OF REPRESENTATIVES THAT THE SENATE IS ORGANIZED. Sponsors: Senators Sharp, Cordrey.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SR 6** was declared adopted.

Pursuant to **SR 6**, Senator Cordrey appointed Senators McDowell and Neal to notify the House that the Senate was organized and ready for business.

At 3:53 p.m. on motion of Senator Sharp, the Senate recessed for a reception for the newly elected members.

At 4:26 p.m., the Senate reconvened with Senator Cordrey presiding.

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

### **HJR 1**

**SCR 1** was introduced and brought before the Senate for consideration on motion of Senator Cordrey.

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

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Adams and McDowell) ABSENT; therefore, **SCR 1** was declared adopted by the Senate and sent to the House for consideration.

**SJR 2** was introduced and brought before the Senate for consideration on motion of Senator Sharp, under the suspension of the necessary rules. No objection.

**SJR 2** - IN REFERENCE TO ELECTION OF OFFICERS. Sponsors: Senators Cordrey, Sharp.

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

**HJR 1** was introduced and brought before the Senate for consideration on motion of Senator Sharp, the floor manager, under suspension of the necessary rules. No objection.

**HJR 1** - IN REFERENCE TO ELECTION OF OFFICERS. Sponsor: Representative Petrilli.

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

Senator Knox announced that he and Senator Adams had informed the Governor that the Senate was organized as instructed.

Senator Sharp moved that the President Pro Tempore's List of Pre-File Legislation, previously utilized during final days of session, be established and used throughout the current session. Senators Bair and Adams commented. No objection.

The Reading Clerk was then requested to read the new committee memberships for the 137th General Assembly. Copies were made available to the Senators.

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

Senator Holloway was granted privilege of the floor and spoke in reference to Senator Knox's recent surgery and warmly welcomed him back on behalf of all the Senators.

Senator Martin rose to concur with Senator Holloway.

Senator Knox made a few remarks in response to Senator Holloway's statement.

At 4:39 p.m., on motion of Senator Sharp, the Senate recessed until 3:00 p.m., January 13, 1993.

The Senate reconvened at 3:00 p.m., January 13, 1993, Senator Cordrey presiding.

At 3:01 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 2nd Legislative Day.

## 2ND LEGISLATIVE DAY

January 13, 1993

The Senate convened at 3:01 p.m., Senator Cordrey presiding.

A prayer was offered by Senator Holloway.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 20 and 1 (Knox) ABSENT.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

At 3:02 p.m. on motion of Senator Sharp, the Senate and House convened in Joint Session.

The Sergeant of Arms announced the members of the House were ready to be admitted and seated.

Senator Cordrey extended an invitation to the Speaker of the House to be his guest on the podium.

The Secretary announced that a message from the House informed the Senate that it had passed **HCR 1**,

**SCR 1** and **SJR 1**.

Senator Sharp moved that the President Pro Tempore preside over the Joint Session. No objection.

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

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

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

The readings of the Certificates of Elections took place, however, upon completion of the reading of the documents from all three counties, an error was announced in the Certificate of Kent County.

The Certificates read as follows:

### The State of Delaware NEW CASTLE COUNTY, ss

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and ninety-two for New Castle County, according to the Constitution and Laws of the State of Delaware, One hundred twenty-four thousand six hundred and one (124,601) votes were given for (D) Thomas R. Carper for Governor, Fifty-eight thousand six hundred and nine (58,609) votes were given for (R) B. Gary Scott for Governor, Two thousand six hundred and sixty-one (2,661) votes were given for (ADP) Floyd E. McDowell, Sr. for Governor, Two thousand three hundred and sixty-nine (2,369) votes were given for (L) Richard A. Cohen for Governor which is manifest by calculating and

ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we, Henry duPont Ridgely and Vincent A. Bifferato constituting the Superior Court for New Castle County, 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 9th day of November, A.D. 1992.

(Signed) Henry duPont Ridgely, President Judge

(Signed) Vincent A. Bifferato, Resident Judge

\* \* \* \* \*

The State of Delaware  
NEW CASTLE COUNTY

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and ninety-two for New Castle County, according to the Constitution and Laws of the State of Delaware, One-hundred seven thousand five hundred and fifty-two (107,552) votes were given for (D) Ruth Ann Minner for Lt. Governor, Seventy-three thousand four hundred and ten (73,410) votes were given for (R) Philip D. Cloutier for Lt. Governor, Two thousand seven hundred and fifty-four (2,754) votes were given for (L) Lawrence D. Sullivan for Lt. Governor which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, we, HENRY duPONT RIDGELY and VINCENT A. BIFFERATO constituting the Superior Court for New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set out (sic.) hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 9th day of November, A.D. 1992.

(Signed) Henry duPont Ridgely, President Judge

(Signed) Vincent A. Bifferato, Resident Judge

\* \* \* \* \*

The State of Delaware  
SUSSEX COUNTY, ss.

Be it remembered, that at the general election held on the Tuesday next after the first Monday in November, 1992, for Sussex County, according to the Constitution and Laws of the State of Delaware, Thirty thousand thirty (30,030) votes were given for Thomas R. Carper for Governor, Eighteen thousand seven hundred ten (18,710) votes were given for B. Gary Scott for Governor, Five hundred sixteen (516) votes were given for Floyd E. McDowell, Sr. for Governor, Three hundred eighty-four (384) votes were given for Richard A. Cohen for Governor, One (1) vote was given to James T. Burke for Governor, One (1) vote was given for Wilton Neville for Governor, One (1) vote was given for Bryant Richardson for Governor which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE William Swain Lee and T. Henley Graves, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this 5th day of November, 1992.

(Signed) William Swain Lee, Resident Associate Judge

(Signed) T. Henley Graves, Associate Judge

The State of Delaware  
SUSSEX COUNTY, ss.

Be it remembered, that at the general election held on the Tuesday next after the first Monday in November, 1992, for Sussex County, according to the Constitution and Laws of the State of Delaware, Thirty-one thousand six hundred nine (31,609) votes were given for Ruth Ann Minner for Lieutenant Governor, Seventeen thousand one hundred fifty-one (17,151) votes were given for Philip D. Cloutier for Lieutenant Governor, Four hundred five (405) votes were given for Lawrence D. Sullivan for Lieutenant Governor, One (1) vote was given for Wilton Neville for Lieutenant Governor which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE William Swain Lee and T. Henley Graves, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said

county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 5th day of November, 1992.

(Signed) William Swain Lee, Resident Associate Judge

(Signed) T. Henley Graves, Associate Judge

\* \* \* \* \*

The President Pro Tempore then instructed the Reading Clerk to read the aggregate results of the election as follows:

1992 GUBERNATORIAL ELECTION RESULTS

GOVERNOR

|        | <u>CARPER</u> | <u>SCOTT</u>  | <u>MCDOWELL</u> | <u>COHEN</u> | <u>BURKE</u> | <u>NEVILLE</u> | <u>RICHARDSON</u> |
|--------|---------------|---------------|-----------------|--------------|--------------|----------------|-------------------|
| N.C.C. | 124,601       | 58,609        | 2,661           | 2,369        |              |                |                   |
| KENT   | 24,734        | 13,406        | 602             | 412          |              |                |                   |
| SUSSEX | <u>30,030</u> | <u>18,710</u> | <u>516</u>      | <u>384</u>   | <u>1</u>     | <u>1</u>       | <u>1</u>          |
| TOTALS | 179,365       | 90,725        | 3,779           | 3,165        | 1            | 1              | 1                 |

LT. GOVERNOR

|        | <u>MINNER</u> | <u>CLOUTIER</u> | <u>SULLIVAN</u> | <u>NEVILLE</u> |
|--------|---------------|-----------------|-----------------|----------------|
| N.C.C. | 107,552       | 73,410          | 2,754           |                |
| KENT   | 26,195        | 12,109          | 440             |                |
| SUSSEX | <u>31,609</u> | <u>17,151</u>   | <u>405</u>      | <u>1</u>       |
| TOTALS | 165,356       | 102,670         | 3,599           | 1              |

Senator Cordrey announced that errors were found in the Kent County documents and informed Senator Sharp that legal opinion given to him was that the Senate could not make the necessary corrections.

As a result, Senator Sharp moved at 3:18 p.m. to recess the Joint Session until the correction was made.

The Senate reconvened at 4:07 p.m., Senator Cordrey presiding.

Senator Sharp moved that the Senate and the House reconvene in Joint Session.

On the motion of Senator Sharp, the corrected Kent County Certificate of Election was read in.

\* \* \* \* \*

The State of Delaware  
KENT COUNTY, ss.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand Nine Hundred Ninety-two for Kent County, according to the Constitution and Laws of the State of Delaware, Twenty-four Thousand Seven Hundred Thirty-four (24,734) votes were given for (D) THOMAS R. CARPER for Governor; Thirteen Thousand Four Hundred Six (13,406) votes were given for (R) GARY B. SCOTT (sic.) for Governor; Six Hundred Two (602) votes were given for (A DELAWARE) FLOYD E. MCDOWELL, SR. for Governor; Four Hundred Twelve (412) votes were given for (L) RICHARD A. COHEN for Governor; which is manifest by calculating and ascertaining the aggregate amount of votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, Myron T. Steele and Jerome O. Herlihy constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 5th day of November, A.D. 1992.

(Signed) Myron T. Steele, Resident Judge

(Signed) Jerome O. Herlihy, Judge

\* \* \* \* \*

The State of Delaware  
KENT COUNTY, ss.



BE IT REMEMBERED, That at the General Election Held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand Nine Hundred Ninety-two for Kent County, according to the Constitution and Laws of the State of Delaware, Twenty-six Thousand One Hundred Ninety-five (26,195) votes were given to (D) Ruth Ann Minner for Lt. Governor, Twelve Thousand One Hundred Nine (12,109) votes were given for (R) Philip D. Cloutier for Lt. Governor, Four Hundred Forty (440) votes were given for (L) Lawrence D. Sullivan for Lt. Governor, which is manifest by calculating and ascertaining the aggregate amount of votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, Myron T. Steele and Jerome O. Herlihy constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 5th day of November, A.D. 1992.

(Signed) Myron T. Steele, Resident Judge

(Signed) Jerome O. Herlihy, Judge

\* \* \* \* \*

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

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

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

At 4:10 p.m., on motion of Senator Sharp and without objection, the Joint Session adjourned and the two Houses separated to reconvene in their respective Chambers.

At 4:10 p.m., on motion of Senator Sharp the Senate recessed.

The Senate reconvened at 4:11 p.m., Senator Cordrey presiding.

**SB 1**, which had been laid on the table on the Pre-File list was lifted from the table, and brought before the Senate for consideration on motion of Senator Voshell, under suspension of the necessary rules.

**SB 1** - AN ACT TO AMEND TITLE 21, DELAWARE CODE RELATING TO VEHICLES OWNED BY FIRE COMPANIES.

Senator Voshell requested that Senator Still be added as a co-sponsor to **SB 1**.

Senators Neal and Torbert marked present.

Several Senators asked questions of the sponsor which resulted in the privilege of the floor being granted to John Cordrey, Senate Attorney and the discussion ensued.

The witness was excused and the bill was laid on the table on motion of the sponsor.

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

**HCR 1** - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF HEARING AN ADDRESS FROM GOVERNOR DALE E. WOLF, GOVERNOR OF THE STATE OF DELAWARE. Sponsors: Representatives Petrilli, Spence, Quillen.

A roll call vote was taken and revealed 19 Senators voting YES, 1 (McDowell) NO, 1 (Knox) ABSENT; therefore, **HCR 1** was declared adopted by the Senate and returned to the House.

Senators Marshall, McDowell marked present during above roll call.

A messenger from the Governor was announced and admitted.

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

#### **PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**January 13, 1993**

The following legislation has been introduced and assigned to committee:

**SB 1** - AN ACT TO AMEND TITLE 21, DELAWARE CODE RELATING TO VEHICLES OWNED BY FIRE COMPANIES. Sponsors: Senator Voshell; Senators Adams, Cook, Vaughn; Representatives B. Ennis, Ewing. To: **Laid on the Table**.

**SB 2** - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Senators Marshall, Sharp. To: **Labor and Industrial Relations**.

**SB 3** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, §11 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO CERTIFICATION OF

QUESTIONS OF LAW TO THE SUPREME COURT. Sponsors: Senator Cordrey; Representative Spence.

To: **Executive**

**SB 4** - AN ACT TO REINCORPORATE THE TOWN OF SLAUGHTER BEACH. Sponsors: Senator Voshell; Representative Carey. To: **Community/County Affairs**.

**SB 5** - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM ON PERSONNEL ADMINISTRATION; AND PROVIDING FOR DONATED LEAVE. Sponsors: Senator McBride; Representative Spence; Senators Marshall, McDowell. To:

**Administrative Services**.

**SB 6** - AN ACT TO AMEND CHAPTER 20, TITLE 15, DELAWARE CODE, RELATING TO AGENCY BASED REGISTRATION. Sponsors: Senators McDowell, Adams, Blevins, Cordrey, Sokola, Sharp, Martin, McBride, Torbert, Holloway, Marshall, Vaughn, Still, Voshell, Bair, Knox, Neal, Connor, Hauge, Representatives Banning, Bennett, Bradley, Brady, Bunting, Clark, DiLiberto, B. Ennis, George, Gilligan, Holloway, Houghton, Jonkiert, Plant, Schroeder, Van Sant, West, Wojewodzki, Ewing, Petrilli, Sorenson, Maroney, Oberle, Spence, Reynolds. To: **Insurance and Elections**.

**SJR 1** - COMMENDING DONALD F. MCARDLE, STATE PENSION ADMINISTRATOR, FOR A JOB WELL DONE AND EXTENDING BEST WISHES TO HIM FOR A LONG AND HAPPY RETIREMENT. Sponsors: Senator Cook; Senators Adams, Bair, Blevins, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell; Representatives Spence, Petrilli, George, Gilligan, Buckworth, Davis, Quillen, Roy, Bennett, DiPinto, Caulk, Ennis, Clark, West. To: **Laid on the Table**.

Senator Adams requested that the message from the Governor be read in and laid on the table:

State of Delaware  
Office of the Governor  
January 12, 1993

To the Senate of the 137th 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:

**M. Jane Richter**, 733 Oak Drive, Dover, Delaware 19901, elected as a member of the Board of Trustees of the University of Delaware to serve a six year term to expire December 15, 1998.

The above is not a gubernatorial appointment.

Your consideration of this nomination is appreciated.

Sincerely,  
Dale E. Wolf, Governor

\* \* \* \* \*

At 4:28 p.m., on motion of Senator Sharp, the Senate recessed until 1:45 p.m., January 14, 1993.

The Senate reconvened at 2:47 p.m., January 14, 1993, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed **HCR 2**.

A communication from former Governor Castle was read before the Senate as follows:

State of Delaware  
Office of the Governor  
December 31, 1992

The Honorable Dale E. Wolf  
The Honorable Michael Ratchford  
The Honorable Members-Elect  
of the 137th General Assembly  
Legislative Hall  
Dover, DE 19901

Dear Lt. Governor Wolf, Secretary of State Ratchford and  
Members-Elect of the 137th General Assembly:

In order that I may begin my term as the State of Delaware's Representative to the United States House of Representatives of the 103rd Congress, I hereby resign as Governor of the State of Delaware effective

12:00 a.m., Sunday, January 3, 1993.

I consider it the highest honor and privilege to have served the citizens of the State of Delaware as their Governor for the past eight years. To each of you I bestow my sincerest appreciation and best wishes for the future.

Very truly yours,  
(Signed) Michael N. Castle

\* \* \* \* \*

A communication from Robert H. Quillen was read to the Senate referencing the tribute sent for his 100th birthday. A copy of this communication is on file for this legislative day.

At 2:52 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 3rd Legislative Day.

### 3RD LEGISLATIVE DAY

January 14, 1993

The Senate convened at 2:52 p.m., Senator Cordrey presiding.

A prayer was offered by Senator Adams.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

Senators Hauge and Connor were marked present.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

At 2:54 p.m., on motion of Senator Sharp, the Senate recessed for a Joint Session in the House Chamber.

The Sergeant-at-Arms announced the Members of the Senate. They were admitted, welcomed and seated.

Mr. Speaker Spence invited the President Pro Tempore and the President of the Senate to share the rostrum.

The Sergeant-at-Arms announced the Members of the Judiciary. They were admitted, welcomed and seated.

The Sergeant-at-Arms announced the Members of the Governors Cabinet and the Statewide elected officials. They were admitted, welcomed and seated.

At 3:12 p.m., Representative Petrilli moved that the House and Senate convene in Joint Session. The motion prevailed.

Representative Petrilli moved that the Speaker of the House preside over the Joint Session. The motion prevailed.

Representative Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate act as secretaries to the Joint Session. The motion prevailed.

Representative Petrilli moved that the Speaker appoint a committee to escort the Governor to the Joint Session.

Mr. Speaker appointed Representative Casimir S. Jonkiert, Representative G. Robert Quillen, Senator Herman M. Holloway, Sr. and Senator Robert T. Connor to escort the Governor to the Chamber.

Mr. Speaker Spence introduced guests.

Mr. Speaker Spence declared a recess at 3:15 p.m.

The House reconvened at 3:17 p.m.

The Sergeant-at-Arms announced the Governor and the duly appointed Committee to the House Chamber. They were admitted.

Representative Quillen introduced the Governor.

The Speaker welcomed the Governor to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

### FAREWELL ADDRESS

by  
Governor Dale E. Wolf

Thursday, January 14, 1993

House Chamber  
Legislative Hall  
Dover, DE

Speaker Spence, President Pro Tem Cordrey, Members of the 137th General Assembly, Members of the

Judiciary, the Cabinet, elected officials, my wife Clarice and my son Jim, I want to begin by thanking both the House and the Senate for allowing me to come before you today as your Governor to say a few words.

This time of year in central Nebraska, the snow is permanently drifted across the barn door and the howling western wind crackles across the wheatfields. As a kid, when I heard that howl, I'd think about having to get up and walk a mile through the fields to school, always freezing my left cheek going to school and my right cheek walking home.

Those I guess are the sights and the sounds and the feelings that flash through my memory as I recall my childhood, growing up -- halfway across this continent.

Today, as I'm about to finish a phase in my career in public life, fulfilling my part in the process of passing the baton from the Castle Administration to Governor-Elect Carper, the sensations that capture my memory are indeed vivid.

The bright glow of the Senate Chamber evokes many fond and cherished memories of friendship that marked my tenure as Delaware's Lieutenant Governor. Those moments when many of you, Republicans, Democrats, joined me in inaugurating programs that brought a smile to so many Delawareans as we tried to make our State just a little bit better.

Almost ten years ago, when Clarice and I were sitting around and contemplating what I might do after my business career at DuPont, Clarice asked me casually one day - what job I would most want when I got out of what I was doing. I said, "You know, Clarice, "I would like to be the Governor of Delaware."

After laughing for about five minutes she looked at me rather skeptically & said - "No, Dale - don't be ludicrous - I mean a job you can actually get."

I never gave that conversation much thought until the spring of '88 when Mike Castle asked me to run for the position of Lieutenant Governor. I want to thank Mike Castle for choosing me as his running mate and, perhaps even more importantly, for getting elected to Congress so that I could fulfill that wild dream.

In contemplating what remarks were appropriate for my appearance before you today, I reflected on the fact that regardless of one's age or position or station in life, not a day goes by without each of our experiences teaching us a new lesson in life.

Some lessons we learn from our religious heritage - like the lessons taught by the Ten Commandments. Lessons that shape our daily life.

Still other lessons come from speeches - like Lincoln's Gettysburg Address - which remind us of the value of freedom and the sacred honor of dying for one's country.

I have learned a few important lessons over the years which I would like to share with you today - though not as dramatic as Jefferson's "self-evident truths," they deserve to be pondered now and then.

I entered public service as Delaware's Director of Development.

The main job description was simple enough - hustle new jobs for Delaware and retain those we had.

That's where the simple part started.

Perhaps never in our nation's history have world events so shaped our domestic economy. It's no longer good enough just to be better than Pennsylvania or Maryland or New Jersey. Now, our work force must compete with Singapore, Germany and Japan. If you don't think we are required to operate in a global economy, talk to any DuPont worker who is unsure of what the future holds.

The sheepskin that our children obtain after four (well, maybe five or six sometimes) years at college is no longer a sure ticket to permanent careers.

Twenty years on the job - no absenteeism - always on time - doesn't mean that when the axe falls you will be spared.

The challenge is tough.

- States must work hard with the private sector to train and re-train their work force.
- States must demand excellence in their school systems to produce the best at both the professional and skilled trade levels.
- States must tackle the challenge of health care - both its cost and its coverage.
- States must provide the modern infrastructure needed to house high-tech jobs.
- States must understand that they, and not just businesses & the federal government, must seek new markets in the international arena for their businesses - States must keep their fiscal houses in order.

Those states that meet these challenges will prosper - their people will make a decent living, their citizens will enjoy "life, liberty and the pursuit of happiness."

Those state governments not prepared to make these basic commitments will have failed in their fundamental duty to citizens.

Reflect back with me just a few years - when this body took a bold step in changing our banking laws.

Other states & there were many of them said no! The status quo was fine.

Powerful special interests blocked such changes in other jurisdictions - jurisdictions that were perhaps better equipped to serve the needs of our nation's major financial institutions.

But the men and women in this Hall, both the first and the second floors, stepped forward and exercised leadership for the Delawareans who sent them to make the tough calls - yes, the sometimes courageous decisions.

Just stop for a minute and think with me where would Delaware be now if these 20,000 financial jobs were somewhere else.

Just last month, a hard lesson was brought home. At a moment's notice, we were subject to change that we in government could not control - the loss of thousands of jobs. Even our historic corporate employers must react to worldwide competition and those necessary changes have struck every corner of Delaware.

Unfortunately, these decisions are not just one-shot aberrations - the world has changed forever. For business both large and small to survive, their managers must continue to look for ways to do more with less.

Imagine where Delaware would be if this body and the Governors of the past 16 years had not focused on creating new jobs, but simply left the process of job creation to the vagaries of individual companies.

Government policy that stands for the status quo will soon have no foundation on which to stand.

Let me say that again.

Government policy that stands for the status quo will soon have no foundation on which to stand.

Another lesson I have learned in these past few years is that there is a compelling need for public officials to raise their eyes above the day-to-day operations of government, to lift their visions to the horizon and ensure that there is a brightness ahead.

Like an artist stepping back from a painting, we must constantly assure ourselves and our patrons that the shade of the colors we choose and the boldness of our brush strokes will create the intended effect. We simply don't do that enough.

We are a nation of people who want quick answers to thorny problems. We're impatient. 20-second sound bites serve as policy. But, I've learned that some issues simply defy that kind of solution because I have worked with one such issue during my tenure as Lieutenant Governor - drug abuse.

Early one morning our son Jim called from Virginia and said, "Dad, I need help. I have a drug and alcohol problem. I thought I could handle it - but I nearly committed suicide last night." A friend of mine drove to Virginia, picked Jim up, and he entered a treatment center. That was 8 years ago - today Jim is a Project Manager at DuPont and tries to help others battle the terrible problem of alcohol and drugs. I'm proud of you, Jim.

When Jim first told us the awful truth - that his drug problem was destroying his life - it was like a shot in the stomach. What was typically someone else's problem had struck our home. The lesson was dramatic. None of us are free from adversity. No home is really safe.

I relished the challenge and the assignment as Chairman of the Drug Abuse Coordinating Council because it gave me the opportunity to help raise community consciousness to the "real and present" danger that drug abuse brings to daily life.

Tom Sharp, Jim Vaughn, Jim Neal and Steve Amick joined me and other public- and private-sector leaders to raise the awareness of issues surrounding substance abuse and begin to pry loose its grip on our communities. We sought young people's opinions when we held the first Youth Summit to discuss Delaware's drug strategy. We held town meetings and we've begun to formally gather baseline data so that we can better link the focus of our efforts. We have improved educational programs, juvenile treatment, and multi-jurisdictional cooperative efforts. We have strived for continuous improvement.

Can we declare victory? No.

Does this mean that we should stop fighting? No.

This is an effort that will take more than one task force, more than one piece of legislation, and more than one program, before we can declare victory. It will take years of hard work. Wishing won't make it go away and I challenge you to continue that hard work to reach into every community in our State to fight substance abuse.

The other lesson I've learned is that government is not just about numbers or statistics or even taxes. Government is about people.

Its power is derived from the people and its objectives are programs designed for the people. Sometimes, those of us entrusted with responsibility of government forget this very important lesson.

Too often, we get caught up in the numbers - the statistics, growth rates, spending formulas - and we forget about what those numbers really mean.

Many of you spend hours huddled away in "orientation" in the basement under this Chamber trying to match revenues and expenditures. The products have been good - you've produced balanced budgets even in the toughest times. But what do those numbers really mean?

While I was visiting Friendship House at 4th and Market Streets in Wilmington to review their literacy program, a lady named Dot told me her story. All her life, she had known only government welfare. She was homeless. She couldn't read or couldn't complete a job application.

She sought and got help. Today, Dot has a job, a home, and she's no longer receiving welfare. For that program - that program is more than just a line in the budget - it's a ticket for Dot to a new life.

While we must be diligent in living within our means, we should not forget that much of what we do provides the means for many Delawareans to live.

Just as standing by the status quo will fail to produce the jobs needed for our children's future, so too, the routine and continuing funding of programs just because "that's the way we always did it" will fail to meet the changing needs of the poor, the homeless, the less fortunate - for which government does have a responsibility.

If we could eliminate duplication of services and re-channel those resources to meet the real needs of our people, those in need would be better served.

But to make these changes - we must first build consensus.

We must find ways to foster the constructive involvement of those who support causes which will improve the lives of our people. For when we create ways to shelter the homeless, feed the hungry, teach the illiterate, and assist the poor, we are making progress for all Delawareans.

Fostering constructive involvement takes leadership. Our elected leaders and those who would tackle the challenges ahead must understand that the process of governing is not one where everyone can be happy with the outcome all the time. Governing is a process of tough choices, of sharp edges, and of hard surfaces.

As Harry Truman said, and I quote "Men [and I threw in women] make history, and not the other way around. In periods where there is no leadership. Society stands still. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better." I challenge each of you today to step up to the monumental task of managing effective and meaningful change. In so doing, you will make a valuable difference in the lives of our residents.

Last evening, I looked out the window of Woodburn at the weeping cherry tree that Clarice and I and the Dover Clovers 4-H Club had planted by the garden as our permanent contribution to our brief stay in that magnificent home.

I reflected that we do in life is fleeting - while nature is forever.

Perhaps one of the most rewarding assignments I've had as Lieutenant Governor was chairing the Delaware Coastal Heritage Greenway program.

Yes, someday our children and all children will be able to walk or bike from Claymont to Fenwick Island and enjoy the rich cultural heritage of Delaware as they do so. In many specific areas, we have enabled others to appreciate the natural beauty of a particular town or region. Bob Beck who many of you know of Port Penn has been able to see a lifelong dream come to fruition as a new Greenway was opened there. Yes, we've started taking valuable steps to preserve our heritage for our children's children. Without those steps, this heritage of nature would simply disappear. Once a tree, or pond, or meadow is covered with asphalt, it is gone forever.

And I guess in the end, that is one of the greatest lessons of all.

Every day you will struggle in this Chamber and across the Hall with government decisions - large and small. Your contribution to that decision-making will give you great satisfaction and sometimes great pain.

And yet the span of history, in our brief time on earth, in our fleeting moment on stage, these decisions will have but small import.

The lasting beauty of the cherry tree at Woodburn will be in the end, rightfully, outlast anything I have said here today.

When Douglas McArthur left the national scene, he recalled an old ballad from West Point that said old soldiers never die - they just fade away.

As these seventeen days as Governor and four years as Lieutenant Governor fade away, they leave Clarice and me with very special memories that will never fade away.

To all of you in this Chamber whose many moments of friendship I shall never forget - I say "thank you." And for this unique opportunity to serve, may I also say to all the people of Delaware one last time - "thank you" and God Bless you all.

Mr. Speaker Spence requested that the duly appointed committee escort the Governor back to his Executive Office.

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

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

Representative Petrilli moved that the Joint Session be adjourned at 3:37 p.m.

\* \* \* \* \*

The Senate reconvened at 4:36 p.m., Senator Cordrey presiding.

On motion of Senator Adams and without objection, the necessary rules were suspended to consider the following nomination for appointment by the Governor, which had been laid on the table.

Senator Sharp presiding at 4:37 p.m.

**M. Jane Richter** - A roll call vote was taken and revealed 20 Senators voting YES, 1 (Knox) ABSENT; therefore, the appointment was confirmed.

**SB 3** was brought before the Senate for consideration on motion of Senator Cordrey, under suspension of the necessary rules.

**SB 3** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, §11 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO CERTIFICATION OF QUESTIONS OF LAW TO THE SUPREME COURT. (2/3 votes)

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

Senators Still and Martin marked present.

**SB 6** was brought before the Senate for consideration on motion of Senator McDowell, under suspension of the necessary rules.

**SB 6** - AN ACT TO AMEND CHAPTER 20, TITLE 15, DELAWARE CODE, RELATING TO AGENCY BASED REGISTRATION.

**SA 1 to SB 6** was introduced and brought before the Senate for consideration on motion of Senator McDowell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Knox) ABSENT; therefore, **SA 1 to SB 6** was declared part of the bill.

**SA 2 to SB 6** was introduced and brought before the Senate for consideration on motion Senator Bair.

Several Senators commented, after which the privilege of the floor was granted to Kathi A. Karsnitz, representing Common Cause.

The witness was questioned by several Senators and excused, after which Senator Bair moved to lay **SA 2 to SB 6** on the table.

**SA 3 to SB 6** was introduced and brought before the Senate for consideration on motion of Senator McDowell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Knox) ABSENT; therefore, **SA 3 to SB 6** was declared part of the bill.

A roll call vote on **SB 6 w/SA 1 & 3** was then taken and revealed 20 Senators voting YES, 1 (Knox) ABSENT; therefore, the bill as amended was declared passed the Senate and sent to the House for consideration.

Senator Cordrey presiding at 5:10 p.m.

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

The following legislation was introduced and assigned:

**PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**  
**January 14, 1993**

**SB 7** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO LANDFILLS AND OTHER WASTE DISPOSAL FACILITIES. Sponsors: Senator McBride; Representative Houghton. To: **Natural Resources and Environmental Control.**

**SB 8** - AN ACT TO AMEND CHAPTER 64, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE SOLID WASTE AUTHORITY. Sponsors: Senator McBride; Representative Houghton; Senator Sharp. To: **Natural Resources and Environmental Control.**

**SB 9** - AN ACT TO AMEND CHAPTER 70, TITLE 7 OF THE DELAWARE CODE RELATING TO THE COASTAL ZONE ACT. Sponsors: Senators McBride, Connor; Representative Houghton. To: **Natural Resources and Environmental Control.**

**SB 10** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE, RELATING TO THE OFFENSE OF PATRONIZING A PROSTITUTE. Sponsors: Senator McBride; Representative Reynolds. To: **Judiciary.**

**SB 11** - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES. Sponsors: Senator Marshall and Representatives Oberle and Maroney; Senators Blevins, Cook, Holloway, Martin, McBride, McDowell, Sharp, Sokola; Representatives Spence, Sorenson, Bradley, Jonkiert, West. To: **Labor and Industrial Relations.**

**SB 12** - AN ACT TO AMEND TITLE 21, DELAWARE CODE RELATING TO VEHICLES OWNED OR USED BY FIRE COMPANIES. Sponsors: Senators Voshell, Adams, Cook, Vaughn, Still; Representatives B. Ennis, Ewing. To: **Laid on the table.**

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At 5:11 p.m., on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 19, 1993.

The Senate reconvened at 2:38 p.m., January 19, 1993, with Senator Cordrey presiding.

Senator Knox was marked present.

The following committee reports were announced:

From Labor and Industrial Relations: **SB 2** - 1F, 2M.

From Administrative Services: **SB 5** - 3M.

From Community/County Affairs: **SB 4** - 1F, 2M.

From Public Safety: **SB 16** - 1F, 3M.

A communication from Senator Cordrey to Richard B. Harper was read in stating the Senator Vaughn was appointed to serve on the Electronic Voting Machine Advisory Board Committee as per **House Bill #652**. A copy of this letter is in the activity file for this Legislative Day.

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

**LEGISLATIVE ADVISORY #1**

From: Office of Counsel to the Governor

Date: January 15, 1993

The following Legislation was signed by Governor Dale E. Wolf on Thursday, January 14, 1993.

**Senate Joint Resolution No. 2**, In Reference to the Election of Officers. Chapter 1, Volume 70, Laws of Delaware.

**House Joint Resolution No. 1**, In Reference to the Election of Officers. Chapter 2, Volume 70, Laws of Delaware.

\* \* \* \* \*

On motion of Senator Sharp, the Senate adjourned at 2:43 p.m. to immediately convene for the 4th Legislative day.

**4TH LEGISLATIVE DAY**

January 19, 1993

The Senate convened at 2:43 p.m., Lt. Governor Minner presiding.

A prayer was offered by Senator Adams.

Pledge of allegiance to the Flag.

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

**PRESENT:** Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

**PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**January 19, 1993**

The following legislation was introduced and assigned:

**SB 13** - AN ACT TO AMEND CHAPTER 79, TITLE 16, OF THE DELAWARE CODE, RELATING TO PLUMBING. Sponsors: Senator McBride; Representative DiPinto. To: **Administrative Services.**

**SB 14** - AN ACT TO AMEND CHAPTER 89, TITLE 29, DELAWARE CODE, RELATING TO POWERS, DUTIES, AND FUNCTIONS OF THE COMMISSIONER OF THE DEPARTMENT OF CORRECTION BY REQUIRING THE COMMISSIONER TO DEVISE AND IMPLEMENT A PLAN WHEREBY SMOKING WILL BE PERMITTED IN DESIGNATED AREAS OF STATE CORRECTIONAL INSTITUTIONS FOR BOTH INMATES AND STAFF. Sponsor: Senator Torbert. To: **Corrections.**

**SB 15** - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO PROPERTY TAX EXEMPTION FOR CERTAIN PERSONS OVER 65 YEARS OF AGE. Sponsor: Senator Torbert. To: **Community/County Affairs.**

**SB 16** - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO ALLOWABLE GROSS WEIGHTS ON COMMERCIAL MOTOR VEHICLES. Sponsors: Senators Cook, Vaughn, Adams, Voshell, Cordrey, Venables, Torbert, Holloway; Representatives Clark, Ewing, B. Ennis, Houghton, Quillen, Lee, Carey, Lofink, Taylor, Roy, Spence, Buckworth, Davis, Schroeder. To: **Public Safety.**

**SB 17** - AN ACT TO AMEND TITLE 11, DELAWARE CODE BY ADDING THE CRIME OF CONTINUOUS SEXUAL ABUSE OF A CHILD. Sponsors: Senator Sokola; Senators Holloway, Marshall, Martin, McBride, McDowell, Sharp, Bair, Connor; Representatives Amick, Davis, Maroney, Spence, Taylor, Van Sant. To: **Judiciary.**

**SJR 3** - REJECTING IN ITS ENTIRETY THE REPORT OF THE DELAWARE COMPENSATION COMMISSION WHICH OTHERWISE BECOMES EFFECTIVE ON FEBRUARY 1, 1993. Sponsor: Senator Venables. To: **Executive.**

\* \* \* \* \*

A memorandum from Senator Venables was read in requesting that Senator Sokola and Representatives



Bunting and Schroeder be added as co-sponsors to **SJR 3**.

Senator Sharp requested privilege of the floor for Mr. John McBride for the presentation of a gavel to Lt. Governor Minner. No objection.

Senator Sharp requested privilege of the floor for Lt. Governor Minner's son, Frank Ingram, to present a gavel made by students from Milford High School. No objection.

A messenger from the Governor was announced and admitted.

Several Senators rose to welcome Lt. Governor Minner to the podium.

At 2:54 p.m., on motion of Senator Sharp, the Senate recessed for Party Caucus.

The Senate reconvened at 3:34 p.m., Lt. Governor Minner presiding.

On motion of Senator Adams and without objection, the necessary rules were suspended to consider the following nomination for appointment by the Governor.

#### STATE OF DELAWARE

Office of the Governor

January 19, 1993

To the Senate of the 137th General Assembly of  
the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: **William T. Quillen**, 30 The Strand, New Castle, DE 19720 to be appointed as Secretary of the Department of State.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*

A roll call vote on the nomination was taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

Senator Sharp introduced the newly-confirmed Secretary and Mrs. Quillen.

**SB 5** was brought before the Senate for consideration on motion of Senator McBride.

**SB 5 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION; AND PROVIDING FOR DONATED LEAVE.**

Several Senators commented. A roll call vote was taken and revealed 17 Senators voting YES, 4 (Bair, Hauge, Knox, Neal) NO; therefore, **SB 5** was declared passed the Senate and sent to the House for consideration.

At 3:58 p.m., on motion of Senator Sharp, the Senate recessed until 4:00 p.m., January 21, 1993.

The Senate reconvened at 4:24 p.m., January 21, 1993, Senator Cordrey presiding.

A messenger from the Governor was announced and admitted.

A communication from Senator Cordrey was read appointing Senator Vaughn, Chairman; Senator Voshell, Majority Caucus Member; and Senator Neal, Minority Caucus Member to the Permanent Rules Committee of the Senate. A copy of this communication is on file for this legislative day. (See Table of Contents - Committee Membership)

The Secretary announced that a message from the House informed the Senate that it had passed **HCR 3**.

A communication from Senator Knox to Senator Cordrey was read in authorizing Senator Bair to affix his signature for legislative purposes in his absence.

At 4:28 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 5th Legislative Day.

#### 5TH LEGISLATIVE DAY

January 21, 1993

The Senate convened at 4:28 p.m., Senator Cordrey presiding.

A prayer was offered by Senator Venables.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

At 4:29 p.m., Lt. Governor Minner presided during the attendance roll call.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.  
On motion of Senator Sharp, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION**  
**January 21, 1993**

The following legislation was introduced and assigned:

**SJR 4** - CREATING A TASK FORCE TO DEVELOP STRATEGIES TO ADDRESS GENERAL MOTOR'S DECISION TO CLOSE ITS BOXWOOD ROAD PLANT IN 1996, TO PREPARE FOR THE EVENTUALITY THAT GENERAL MOTORS DOES NOT CHANGE ITS DECISION AND TO MAKE RECOMMENDATIONS REGARDING WAYS TO SECURE OUR STATE'S MANUFACTURING BASE. Sponsors: Senator Blevins and Representative Van Sant; Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Sharp, Sokola, Torbert, Vaughn, Venables, Voshell, Bair, Connor, Hauge, Knox, Neal, Still; Representatives Amick, Buckworth, Carey, Davis, DiPinto, B. Ennis, Ewing, Lee, Lofink, Mack, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Sorenson, Spence, Taylor, Wagner, Banning, Bennett, Bradley, Brady, Bunting, Clark, DiLiberto, D. Ennis, George, Gilligan, Holloway, Houghton, Jonkiert, Plant, Schroeder, West, Wojewodzki. To: **Laid on the Table.**

**SB 18** - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO THE EMPLOYMENT OF STRIKEBREAKERS. Sponsors: Senator Marshall and Representative Oberle; Senators Holloway, McBride. To: **Labor and Industrial Relations.**

The following letters of nomination were assigned to the Executive Committee.

STATE OF DELAWARE  
Office of the Governor  
January 19, 1993

To the Senate of the 137th General Assembly of  
the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: **Keith H. Ellis**, 205 Pine Valley Road, Dover, Delaware 19901, to be appointed as State Bank Commissioner for a term of four years in accord with 29 Del. C. Sec. 8718 (b).

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 19, 1993

To the Senate of the 137th 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 P. Meconi**, 105 Churchill Lane, Wilmington, Delaware 19808, to be appointed as Secretary of the Department of Administrative Services.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 19, 1993

To the Senate of the 137th 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: **Michael C. Ferguson**, 13 Garrison  
Circle East, Smyrna, DE 19977, to be appointed as Director of the Office of the Budget.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 19, 1993

To the Senate of the 137th 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 P. Eichler**, 112 Shadow Court,  
New Castle, DE 19720, to be appointed as Secretary of the Department of Children, Youth, and Their Families.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 19, 1993

To the Senate of the 137th 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 F. Tarburton**, R.D. 3, Box 341,  
Dover, Delaware 19901, to be appointed as Secretary of the Department of Agriculture.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 19, 1993

To the Senate of the 137th 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: **Darrell J. Minott**, 1009 Graylyn Road,  
Wilmington, DE 19803, to be appointed as Secretary of the Department of Labor.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

STATE OF DELAWARE  
Office of the Governor  
January 19, 1993

To the Senate of the 137th General Assembly of  
the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: **Robert J. Watson**, 31 S. Delaware Street, Smyrna, DE 19977, to be appointed as Commissioner of Corrections.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*

STATE OF DELAWARE  
Office of the Governor  
January 19, 1993

To the Senate of the 137th General Assembly of  
the State of Delaware:

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate the following: **Karen L. Johnson**, 2012 Baynard Boulevard, Wilmington, DE 19802, to be appointed as Secretary of the Department of Public Safety.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*

The privilege of the floor was granted to Norma L. Rash, Senate staff member, on behalf of her colleagues, to make a presentation of flowers to Lt. Governor Minner.

**SB 16** was brought before the Senate for consideration on motion of Senator Cook.

**SB 16** - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO ALLOWABLE GROSS WEIGHTS ON COMMERCIAL MOTOR VEHICLES.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 16** was declared passed the Senate and sent to the House for consideration.

Senators Neal and Still were marked present during the above roll call.

**SB 12** was lifted from the table for consideration on motion of Senator Voshell, under suspension of the necessary rules.

**SB 12** - AN ACT TO AMEND TITLE 21, DELAWARE CODE RELATING TO VEHICLES OWNED OR USED BY FIRE COMPANIES.

A roll call vote on was taken and revealed 21 Senators voting YES; therefore, **SB 12** was declared passed the Senate and sent to the House for consideration.

**SB 4** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 4** - AN ACT TO REINCORPORATE THE TOWN OF SLAUGHTER BEACH. (2/3 vote).

A roll call vote on was taken and revealed 21 Senators voting YES; therefore, **SB 4** was declared passed the Senate and sent to the House for consideration.

**SB 2** was brought before the Senate for consideration on motion of Senator Marshall.

**SB 2** - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

Several Senators commented. The privilege of the floor was extended to John Cordrey, Senate Attorney.

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

Senator Holloway requested that a letter from the Department of Labor that was sent to Senator Marshall be read.

Senator Marshall moved that **SB 2** be laid on the table while he located the letter.

**SJR 4** was lifted from the table for consideration on motion of Senator Blevins, under suspension of the necessary rules.

**SJR 4** - CREATING A TASK FORCE TO DEVELOP STRATEGIES TO ADDRESS GENERAL MOTORS' DECISION TO CLOSE ITS BOXWOOD ROAD PLANT IN 1996, TO PREPARE FOR THE

EVENTUALITY THAT GENERAL MOTORS DOES NOT CHANGE ITS DECISION AND TO MAKE RECOMMENDATIONS REGARDING WAYS TO SECURE OUR STATE'S MANUFACTURING BASE.

**SA 1 to SJR 4** was introduced and brought before the Senate for consideration on motion of Senator Blevins.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McBride) NO; therefore, **SA 1 to SJR 4** was declared part of the bill.

**SJR 4 w/SA 1** was now before the Senate. Senators Marshall and McBride commented. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SJR 4 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 2** was lifted from the table for consideration on motion of Senator Marshall.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 2** was declared passed the Senate and sent to the House for consideration.

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

**HCR 2** - EXPRESSING HEARTFELT SYMPATHY TO THE FAMILY OF CHERYL TAYLOR, SCHOOL BUS DRIVER, WHO WAS FATALLY INJURED ON THURSDAY, JANUARY 7, 1993 WHILE ATTEMPTING TO HELP A STRICKEN DOG IN THE ROADWAY; AND FURTHER COMMENDING THE SIXTEEN STUDENTS ON THE BUS WHO QUICKLY REACTED FOR ASSISTANCE UNDER VERY EMOTIONAL CIRCUMSTANCES. Sponsors: Representative and Senator Holloway; Representatives George, Spence, Mack, D. Ennis, DiPinto, Ewing, Davis, Jonkiert, Bradley, DiLiberto.

**HCR 3** - COMMENDING THE PORTS OF PHILADELPHIA MARITIME EXCHANGE'S TRACTS SYSTEM AS RECIPIENT OF THE 1993 BUSINESS AND INDUSTRY AWARD FROM THE WATER RESOURCES ASSOCIATION OF THE DELAWARE RIVER BASIN. Sponsors: Representative Carey; Senator McBride.

A roll call vote on **SENATE CONSENT CALENDAR #1** was taken and revealed 21 Senators voting YES; therefore, the Consent Calendar was declared adopted by the Senate and the House Concurrent Resolutions were returned to the House.

**SB 1** was stricken on motion of Senator Voshell.

At 5:02 p.m. on motion of Senator Sharp, the Senate recessed until January 26, 1993, immediately following the Executive hearing.

**NOTE:** On January 26, 1993, Executive Hearings were held, but due to the length of the Hearings, the Senate did not meet in regular session.

The Senate reconvened at 5:04 p.m., January 27, 1993, Lt. Governor Minner presiding.

A messenger from the Governor was announced and admitted.

The following committee reports were announced:

From Labor and Industrial Relations: **SB 11** - 1F, 2M.

From Corrections: **SB 14** - 2F, 3M.

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

#### **PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION January 26, 1993**

The following legislation was introduced and assigned:

**SS 1 for SB 15** - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO PROPERTY TAX EXEMPTION FOR CERTAIN PERSONS OVER 65 YEARS OF AGE.

Sponsors: Senators Torbert and Still; Representatives Bennett, Wagner. To: **Community/County Affairs**.

**SB 19** - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO GROUNDS FOR REFUSAL OF LICENSE. Sponsor: Senator Holloway. To: **Administrative Services**.

**SB 20** - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE REGARDING WAIVER OF REQUIREMENT FOR REGISTRATION OF FARM VEHICLES. Sponsors: Senator Adams; Senators Cook, Cordrey, Vaughn, Venables, Still; Representatives Caulk, Carey, Lofink, Quillen, Bunting, Clark, Schroeder. To: **Agriculture**.

**SB 21** - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO PROTECTION OF PUBLIC EMPLOYEES REPORTING SUSPECTED VIOLATION OF LAW. Sponsors: Senator Torbert and Senator Still; Representative Wagner. To: **Judiciary**.

**SB 22** - AN ACT TO AMEND CHAPTER 15 OF TITLE 13 OF THE DELAWARE CODE RELATING TO

THE DISPOSITION OF MARITAL PROPERTY. Sponsors: Senator Adams; Senators Voshell, Sharp, Cordrey; Representatives Petrilli, Ewing. To: **Judiciary**.  
**SA 1 to SB 11** - Sponsor: Senator Neal. Placed with the bill.

The following nominations were introduced and placed in Executive Committee:

STATE OF DELAWARE  
Office of the Governor

January 21, 1993

To the Senate of the 137th 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: **Anne P. Canby**, 4000 N. Charles St. Apt 1510, Baltimore, Maryland 21218, to be appointed as Secretary of the Department of Transportation.

Your consideration of this nomination is appreciated.

Sincerely,  
(Signed) Tom Carper  
Governor  
\*\*\*\*\*

STATE OF DELAWARE  
Office of the Governor

January 21, 1993

To the Senate of the 137th 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: **Christophe Tulou**, 2122 California Street, N.W., Washington D.C. 20008, to be appointed as Secretary of the Department of Natural Resources and Environmental Control.

Your consideration of this nomination is appreciated.

Sincerely,  
(Signed) Tom Carper  
Governor  
\*\*\*\*\*

At 5:07 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 6th Legislative Day.

6TH LEGISLATIVE DAY  
January 27, 1993

The Senate convened at 5:07 p.m., Lt. Governor Minner presiding.

A prayer was offered by Senator Venables.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

Senator Sharp reiterated that the Senate was not in session yesterday, January 26, 1993, but that all of the Senators were present. The day was devoted to Executive hearings.

Senator Bair marked present.

The Secretary announced that a message from the House informed the Senate that it had passed **HCR 4**. Senator Adams requested that the message from the Governor be read in and laid on the table.

STATE OF DELAWARE  
Office of the Governor  
January 26, 1993

To the Senate of the 137th 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 F. Stokes**, 36 Sycamore Drive, Lewes, Delaware 19958, to be appointed as Chairman of the Board of Trustees of Delaware Technical and Community College during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

(Signed) Tom Carper  
Governor  
\*\*\*\*\*

STATE OF DELAWARE  
Office of the Governor  
January 26, 1993

To the Senate of the 137th General Assembly  
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following:  
**Robert W. Coy, Jr.**, 3 Hillside Road, Dauphin, PA 17108, to be appointed as Director of the Delaware Development Office to serve a term during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

(Signed) Tom Carper  
Governor  
\*\*\*\*\*

STATE OF DELAWARE  
Office of the Governor  
January 26, 1993

To the Senate of the 137th 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:  
**Sarah Jackson**, 2100 Delancey Place #2C, Philadelphia, PA 19103, to be appointed as Secretary of the Department of Finance.

Your consideration of this nomination will be appreciated.

(Signed) Tom Carper  
Governor  
\*\*\*\*\*

STATE OF DELAWARE  
Office of the Governor  
January 26, 1993

To the Senate of the 137th 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:

**Harriet N. Smith**, 21E The Plantations, Lewes, Delaware 19958, to be appointed as Personnel Director for the State of Delaware to serve a term during the pleasure of the Governor.

Your consideration of this nomination is appreciated.

Sincerely,  
(Signed) Tom Carper  
Governor

\* \* \* \* \*

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

### **PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**January 27, 1993**

The following legislation was introduced and assigned:

**SJR 5** - RELATING TO EXTENDING THE REPORTING DATE OF THE TASK FORCE TO STUDY THE FEASIBILITY OF A VOLUNTARY COMMUNITY SATURDAY SCHOOL PROGRAM. Sponsor: Senator Connor. To: **Education**.

**SB 23** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO SECRECY IN LITIGATION. Sponsors: Senator McBride; Representative Davis. To: **Judiciary**.

**SB 24** - AN ACT TO AMEND CHAPTER 82, TITLE 29, DELAWARE CODE, RELATING TO BOILER SAFETY. Sponsors: Senator Torbert; Representatives Spence and Ewing. To: **Administrative Services**.

**SB 25** - AN ACT TO AMEND CHAPTER 99, TITLE 16, OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE DELAWARE HEALTH CARE COMMISSION. Sponsors: Senators Sharp, Holloway, Cordrey. To: **Health and Social Services**.

**SA 2 to SB 11** - Sponsor: Senator Still. Placed with the bill.

**SA 3 to SB 11** - Sponsor: Senator Still. Placed with the bill.

**SA 1 to SB 14** - Sponsor: Senator Torbert. Placed with the bill.

\* \* \* \* \*

On motion of Senator Adams and without objection, the necessary rules were suspended to consider the following nominations by the Governor.

**Harriet N. Smith** - was lifted from the table and the nomination was read in.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, the appointment was confirmed.

**Richard F. Stokes** - was lifted from the table and a roll call vote was taken and revealed 21 Senators voting YES; therefore, the appointment was confirmed.

**John F. Tarburton** - a roll call vote was taken and revealed 21 Senators voting YES; therefore, the appointment was confirmed.

**Karen L. Johnson** - a roll call vote was taken and revealed 21 Senators voting YES; therefore, the appointment was confirmed.

**Michael C. Ferguson** - a roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) NO; therefore, the appointment was confirmed.

**Keith H. Ellis** - a roll call vote was taken and revealed 21 Senators voting YES; therefore, the appointment was confirmed.

**Vincent P. Meconi** - a roll call vote was taken and revealed 21 Senators voting YES; therefore, the appointment was confirmed.

Various Senators had comments on the above nominations while before the Senate.

At 5:32 on motion of Senator Sharp, the Senate recessed until January 28, 1993 at 2:30 p.m.

The Senate reconvened at 3:59 p.m. on January 28, 1993, Lt. Governor Minner presiding.

The following committee report was announced:

From Health and Social Services: **SB 25** - 4 Merits.

At 4:00 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 7th Legislative Day.

7TH LEGISLATIVE DAY



January 28, 1993

The Senate convened at 4:00 p.m., Lt. Governor Minner presiding.

A prayer was offered by Senator Torbert.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

## **PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**January 28, 1993**

The following legislation was introduced and assigned:

**SB 26** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION INSURER'S SUBROGATION RIGHTS AND TITLE 21 OF THE DELAWARE CODE RELATING TO INSURANCE BENEFITS. Sponsors: Senator Sharp and Representative Oberle; Senators Vaughn, Holloway, McBride, McDowell, Connor; Representatives West, Spence, Wagner. To: **Insurance and Elections.**

**SB 27** - AN ACT TO AMEND CHAPTER 17, TITLE 14 OF THE DELAWARE CODE RELATING TO THE GUARANTEED UNIT COUNT. Sponsors: Senators Bair and Sokola, Representatives Sorenson and Maroney; Senators Connor, Blevins, Venables, Holloway, Hauge; Representatives Smith, Oberle, Wagner, Brady, Bradley, D. Ennis, B. Ennis. To: **Education.**

**SB 28** - AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE RELATING TO PILOTS. Sponsors: Senators Cordrey, Vaughn, Cook, Adams, Voshell, Martin, Holloway, Torbert, Blevins, Connor, Bair, Still; Representatives Spence, Quillen, Ewing, Carey, Houghton, Oberle, Schroeder, Jonkiert, Van Sant, B. Ennis, Bennett, Banning, D. Ennis, Lee, Smith, Amick, West, Fallon. To: **Administrative Services.**

**SB 29** - AN ACT TO AMEND CHAPTER 69, §6912, TITLE 29, DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTS AND PREVAILING WAGE RATES. Sponsors: Senator Marshall, Representative Oberle; Senators Blevins, Holloway, Martin, McBride, McDowell, Vaughn, Connor; Representatives Mack, Reynolds, Roy, Spence, Banning, Brady, B. Ennis, Gilligan, Holloway, Houghton, Plant, Van Sant. To: **Labor and Industrial Relations.**

**SB 30** - AN ACT TO AMEND THE JANUARY 11, 1993 FINAL REPORT OF THE DELAWARE COMPENSATION COMMISSION RELATING TO REVISING SOME OF ITS RECOMMENDATIONS, CREATING A DATE BY WHICH THE REVISED REPORT SHALL BE DUE AND CHANGING THE DATE BY WHICH THE REPORT MUST BE REJECTED IN ITS ENTIRETY OR TAKE EFFECT. Sponsors: Senators Venables and Still; Senators Blevins, Sokola, Voshell, Bair, Connor, Hauge, Knox, Neal; Representatives Bunting, Schroeder, Wagner, Lofink, Smith, Sorenson, Reynolds, Mack, Fallon, Carey, Banning. To: **Executive.**

**SJR 6** - RELATING TO EXTENDING THE REPORTING DATE OF THE TASK FORCE ON DISCIPLINE IN THE SCHOOLS AND REQUIRING AN INTERIM REPORT. Sponsor: Senator Holloway. To: **Education.**

\* \* \* \* \*

A communication from Senator Venables was read adding Senators Voshell, Blevins, Still and Representatives Banning, Wagner, Lofink, Smith, Sorenson, Reynolds, Mack, Fallon and Carey as co-sponsors to **SJR 3.**

Senator Marshall requested from the floor, that he be added as a co-sponsor to **SJR 3.** No objection.

A communication from Senator Cordrey was read.

## **SENATE STATE OF DELAWARE**

January 28, 1993

TO: All Members of the 137th General Assembly

FROM: Senator Richard S. Cordrey  
President Pro Tempore

SUBJECT: Appointments - Delaware Commission of Interstate Cooperation

The following members of the 137th General Assembly, Delaware State Senate shall serve as appointees of the Delaware Commission of Interstate Cooperation:

Senator Thurman G. Adams, Chairman

Senator Herman M. Holloway, Sr.

Senator Robert T. Connor

\* \* \* \* \*

The Secretary announced that a message from the House informed the Senate that it had passed **SB 12**, **SB 3**, **SB 16** and **SJR 4 w/SA 1**.

On motion of Senator Adams and without objection, the necessary rules were suspended to consider the following nominations for appointment by the Governor.

**Ann P. Canby** - Senator McBride explained his reasons for not voting on this nomination. A roll call vote was taken and revealed 20 Senators voting YES, 1 (McBride) NOT VOTING; therefore, the appointment was confirmed.

**Thomas P. Eichler** - a roll call vote was taken and revealed 21 Senators voting YES; therefore, the appointment was confirmed.

**Sarah Jackson** - was lifted from the table and revealed 21 Senators voting YES; therefore, the appointment was confirmed.

**Robert. W. Coy, Jr.** - was lifted from the table. Senator Sharp commented on Mr. Coy nomination, after which a roll call vote was taken and revealed 18 Senators voting YES, 3 (Cordrey, Sharp, Vaughn) NO; therefore, the appointment was confirmed.

**Darrell J. Minott** - Senator Holloway commented, after which a roll call vote was taken and revealed 19 Senators voting YES, 2 (Sharp, Vaughn) NO; therefore, the appointment was confirmed.

**Christophe Tulou** - a roll call vote was taken and revealed 21 Senators voting YES; therefore, the appointment was confirmed.

At 4:23 p.m., on motion of Senator Sharp, the Senate recessed to the call of the President Pro Tempore.

The Senate reconvened at 3:13 p.m., March 16, 1993 with Lt. Governor Minner presiding.

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

#### **PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**March 16, 1993**

**SB 39** - AN ACT TO AMEND CHAPTER 290, VOLUME 68, LAWS OF DELAWARE RELATING TO ADJUSTING A STATE OFFICIAL'S SALARY AND AUTHORIZING THE TRANSFER OF FUNDS TO ACCOMMODATE THIS SALARY ADJUSTMENT. Sponsors: Senator Bair; Senators Connor, Hauge, Knox, Neal, Still. To: **Finance**.

**SB 40** - AN ACT TO AMEND CHAPTER 7, TITLE 14 OF THE DELAWARE CODE RELATING TO CORPORAL PUNISHMENT. Sponsors: Senator Neal; Senators Blevins, Sokola; Representative Sorenson. To: **Judiciary**.

**SB 41** - AN ACT TO AMEND THE LAWS OF DELAWARE, VOLUME 66, CHAPTER 291, AS AMENDED, BEING THE CHARTER OF THE TOWN OF CLAYTON, TO CHANGE THE FISCAL YEAR. Sponsors: Senator Vaughn; Representative B. Ennis. To: **Community/County Affairs**.

**SB 42** - AN ACT TO AMEND VOLUME 68, CHAPTER 290, LAWS OF DELAWARE, BEING "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1993; SPECIFYING CERTAIN PROCEDURES, CONDITIONS, AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS," RELATING TO MEDICAID EXPENDITURES. Sponsor: Senator Holloway. To: **Finance**.

**SB 43** - AN ACT TO AMEND CHAPTER 84, TITLE 14, DELAWARE CODE, RELATING TO PURPOSES OF THE DELAWARE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH. Sponsor: Senator Holloway. To: **Health and Social Services**.

**SA 1 to SB 20** - Sponsor: Senator Voshell. Placed with the bill.

**SA 1 to SB 21** - Sponsor: Senator Torbert. Placed with the bill.

**SA 1 to SB 38** - Sponsor: Senator Bair. Placed with the bill.

**SA 2 to SB 38** - Sponsor: Senator Blevins. Placed with the bill.

**SA 3 to SB 38** - Sponsor: Senator Cordrey. Placed with the bill.

A messenger from the Governor was announced and admitted.  
The following nomination from the Governor was read in and assigned to the Executive Committee.

STATE OF DELAWARE  
Office of the Governor  
March 16, 1993

To the Senate of the 137th 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:  
**Carmen R. Nazario**, 13155 Madonna Lane, Fairfax, Virginia, 22033, to be appointed as Secretary of the Department of Health and Social Services to serve a term during the pleasure of the Governor.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*

A communication from Senator Sharp was read to the Senate requesting that Senator Marshall be added as a co-sponsor to **SB 26**.

A communication from Senator Cordrey was read as follows:

SENATE  
STATE OF DELAWARE

February 9, 1993

TO: Members of the Senate  
  
FROM: Richard S. Cordrey, President Pro Tempore  
  
SUBJECT: Appointment - **SJR 4**

As per the power invested in me as President Pro Tempore of the Senate of the 137th General Assembly, I hereby appoint the following:

Senator Patricia M. Blevins  
209 Linden Avenue Elsmere  
Wilmington, Delaware 19805

Senator Robert I. Marshall  
601 South DuPont Street  
Wilmington, Delaware 19805

as members of the task force created in **SENATE JOINT RESOLUTION NO 4, AS AMENDED BY SENATE AMENDMENT NO. 1, CREATING A TASK FORCE TO DEVELOP STRATEGIES TO ADDRESS GENERAL MOTORS' DECISION TO CLOSE ITS BOXWOOD ROAD PLANT IN 1996, TO PREPARE FOR THE EVENTUALITY THAT GENERAL MOTORS DOES NOT CHANGE ITS DECISION AND TO MAKE RECOMMENDATIONS REGARDING WAYS TO SECURE OUR STATE'S MANUFACTURING BASE.**

\* \* \* \* \*

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

**LEGISLATIVE ADVISORY #3**, dated February 12, 1993. The following legislation was signed by Governor Thomas R. Carper on the date indicated.

**SJR #7** - 2/10/93 - **REJECTING IN ITS ENTIRETY THE REPORT OF THE DELAWARE COMPENSATION COMMISSION.** (Sen. Venables, et al)

\* \* \* \* \*

At 3:15 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 8th Legislative Day.

1ST EXTRAORDINARY SESSION  
137TH GENERAL ASSEMBLY

February 9, 1993

STATE OF DELAWARE  
Executive Department  
Dover

PROCLAMATION

I, THOMAS R. CARPER, Governor of the State of Delaware, pursuant to the authority granted to me by Article III, Section 16 of the Delaware Constitution, do hereby convene the 137th General Assembly into Special Session on Tuesday, February 9, 1993 at 2:00 p.m. for the purpose of acting on a joint resolution to reject the report of the Delaware Compensation Commission filed with the General Assembly pursuant to 29 Del. C. Section 3303, and for the further purpose of considering and acting upon legislation that will address the same subject matter as the Commission's report.

IN WITNESS WHEREOF, I THOMAS R. CARPER, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of said State to be affixed hereunto at Dover, this 5th day of February, in the year 1993, and of the Independence of the United States of America the 217th.

(Signed) Thomas R. Carper  
Governor

Attest:  
(Signed) William T. Quillen  
Secretary of State

\* \* \* \* \*

Pursuant to the above, the Senate convened at 5:56 p.m. February 9, 1993, Lt. Governor Minner presiding. A prayer was offered by Senator Martin.

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

Present: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sokola, Still, Vaughn, Venables, Voshell - 19, 2 (Sharp, Torbert) ABSENT.

A communication from the Chief Clerk of the House indicated that Representative Caulk signed **SJR 4** as an additional sponsor, Representatives DiPinto, Smith, Davis, Wagner, Maroney, Buckworth, Sorenson, Carey, Caulk, Lee, Lofink and D. Ennis signed **SB 12** as additional sponsors, and Representative Caulk signed **SB 16** as an additional sponsor.

A memorandum from Senator Venables was read requesting that Representatives Bradley, Wojewodzki, Lee and Amick be added as co-sponsors to **SJR 3**.

A memorandum from Senator Venables was read requesting that Representative Quillen be added as a co-sponsor to **SJR 3**.

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

**LEGISLATIVE ADVISORY #2**, dated February 9, 1993, the following legislation was signed by Governor Thomas R. Carper on the date indicated.

**SJR #4 aab SA #1** - 2/8/93 - CREATING A TASK FORCE TO DEVELOP STRATEGIES TO ADDRESS GENERAL MOTORS' DECISION TO CLOSE ITS BOXWOOD ROAD PLANT IN 1996, TO PREPARE FOR THE EVENTUALITY THAT GENERAL MOTORS DOES NOT CHANGE ITS DECISION AND TO MAKE RECOMMENDATIONS REGARDING WAYS TO SECURE OUR STATE'S MANUFACTURING BASE. (Sen. Blevins and Rep. Van Sant, et al)

**SB #2** - 2/8/93 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. (Sen. Marshall and Sen. Sharp) (Volume 69, Chapter 1, Laws of Delaware).

**\*Senate Bill Number 3** is the second leg of a constitutional amendment and does not require the Governor's signature.

**SB #3** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IV, Sec. 11 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO CERTIFICATION OF QUESTIONS OF LAW TO THE SUPREME COURT. (Sen. Cordrey and Rep. Spence) (Volume 69, Chapter 2, Laws of Delaware).

**SB #12** - 2/8/93 - AN ACT TO AMEND TITLE 21, DELAWARE CODE RELATING TO VEHICLES OWNED OR USED BY FIRE COMPANIES. (Sen. Voshell and Rep. B. Ennis, et al) (Volume 69, Chapter 3,

Laws of Delaware).

**SB #16** - 2/8/93 - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO ALLOWABLE GROSS WEIGHTS ON COMMERCIAL MOTOR VEHICLES. (Sen. Cook and Rep. Clark, et al) (Volume 69, Chapter 4, Laws of Delaware).

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

**PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION**  
**February 3, 1993**

The following legislation was introduced and assigned:

**SB 31** - AN ACT TO AMEND THE JANUARY 11, 1993 FINAL REPORT OF THE DELAWARE COMPENSATION COMMISSION RELATING TO REVISING SOME OF ITS RECOMMENDATIONS, CREATING A DATE BY WHICH THE REVISED REPORT SHALL BE DUE AND CHANGING THE DATE BY WHICH THE REPORT MUST BE REJECTED IN ITS ENTIRETY OR TAKE EFFECT.

Sponsors: Senators Still and Venables. To: **Executive**.

**SB 32** - AN ACT TO AMEND CHAPTER 39, TITLE 18 OF THE DELAWARE CODE, AND TITLE 21 OF THE DELAWARE CODE RELATING TO THE CONSEQUENCES OF LICENSE SUSPENSION FOR NON DRIVING RELATED OFFENSES. Sponsors: Senator Venables; Senators Adams, Cordrey; Representative Banning. To: **Public Safety**.

**SB 33** - AN ACT TO AMEND CHAPTER 60 AND CHAPTER 63, TITLE 7 OF THE DELAWARE CODE, RELATING TO CRIMINAL PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF SAID CHAPTERS. Sponsors: Senator McBride; Representative Spence. To: **Judiciary**.

**SB 34** - AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO ADULT ENTERTAINMENT ESTABLISHMENTS. Sponsors: Senator McBride; Representatives Reynolds and Spence. To: **Judiciary**.

**SB 35** - AN ACT TO AMEND CHAPTER 26, TITLE 9 OF THE DELAWARE CODE, RELATING TO THE AMORTIZATION OF NON-CONFORMING USES. Sponsors: Senator McBride; Representatives Reynolds and Spence. To: **Community/County Affairs**.

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**PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION**  
**February 9, 1993**

The following legislation was introduced and assigned:

**SB 36** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ABOLITION OF THE DELAWARE COMPENSATION COMMISSION. Sponsors: Senators Neal and Vaughn. To: **Executive**.

**SB 37** - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE, RELATING TO ENFORCEMENT OF THE FREEDOM OF INFORMATION ACT. Sponsor: Senator Holloway. To: **Executive**.

**SA 1 to SB 36** - Sponsors: Senators Neal and Still Placed with the bill in **Executive**.

\* \* \* \* \*

Senator Cordrey moved that **SB 33** be reassigned to the **Natural Resources and Environmental Control** Committee. No objections.

Senator Holloway marked present.

Senator Cordrey commented on the events of the day thus far and explained the upcoming procedures.

Senator Cordrey yields to Senator Venables for the purpose of working **SJR 7**.

Prior to **SJR 7** being read, Senator Venables was granted the privilege of the floor, at which time he commented on the reactions surrounding **SJR 3**, as well as the Senate recess of January 28, 1993.

**SJR 7** was brought before the Senate for consideration on motion of Senator Venables, under suspension of the necessary rules.

**SJR 7** - REJECTING IN ITS ENTIRETY THE REPORT OF THE DELAWARE COMPENSATION COMMISSION. Sponsor: Senator Venables; Senators Blevins, Cook, Marshall, Martin, McBride, McDowell, Sokola, Voshell, Bair, Connor, Hauge, Knox, Neal, Still, Representatives Spence, Gilligan, Amick, Banning, Bennett, Bradley, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto, DiPinto, B. Ennis, Ewing, Fallon, Holloway, Houghton, Jonkiert, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds,

Roy, Schroeder, Smith, Sorenson, Taylor, Van Sant, Wagner, West, Wojewodski.

Several Senators commented. A roll call vote was taken and revealed 19 Senators voting YES, 2 (Sharp, Torbert) ABSENT; therefore, **SJR 7** was declared passed the Senate and sent to the House for consideration. Senator Bair questioned the upcoming proceedings before the Senate.

On motion of Senator Cordrey, the Senate recessed for Party Caucus at 6:36 p.m.

At 7:11 p.m., the Senate reconvened with Lt. Governor Minner presiding.

Lt. Governor Minner announced the distribution of the first page of **SR 2** (Senate Rules) for the Senators perusal. A copy of this resolution is included in the file for this legislative day.

**SB 38** was introduced and brought before the Senate for consideration on the motion of Senator Holloway, under suspension of the necessary rules.

**SB 38** - AN ACT TO ADJUST SALARIES AND PENSIONS FOR CERTAIN STATE OFFICIALS; AUTHORIZING THE TRANSFER OF FUNDS TO ACCOMMODATE CERTAIN SALARY ADJUSTMENTS; AMENDING CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO PENSION BENEFITS FOR CERTAIN ELECTED OFFICIALS; AND AMENDING CHAPTER 33, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMPENSATION COMMISSION.

Sponsors: Senators Holloway, Cordrey; Representatives Spence, George, Davis.

The privilege of the floor was extended to Michael C. Ferguson, Budget Director.

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

The privilege of the floor was extended to Donald F. McArdle, Former State Pension Administrator.

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

On motion of Senator Holloway, **SB 38** was laid on the table.

On motion of Senator Cordrey, the Senate recessed for Party Caucus at 7:58 p.m.

At 8:37 p.m., the Senate reconvened with Lt. Governor Minner presiding.

The Secretary announced that a message from the House informed the Senate that it had passed **SJR 7** and **SB 2**.

At 8:38 p.m. on motion of Senator Cordrey, the Governor's Special Session was adjourned.

#### 8TH LEGISLATIVE DAY

March 16, 1993

The Senate convened at 3:15 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Adams.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

The journal of the extraordinary session was approved as read on motion of Senator Sharp. No objection.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:20 p.m.

At 4:32 p.m., the Senate reconvened with Lt. Governor Minner presiding.

Senator Venables marked present.

**SR 10** was brought before the Senate for consideration on motion of Senator Venables.

**SR 10** - CALLING UPON THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO DELAY IMPLEMENTATION OF PROPOSED "EXTRACTIVE USE" REGULATIONS TO ALLOW FOR GENERAL ASSEMBLY REVIEW OF CERTAIN PERTINENT ISSUES. Sponsor: Senator Venables.

Several Senators commented. Senator Venables moved to lay **SR 10** on the table.

**SR 8** was brought before the Senate for consideration on motion of Senator Venables.

**SR 8** - ESTABLISHING A SENATE TASK FORCE TO STUDY DELAWARE'S WORKMEN'S COMPENSATION LAW AND TO RECOMMEND ANY NEEDED CHANGES. Sponsor: Senator Venables.

Several Senators commented. Senator Venables moved to lay **SR 8** on the table.

**SJR 6** was brought before the Senate for consideration on motion of Senator Holloway, under suspension of the necessary rules.

**SJR 6** - RELATING TO EXTENDING THE REPORTING DATE OF THE TASK FORCE ON DISCIPLINE IN THE SCHOOLS AND REQUIRING AN INTERIM REPORT.

Senator McBride commented. A roll call vote was taken and revealed 21 Senators voting YES; therefore,

**SJR 6** was declared passed the Senate and sent to the House for consideration.

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

**SCR 8** - PROVIDING FOR A JOINT SESSION OF THE HOUSE AND SENATE FOR THE PURPOSE OF HEARING AN ADDRESS FROM THE HONORABLE THOMAS R. CARPER, GOVERNOR OF THE STATE OF DELAWARE. Sponsors: Senators Cordrey, Sharp, Holloway.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SCR 8** was declared adopted by

the Senate and sent to the House for consideration.

**SENATE CONSENT CALENDAR #2** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SR 7 - MOURNING THE DEATH AND CELEBRATING THE LIFE OF ELIZABETH M. "BETTY" GORMLEY, WHO WAS AN INTEGRAL PART OF HOCKESSIN LIFE AND LORE.** Sponsors: Senator Blevins, Knox.

**SCR 2 - AUTHORIZING THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPOINT A TWO-MEMBER COMMITTEE TO KEEP THE 20-YEAR HONOR ROLL PLAQUE UP TO DATE.** Sponsor: Senator Holloway.

**SCR 3 - IN RECOGNITION OF DELAWARE DAY AT VERO BEACH, FLORIDA, ON MONDAY, FEBRUARY 15, 1993, HONORING FORMER AND PRESENT DELAWAREANS.** Sponsors: Senator Adams; Representative Bennett.

**SCR 4 - EXPRESSING CONDOLENCES TO THE FAMILY OF NELSON T. "PETE" SHIELDS, III, A WIDELY RECOGNIZED Foe OF HANDGUNS IN THE UNITED STATES, WHO PASSED AWAY ON MONDAY, JANUARY 25, 1993 AT THE AGE OF SIXTY-NINE.** Sponsors: Senator Knox; Representative Bradley.

**SCR 5 - CONGRATULATING BANGALORE T. LAKSHMAN, P.E. RECIPIENT OF THE PRESTIGIOUS "1993 ENGINEER OF THE YEAR" AWARD PRESENTED BY THE DELAWARE ENGINEERING SOCIETY, INC.** Sponsors: Senators Neal, Bair, Hauge, McBride, Sokola; Representatives Amick, Petrilli.

**SCR 6 - EXTENDING THE LIFE OF THE DELAWARE RIVER AND BAY OVERSIGHT COMMITTEE FOR THE PURPOSE OF STUDYING AND CONSIDERING ADDITIONAL MATTERS, INCLUDING THE EFFECT OF THE FEDERAL OIL POLLUTION ACT AMENDMENTS OF 1990 AND THE ESTABLISHMENT OF A PERMANENT DELAWARE RIVER AND BAY OVERSIGHT COMMISSION.** Sponsors: Senator McBride; Senators Vaughn, Voshell; Representatives D. Ennis, Carey, Mack.

**SCR 7 - COMMENDING ST. MATTHEW'S SCHOOL LOCATED IN WOODCREST, WILMINGTON, DELAWARE ON ITS SELECTION BY U.S. DEPARTMENT OF EDUCATION IN RECOGNITION FOR SCHOOLS THAT EXCELLED IN HISTORY AND MATHEMATICS.** Sponsors: Senators McBride, Blevins; Representative Van Sant.

**SR 9 - EXPRESSING THANKS TO RONACO SYSTEMS INC. FOR INVITING A FACT-FINDING BLUE RIBBON PANEL OF DELAWARE CITIZENS TO SERBIA AS GUESTS OF THE COMPANY TO JUDGE FOR THEMSELVES THE SERBIAN POSITION IN THE CURRENT CIVIL STRIFE IN CROATIA AND BOZNIA-HERZEGOVINA.** Sponsor: Senator Holloway.

**SR 11 - MOURNING THE UNTIMELY DEATH OF EX-WILMINGTON POLICE CHIEF, DENNIS REGAN, WHO DIED FRIDAY, FEBRUARY 5, 1993 AT THE AGE OF FIFTY.** Sponsor: Senator McDowell.

**HCR 4 - EXTENDING EXPRESSIONS OF CONDOLENCES TO THE FAMILY OF FORMER UNITED STATES SENATOR J. ALLEN FREAR WHO PASSED AWAY AT AGE EIGHTY-NINE ON FRIDAY, JANUARY 15, 1993.**

Sponsors: Representative Bennett and all Representatives; Senator Torbert and all Senators.

A roll call vote on **SENATE CONSENT CALENDAR # 2** was taken and revealed 20 Senators voting YES, 1 (Holloway) ABSENT; therefore, the Consent Calendar was declared adopted by the Senate. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolution was returned to the House.

**SB 11** was returned to the **Labor and Industrial Relations** Committee at the request of Senator Marshall. At 5:15 p.m., on motion of Senator Sharp, the Senate recessed until 3:30 p.m. March 17, 1993.

The Senate reconvened at 4:03 p.m. March 17, 1993 with Lt. Governor Minner presiding.

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

#### **PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION March 17, 1993**

The following legislation was introduced and assigned:

**SB 44 - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO INCREASED FINES FOR ALTERED OR FICTITIOUS VEHICLE REGISTRATIONS AND/OR REGISTRATION PLATES AND VIOLATIONS OF REGISTRATION PROVISIONS.** Sponsors: Senator Voshell; Representative Ewing; Senator Blevins. To: **Public Safety.**

**SB 45 - AN ACT TO AMEND CHAPTERS 21 AND 27, TITLE 21, DELAWARE CODE, RELATING TO LICENSE AND REGISTRATION OF VEHICLES OWNED BY NEW DELAWARE RESIDENTS.** Sponsors: Senator Voshell; Representative Ewing; Senator Blevins. To: **Public Safety.**

**SB 46** - AN ACT TO AMEND CHAPTERS 15, 37, AND 39 OF TITLE 12, DELAWARE CODE, BY REPEALING CHAPTER 37 IN ITS ENTIRETY AND BY ENACTING CERTAIN LAWS RELATING TO THE APPOINTMENT OF GUARDIANS FOR DISABLED PERSONS. Sponsors: Senator Vaughn; Representatives Spence, Plant. To: **Health and Social Services**.

**SB 47** - AN ACT TO AMEND AN ACT, BEING CHAPTER 276, VOLUME 65, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN" REGARDING THE DEBT CEILING. Sponsors: Senator Adams; Representatives West, Carey. To: **Community/County Affairs**.

**HB 9** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON THE TIMES CERTAIN ESTABLISHMENTS ARE PERMITTED TO BE OPEN TO THE PUBLIC. Sponsors: Representative B. Ennis, Senator Vaughn; Representatives Clark, Banning; Senator McBride. To: **Community/County Affairs**.

At 4:04 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 9th Legislative Day.

#### 9TH LEGISLATIVE DAY March 17, 1993

The Senate convened at 4:04 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Holloway.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

On motion of Senator Adams and without objection, the necessary rules were suspended to consider **SB 47**.

**SB 47** - AN ACT TO AMEND AN ACT, BEING CHAPTER 276, VOLUME 65, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN" REGARDING THE DEBT CEILING. (2/3 vote)

**SA 1 to SB 47** was introduced and brought before the Senate for consideration on motion of Senator Adams.

A roll call vote was taken and revealed 18 Senators voting YES, 3 (Cordrey, McBride, McDowell) ABSENT; therefore, **SA 1 to SB 47** was declared part of the bill.

Senators Hauge, Knox, Sokola, Venables and Voshell marked present during above roll call.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Cordrey, McDowell) ABSENT; therefore, **SB 47 w/SA 1** was declared passed the Senate and sent to the House for consideration.

Senator McBride marked present during above roll call.

Senator McBride rose to comment on **SB 33**.

Senator Torbert rose to comment on **SB 14**.

At 4:20 p.m., on motion of Senator Sharp, the Senate recessed until 2:00 p.m. March 18, 1993.

The Senate reconvened at 3:38 p.m. March 18, 1993 with Lt. Governor Minner presiding.

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

#### PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION March 18, 1993

The following legislation was introduced and assigned:

**SB 48** - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO LEGISLATIVE AUTHORITY; AND PROVIDING FOR INITIATIVE AND REFERENDUM. Sponsors: Senator McBride; Representative Oberle. To: **Insurance and Elections**.

**SB 49** - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO THE PROTECTION OF PRIVATE PROPERTY. Sponsors: Senator Venables; Senators Adams, Cordrey, Voshell. To: **Small Business**.

**SB 50** - AN ACT PROPOSING AN AMENDMENT TO THE DELAWARE CONSTITUTION RELATING TO TERM LIMITATIONS. Sponsors: Senator Hauge; Senators Bair, Neal; Representatives Bunting, Taylor. To: **Executive**.

**SB 51** - AN ACT TO AMEND CHAPTER 80, TITLE 15 OF THE DELAWARE CODE RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Sponsors: Senator Hauge; Senators Bair, Knox, Neal, Still; Representative Bunting. To: **Insurance and Elections**.

**SB 52** - AN ACT TO AMEND CHAPTER 16, TITLE 29 OF THE DELAWARE CODE RELATING TO LOBBYING AND EXPENDITURE OF STATE FUNDS. Sponsors: Senator Hauge; Senators Bair, Knox,



Neal, Still; Representatives Bunting, Smith, Taylor. To: **Finance**.

**SB 53** - AN ACT TO AMEND TITLE 18, DELAWARE CODE, RELATING TO INSURANCE COVERAGE FOR RENTALS OF MOTOR VEHICLES. Sponsor: Senator Holloway. To: **Insurance and Elections**.

**SB 54** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN GEORGETOWN HUNDRED, SUSSEX COUNTY, TO MR. & MRS. ALFRED CHAVEZ. Sponsors: Senator Cordrey; Senators Adams, Venables, Voshell; Representatives Carey, West. To: **Executive**.

**SB 55** - AN ACT TO AMEND CHAPTER 23, TITLE 30, DELAWARE CODE, RELATING TO OCCUPATIONAL LICENSES AND FEES. Sponsor: Senator Holloway. To: **Sunset**.

**SB 56** - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO PRIVATE PROPERTY. Sponsor: Senator Still. To: **Community/County Affairs**.

**SB 57** - AN ACT TO AMEND CHAPTER 42, TITLE 11, DELAWARE CODE, RELATING TO THE METHOD AND IMPOSITION OF SENTENCE OF DEATH. Sponsors: Senator Vaughn, Representative Roy. To: **Judiciary**.

**SB 58** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BUILDING AND LOAN ASSOCIATIONS. Sponsors: Senator Adams; Representative Ewing. To: **Banking**.

**SA 1 to SB 26** - Sponsor: Senator Sharp. Placed with the bill.

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Senators McDowell and Cordrey were marked present.

The following committee reports were announced:

From Administrative Services: **SB 28** - 4 Merits.

From Agriculture: **SB 20** - 3 Favorable, 1 Merit.

From Community/County Affairs: **SS 1 for SB 15** - 3 Merits; **SB 35** - 3 Merits; **SB 41** - 1 Favorable, 2 Merits.

From Insurance and Elections: **SB 26** - 6 Merits.

From Judiciary: **SB 21** - 4 Merits; **SB 22** - 1 Favorable, 3 Merits; **SB 23** - 4 Merits; **SB 34** - 4 Merits; **SB 17** - 4 Merits.

From Labor and Industrial Relations: **SB 18** - 3 Merits; **SB 29** - 3 Merits.

At 3:40 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 10th Legislative Day.

#### 10TH LEGISLATIVE DAY

March 18, 1993

The Senate convened at 3:40 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Venables.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 9**, **SCR 3**, **SCR 4**, **SCR 5**, **SCR 7** and **SCR 8**.

A letter to Senator Venables from Senator Hauge was read requesting to be added as a co-sponsor to **SB 32**. **SB 20** was brought before the Senate for consideration on motion of Senator Adams.

**SB 20** - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE REGARDING WAIVER OF REQUIREMENT FOR REGISTRATION OF FARM VEHICLES.

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

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:47 p.m.

At 4:18 p.m., the Senate reconvened with Senator Cordrey presiding.

Senators Torbert and Voshell marked present.

**SS 1 for SB 15** was brought before the Senate for consideration on motion of Senator Torbert.

**SS 1 for SB 15** - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO PROPERTY TAX EXEMPTION FOR CERTAIN PERSONS OVER 65 YEARS OF AGE.

Lt. Governor Minner presiding at 4:20 p.m.

Senator Bair commented. A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SS 1 for SB 15** was declared passed the Senate and sent to the House for consideration.

Senator McBride marked present during the above roll call.

On motion of Senator Adams and without objection, **SB 20** was lifted from the table and brought before the Senate for consideration.

SA 1 to SB 20, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Voshell.

Several Senators commented. A roll call vote was then taken and revealed 21 Senators voting YES; therefore, SA 1 to SB 20 was declared part of the bill.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, SB 20 w/SA 1 was declared passed the Senate and sent to the House for consideration.

SCR 11 was brought before the Senate for consideration on motion of Senator Adams.

SCR 11 - PROCLAIMING THE WEEK OF MARCH 16-22, 1993, AS DELAWARE AGRICULTURE WEEK AND REAFFIRMING THE SUPPORT OF THE GENERAL ASSEMBLY FOR DELAWARE'S NUMBER ONE INDUSTRY. Sponsors: Senators Adams and Representative Carey; Senators Cook, Cordrey, Vaughn, Venables, Still; Representatives Caulk, Lofink, Mack, Bunting, Clark, Schroeder.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, SCR 11 was declared adopted by the Senate and sent to the House for consideration.

On motion of Senator Adams and without objection, the necessary rules were suspended to consider the following nomination by the Governor.

**Carmen R. Nazario** - 21 Senators voting YES; therefore, the appointment was confirmed.

SR 8 was lifted from the table and brought before the Senate for consideration on motion of Senator Venables.

SR 8 - ESTABLISHING A SENATE TASK FORCE TO STUDY DELAWARE'S WORKMEN'S COMPENSATION LAW AND TO RECOMMEND ANY NEEDED CHANGES.

Several Senators commented. A roll call vote was taken and revealed 18 Senators voting YES, 2 (Marshall, McBride) NOT VOTING, 1 (Sharp) ABSENT; therefore, SR 8 was declared adopted by the Senate.

SENATE CONSENT CALENDAR #3 was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

SCR 9 - COMMENDING THE STAR ENTERPRISE DELAWARE CITY PLANT ON RECEIVING THE FIRST ROE PARTNERSHIP AWARD ESTABLISHED BY BETZ LABORATORIES, INC. TO RECOGNIZE ENVIRONMENTAL, HEALTH AND SAFETY INNOVATIONS. Sponsors: Senators Neal, Vaughn.

SCR 10 - COMMENDING CLEALYN B. WILSON, A FIRST GRADE TEACHER AT EAST ELEMENTARY SCHOOL, CAPITAL SCHOOL DISTRICT, DOVER, RECIPIENT OF THE DISTINGUISHED 1993 DELAWARE TEACHER OF THE YEAR AWARD. Sponsors: Senators Still, Torbert, Cook; Representatives Wagner, Bennett, Clark.

SCR 12 - RECOGNIZING MARCH 23, 1993 AS NATIONAL DIABETES ALERT DAY. Sponsors: Senator Marshall and Representative Maroney; All Senators and Representatives.

SCR 13 - COMMENDING AND CONGRATULATING THE SMYRNA HIGH SCHOOL WRESTLING TEAM AND ITS HEAD COACH, MIKE DULIN, FOR WINNING THE DIVISION II STATE WRESTLING TITLE. Sponsors: Senator Vaughn; Representative Ewing; Senator Cook; Representative Clark.

A roll call vote on SENATE CONSENT CALENDAR #3 was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, the Consent Calendar was declared adopted by the Senate and the Concurrent Resolutions were sent to the House for consideration.

At 5:03 p.m., on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. March 23, 1993.

The Senate reconvened at 1:53 p.m. March 23, 1993 with Lt. Governor Minner presiding.

The following committee report was announced:

From Judiciary: SB 10 - 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 37, HB 55, SB 47 w/SA 1 and SCR 11.

At 1:54 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 11th Legislative Day.

#### 11TH LEGISLATIVE DAY March 23, 1993

The Senate convened at 1:54 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Cordrey.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

Senators Marshall and Hauge marked present.

JOINT SESSION

## SENATE CHAMBER

March 23, 1993

Sergeant-at-Arms announced the arrival of the House members.

Senator Sharp moved that the House members be admitted into the Senate Chamber in preparation of the Joint Session.

The members of the House of Representatives were welcomed to the Senate Chamber.

Lt. Governor Minner invited Senator Cordrey and Speaker Spence to be her guests on the podium.

The Chief Justice of the Supreme Court, the Honorable Norman E. Veasey, and other members of the Judiciary were announced and admitted for the Joint Session.

The State elected officials were announced and admitted.

The Governor's Cabinet officials were announced and admitted.

At 2:03 p.m., Senator Sharp moved that the House and Senate meet in Joint Session for the purpose of hearing an address by Governor Thomas R. Carper. No objection.

Senator Sharp moved that Lt. Governor Minner preside as President over the Joint Session. No objection.

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

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

The Lt. Governor appointed Senators Holloway (spokesperson) and Knox; Representatives Bradley and Fallon to form the committee to escort the Governor to the Chamber.

Lt. Governor Minner introduced a group of students in the balcony.

At 2:05 p.m., the Lt. Governor declared a brief recess to await the arrival of the Governor and reconvened the Joint Session at 2:06 p.m.

The Sergeant-at-Arms announced the Honorable Thomas R. Carper, Governor of the State of Delaware.

The Governor and his escort committee were admitted and Senator Holloway introduced the Governor to the Joint Session.

Lt. Governor Minner welcomed the Governor to the Joint Session and the Governor addressed the Joint Session as follows:

GOVERNOR THOMAS R. CARPER  
ADDRESS TO JOINT SESSION OF THE LEGISLATURE  
LEGISLATIVE HALL  
DOVER, DELAWARE  
MARCH 23, 1993

Thank you very much Lieutenant Governor Minner, President pro Tem Cordrey, Speaker Terry Spence, members of the 137th General Assembly, Members of our judiciary, statewide elected officials, members of my cabinet, fellow Delawareans:

I am honored and privileged to have this opportunity to carry on an important Delaware tradition by speaking before this Joint Session of the General Assembly.

Sixteen years have passed since I sat in the chamber just on the other side of that hallway with many of you and heard a new governor -- also fresh from Capitol Hill -- address a Joint Session of the General Assembly on the state of our state and what he believed we should do about it. The first few months of that administration were rocky ones -- as indeed they are for most new administrations -- but that Governor assembled a quality team which ultimately governed this State well -- in concert with Democrats and Republicans in the General Assembly.

We haven't had a real transition in State government since that time. This week, as our nation emerges from winter into spring, my young administration emerges from a period of transition to begin the real work of governing -- in cooperation with each of you. My team is now in place and I believe it's a good one. I want to thank the Executive Committee Chairman Thurman Adams and the entire Senate for their support in the confirmation process. I look forward to seeing it completed. Next week, I will send to the Senate my nomination for Adjutant General.

Today, I would like to talk with you about what my administration will concentrate on this year. I want to focus on six issues: the State's FY 1994 budget; building a vibrant economy; promoting clean air for a healthy environment; improving the effectiveness and the integrity of our government; strengthening our families; and revitalizing our schools.

Though the elements of my agenda are diverse, they are linked by common principles: that Delaware must leverage its limited resources through partnerships among governments, nonprofit organizations, and the private sector; that some old ways of doing business must give way to more effective means of governing; and that State government should be open to citizen input and be accountable for its performance.

Let me say from the outset that I will not ask this Legislature to take on extensive new initiatives this year. I will not ask you to pass legislation just for the sake of legislating. But what I will ask from you, in my view, will be critical to our State and its people. A number of the goals I have established can be achieved during this legislative session -- others will take longer.

Relative to neighboring states, we start from a position of strength, born of a tradition of fiscal integrity that this General Assembly, and the governors who have preceded me, have made possible.

Today, we are one of only 12 states with a AA plus bond rating or better. That standing saves our State millions of dollars each year in interest charges and further underscores our financial well-being.

I believe that we can pursue important new initiatives and keep the budget balanced.

Indeed we must.

I want to commend the Joint Finance Committee, under the leadership of Representative Rich Davis and Senator Nancy Cook, for their hard work thus far this year. Thank you. The budget presented by the Castle Administration in January leaves little room for maneuvering. While it is one that I largely agree with, I will begin to outline this afternoon some ideas that reflect my priorities and I hope some of yours.

I do so, recognizing that the latest numbers from DEFAC on projected revenues are not encouraging. The March figures predict only very modest revenue increases for FY 1994. Both the Administration and the General Assembly must avoid building into the base of future budgets spending that may not be backed up by available revenues in the years ahead.

We have inherited several major fiscal problems: a vastly overcommitted Transportation Trust Fund; an adult corrections system that is again bulging at the seams; and a Children's Department in need of an overhaul and significant additional resources. We are reshaping policies and priorities in each of these areas, and will continue to do so throughout the coming year.

I would also like to improve upon the one percent increase provided in the Castle budget for State employee salaries. I do so, bearing in mind that every additional percent will cost more than \$6 million.

Let me mention two other aspects of the Castle budget which have drawn public attention -- the 10 percent local share for pupil transportation and the responsibility and control of dog control management.

I recognize that neither proposal meets with widespread support in this chamber today, but both represent areas where State government has assumed too much of the responsibility for what are entirely, or at least in part, matters of local jurisdiction.

Working under these tight budget constraints is a pointed reminder that our state's financial health, and the financial health of every Delaware family, depends on the strength of our economy.

Making our economy strong is a priority of my Administration which is second to none.

This Administration had not yet taken wing when we heard the news of the scheduled closing of the General Motors plant in New Castle County. Our response has been quick. I have traveled already to Detroit and Kentucky to visit with top management from General Motors, Ford, and Toyota to discuss options for the Boxwood Road Plant. The first legislation I signed as Governor -- introduced by Senator Patti Blevins and Representative John Van Sant, and co-sponsored I believe by all of you -- created the GM Task Force.

I am pleased to announce today that the Task Force will be led by Irving Shapiro, former Chairman of the DuPont Company. We will do all that we can to keep those workers employed, while aggressively pursuing a strategy to secure Delaware's manufacturing base. One element of that initiative will be the creation of a manufacturing extension service similar to the successful agriculture extension service, and capitalizing on a half-billion dollar proposal from the Clinton Administration.

During the campaign, I outlined a four-part strategy that emphasized a top-notch work force, responsive government, infrastructure development, and a "grow our own" philosophy to create new jobs. The strategy is designed to keep Delaware competitive in the global economy, by focusing our resources and partnering with local governments, with universities, businesses, and labor organizations.

We are already implementing that strategy in several important ways:

In the area of work force development, Delaware will be ready to participate in the \$270 - million national youth apprenticeship initiative announced already by President Clinton.

Development Director Bob Coy, Labor Secretary Darrell Minott and Superintendent Pat Forgione are collaborating on a youth apprenticeship program that will emphasize strong technical and academic training to prepare students to succeed in the workplace of the future, where continuous learning and retraining will be the norm.

The Development Office is also negotiating with Chrysler to provide training to the work force at the Newark plant to prepare for building the Dodge Intrepid later this year. This is in addition to retraining efforts already underway at Delaware Technical and Community College.

To improve government responsiveness, I have asked DNREC Secretary Christophe Tulou, DelDot Secretary Anne Canby, and Agriculture Secretary Jack Tarburton to work with the Development Office to streamline the State's permitting processes, and to develop legislation for expedited permitting for high-priority economic development projects.

I have also directed DNREC to use an approach to environmental enforcement which relies more on education and helping people to comply with our environmental laws. DNREC and the Department of

Agriculture have already begun exploring ways to help the agriculture community meet State environmental standards in more cost-effective ways.

To help "grow our own" Delaware businesses, several important initiatives are also underway.

The Delaware Development Office has begun to redirect its staff to emphasize helping existing businesses to grow.

With your help, the State's Small Business Development Center plans to expand to Kent and to Sussex Counties, with offices at the Delaware State College and DelTech's Georgetown campus.

The Development Office and the Department of Agriculture are collaborating with the Port of Wilmington to assist farmers and food processors as they seek to maximize export opportunities. I believe agriculture will continue to be a growth industry in our State, and can help "grow" blue collar jobs at the Port of Wilmington, as well.

The Development Office and the State Housing Authority are working on a comprehensive strategy to help revitalize distressed neighborhoods which link economic development and housing activities. Our State has already benefited from millions of dollars flowing into low-income areas from investments spurred by the federal Community Reinvestment Act. I believe we can build on past successes and, with the help of our state's financial institutions, grow communities from within by combining housing initiatives with capital access and technical assistance programs which nurture small business and entrepreneurs.

In anticipation of the Clinton Administration moving research and development money away from defense and into commercial applications, I will create a Delaware Technology Advisory Committee. This group will be comprised of representatives from business, from government, from academia, and our Congressional delegation, to identify and seize opportunities for federal research and for development funds.

And finally, our economy cannot grow without adequate infrastructure. This Administration has begun a serious review of the State Chamber of Commerce's report on water and wastewater infrastructure. That report supports my call for careful review of State-funded projects to guarantee that tax dollars are being wisely used. We now must agree on how to fund our growing need in this area. I will work with the State Chamber and with you in the General Assembly to develop that consensus this year.

Maintaining an adequate infrastructure means more than water lines, more than sewers and more than highways -- though each is critical. Our infrastructure in Delaware, in this state needs also include maintaining the natural beauty of our beach, our parks and our open spaces, and even the clean air that we breathe.

This afternoon, I want to discuss an issue that concerns many legislators, and very soon, will confront every Delawarean -- and that is the federal Clean Air Act.

The Clean Air Act isn't just another federal mandate imposed unfairly on the states.

Congress passed the Clean Air Act, and President Bush signed it into law, why, because we have serious air pollution problems in this country -- problems that are damaging our environment and problems that are damaging our health.

Northern Delaware is in one of the seven worst areas in America for ozone pollution. The rest of Delaware also falls below safe standards for ozone pollution.

To ignore these air quality problems, and to reject these federal standards, means more than the loss of \$73 million federal dollars in transportation funds -- though I would point out that we would have to raise the gasoline tax in this State by roughly 18¢ per gallon to compensate for that loss.

Our dirty air poses a special risk to our children and to the elderly. Kids at play are more likely to develop respiratory problems and lung disease because of ozone.

Implementation of the Clean Air Act will mean changes in the lives of every Delawarean, and those changes will take some getting used to. We will have to drive our cars less and commute more with colleagues to work and some of us may even take up driving to work in mini-vans. Car inspection will cost more and will take longer. But I believe that ultimately these sacrifices are worthwhile for cleaner air.

I have heard some say that the Clinton Administration or Congress will roll back the Clean Air Act. Don't count on it. Neither has shown any inclination to reopen the issue. In fact, the EPA is already holding up nearly \$2 million of our federal transportation money because we are moving too slowly in Delaware.

To rectify that, I am reconstituting the Clean Air Task Force. It will be chaired by Transportation Secretary Anne Canby.

I will ask the General Assembly to pass legislation required for Clean Air Act implementation. The first will establish an air permitting program for major facilities emitting air pollutants.

The second will impose a fee schedule on those facilities for the purpose of administering the permit program and related activities. The fees will also fund a business assistance program to make compliance easier.

A third piece of legislation will establish enforcement provisions necessary for the EPA to approve Delaware's employee commuter plan.

Finally, I will need your help in developing a workable plan that will allow the enhanced inspection requirements of the Clean Air Act to be performed outside of State government. I understand the difficult issues that are involved, not the least of which are the State employees who may be affected. We need to work together to make that transition smooth, and to minimize the disruption in the lives of Delawareans, including those employees.

The Clean Air Act not only makes sense for our health, but also helps us to focus on the complicated -- and often times contradictory -- challenges of land use planning, infrastructure, and economic development.

I believe we need a statewide vision and plan for transportation, for land use, for air quality and development which involves all levels of government. It is not something that will happen easily or overnight, but with groups like WILMAPCO and the newly formed Dover Metropolitan Planning Organization, some of these pieces have already begun to take shape.

I will ask leaders in all three counties and the City of Wilmington to work with my Administration to begin developing a long-range plan this Spring.

From this effort, we can realize tremendous long-term savings one in infrastructure costs, preserve more open spaces, and also reduce traffic gridlock.

I think we all realize that various levels of government in Delaware can function more effectively by coordinating our efforts. The same can be said within State government.

Across America, state governments are taking a hard look at themselves; rethinking their purpose; refining the way they do business; and yes, sometimes even "reinventing" themselves.

Last month, I appointed a 12-member Commission, chaired by Lieutenant Governor Ruth Ann Minner, to begin the task of examining how we might make changes in our government structure to help us perform our jobs more effectively. Delaware taxpayers deserve no less.

Each of us has questioned whether we might be able to make government operate better in some way.

Is it time to rethink the organization of our public education system?

Are we properly coordinating the delivery of social services in our State.

Do we have land use, transportation and other infrastructure policies that preserve open space, that reduce air emissions, and promote long-term economic growth?

These questions, and many others like them, are critical to our State's future.

Of course, this Commission won't solve every problem facing government today, but it can help us redirect resources and enable us to do more -- without a great deal more revenue.

I have no intention of raising personal income taxes on Delawareans. We must rely on making better use of the resources now at our disposal.

Some changes have already been identified:

--For years, the Bond Bill for our capital improvement program has been the responsibility of the Delaware Development Office, the State's economic development agency. I believe it makes good business sense to have the Bond Bill handled by the Budget Office so that our Development Director can devote his full attention to promoting jobs and economic growth. I will send to the General Assembly legislation to make that change and I hope you will support it.

--Our State passenger fleet of more than 1,600 vehicles is too large, too old, too costly, and inequitably distributed among State agencies. At my direction, Administrative Services Secretary Vince Meconi is developing a plan that can save the State millions of dollars; reduce the fleet by half; cut the average age from six years to less than three; reduce maintenance costs; and contribute to the State's Clean Air Act compliance.

--And government effectiveness goes beyond the Executive Branch. With your help, I will sign into law legislation to add two new judges and Court Commissioners to the Superior Court, funding them with increased fees in the Justice of the Peace Courts. But, adding new judges is not enough. Several distinguished committees of the Bar have recommended the consolidation of the Common Pleas and Superior Courts, and other efficiencies to help unclog the Superior Court's docket. I want to work with the Judiciary and with the General Assembly to implement those recommendations.

These changes are merely a down payment on what I believe will be a productive and thorough review of how our State government operates.

In looking for new and better ways to govern, we need also to look at ourselves and ways we can better uphold the trust of the people we serve.

Last Friday, my Cabinet and senior staff held a three-hour ethics seminar at Buena Vista in which we discussed the rules of proper conduct for the Executive Branch. I will soon issue an Executive Order on meals, gifts and travel by Executive Branch officers.

When the Legislature returns from its Easter break, I will send you a legislative package that includes important reforms on lobbying the Executive Branch; gift limits; strengthening Delaware's campaign finance laws; establishing a public integrity commission with adequate resources to do its job; and improving public access to financial disclosure and campaign reports about public officials and candidates.

And when you send me a "motor voter" bill, I will sign it.

Most of all, I want my Administration to be accessible and accountable to members of the Legislature and to every citizen in this State. It's time, as Transportation Secretary Anne Canby likes to say, to "pop the hood" on State government.

She is already beginning to transform her Department, long identified as a place where many decisions were made behind closed doors, into one that treats citizens like valued customers and takes the concerns of communities seriously.

I want every department of our government to do the same.

I don't want to leave anyone here today thinking that this governor wants change just for the sake of change - but some change is long overdue.

The Children's Department has languished for too long, and it's time for change.

Last December, I asked Tom Eichler to take over this troubled Department, taking what I viewed then, and what I view now, to be one of the toughest jobs in State government.

Secretary Eichler has already begun to take a fresh and systematic look at the service delivery and capacity of his new department.

I am committed to developing the capacity of the Children's Department, and that of our entire Administration, to partner with families in proactive and preventive ways. We need to get beyond the point of reacting to individual crises, to the point where we are actively working with families to keep them together whenever possible.

There are some issues that must be addressed now. We must find a lasting solution to the problems at the Ferris School.

The inadequacies of our Youth Rehabilitation Program have been debated for years. When I selected Tom Eichler to take his new job, I told him that his first mission was to forge consensus behind a youth rehabilitation reform proposal. He is already making headway with new dispositional guidelines -- being piloted in New Castle County -- to provide children with services tailored to their needs.

This spring, my Administration will present a plan to the General Assembly to address a whole range of youth rehabilitation issues -- from the lack of alternatives for kids who don't need to be in secure care facilities, to problems at Ferris itself. I am confident that, with your help, we can implement that reform plan this year.

I must be candid with you. I must be candid with you. We will need additional resources to make the Children's Department run the way it must. I need for the General Assembly to work with me to find the money to pay for it.

Despite the daunting task at the Children's Department, I am heartened to find others who share our commitment to strengthening families. The Business/Public Education Council has already shared with me their desire to help us better address the needs of families to assure that youngsters showing up for school are ready to learn. Programs like Parents as Teachers, and others throughout the State, are working to teach parenting skills and to train parents to be their children's first teacher. Both are critical undertakings if our kids are to enter the first grade ready to compete and ready to succeed.

What's lacking is a coordinated effort to ensure that all these efforts complement each other.

In the end, what we seek to create are strong and effective linkages between community partners, schools and the State's network of service centers -- to serve families in a new, "family-friendly" way. I will soon sign an Executive Order creating a Cabinet Council, comprised of Health and Social Services Secretary Carmen Nazario, Children's Department Secretary Tom Eichler, and State Superintendent of Public Schools Pat Forgione. They will be responsible for, among other things, coordinating Delaware's social service efforts and bringing them closer to our schools and to the many youngsters who need them.

Four years from now, four years from now, I want us to ensure that every elementary school has a counselor and that every high school has a wellness center for its students. As revenues become available this year, I will ask the General Assembly to fund additional wellness centers and counselors.

In the area of health care reform, we have already undertaken some important changes. In much the same way that we are considering "reinventing" our government, the Health Care Commission is now, in a sense, reinventing itself to prepare for the next step in health care reform here in Delaware --formulating a comprehensive strategy for our State. We are committed to charting a course which is consistent with the national health care reform plan being developed in Washington, and which may serve as a model for other states to emulate.

The Health Care Commission, under the new leadership of Sally Gore, will begin to lay the groundwork for systemic changes in the months ahead. As they do so, they will work closely with the Nemours Foundation to get their proposed children's clinics up and running, while evaluating the managed-care demonstration project that has already been launched.

Just as we are committed to ensuring that children have healthy bodies as they enter school each morning, we are equally committed to ensuring that they enter an environment which is conducive to quality interaction and quality learning.

We are entering an exciting new era in education. Under the leadership of the State School Board and the Department of Public Instruction, Delaware is implementing a coherent education reform agenda that encompasses issues from early childhood to work force readiness. The centerpiece of New Directions is holding all students to the same high standards and measures of performance, and ensuring equity for all Delaware children.

I want Delaware's education system to be the envy of this nation.

To continue moving forward, we need the General Assembly to require that local school districts provide assured funding for New Directions.

Other education initiatives that I want our State to undertake this year include:

--Developing a vigorous minority teacher recruitment effort to help local school districts attract and retain

talented minority teachers;

--Using recommendations from the School Discipline Task Force, created by this General Assembly, to increase the uniformity and the fairness of school discipline codes and make schools places that are free of violence and conducive to learning;

--Holding schools accountable by publishing individual school profiles which benchmark the achievements of schools against the new assessments being used in New Directions; and, finally,

--Increasing the Governor's flexibility to appoint the best School Board possible. Certainly, the State School Board should have representation from local boards of education, but it does not necessarily need four of its seven members to have local board experience. HB 17, sponsored by Representative Liane Sorenson and Senator Dave Sokola, would provide for at least two members with local board experience, but would also allow for greater diversity on the State Board. I request its swift passage, so that I may make new State Board appointments this spring.

I cannot leave education reform issues without speaking directly to the desegregation case in New Castle County.

In recent months, I have been working closely with our Attorney General and with School Board President, Paul Fine, on the issue of federal court supervision of the New Castle County Schools. I want to share with you the direction we are taking.

In many respects, we have a proud history here in Delaware. But like every other State in the union, the history of our treatment of African-Americans and other minorities has often been characterized by its unfairness.

The unequal treatment of African-Americans in Delaware was visited upon black children as forcefully as it was upon adults. When the United States Supreme Court decided the historic case of Brown v. The Board of Education, it also affirmed a Delaware case requiring school integration.

But more than 20 years later, another federal court ruled that Delaware schools in New Castle County were still violating the rights of black children. The desegregation order that resulted is one that most of us remember well, and one that much of New Castle County lives with to this day.

Fifteen years have passed since the desegregation order was implemented. Thousands of Delaware children have been educated at fully-desegregated schools.

I want to say very clearly that it is the policy and the Constitutional responsibility of this State to provide an excellent education and an equal opportunity for a better life to every single child -- regardless of the color of their skin, regardless of whether that child lives in Greenwood or lives in Greenville.

I will never waver from that responsibility.

We will meet our responsibility to provide an equal education without a federal court's supervision. We intend to move forward later this year with an initiative to lift the federal court order.

But we will not turn back the clock. We will move forward, fully committed to racial equality and with the flexibility to give our kids the best education possible.

Our goal is to improve the education system for every child in every county of our State.

Let me close by saying that in the weeks to come, we will be sending to the General Assembly legislation enabling us to do many of the things that I have outlined for you today. We also want to work with the leadership of both chambers and with individual members on your ideas to improve our State.

As we learn and as we grow, I want each member of this General Assembly to know that the members of my Administration value your insight and value your guidance, and we respect your constitutional prerogatives as a co-equal branch of our government. I intend for our Administration to work in a cooperative and a bipartisan way to serve, with you, the people of our State.

Together, Delaware can move confidently toward the 21st century. The talent and experience in this room, in this Chamber and in this State, can surely meet any challenge that the future may hold for us.

Thank you very much.

Lt. Governor Minner thanked the Governor for his Address and instructed the Escort party to escort Governor Carper back to his office.

Senator Sharp moved that the Secretaries of the Joint Session compare their Journals to see if they agree.

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

At 2:41 p.m. Senator Sharp moved that the Joint Session be adjourned and that the two Houses reconvene in their respected chambers.

At 2:43 p.m. on motion of Senator Sharp, the Senate recessed.

At 4:20 p.m., the Senate reconvened with Lt. Governor Minner presiding.

The Secretary announced that a message from the Chief Clerk of the House indicated that Representative Maroney signed **SCR 4** to be an additional co-sponsor.

**SENATE CITATION ANNOUNCEMENT #1** containing S137:001 - 064 inclusive was introduced and a copy made available upon request. A copy of this announcement is on file for this legislative day.

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



## PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION

March 23, 1993

The following legislation was introduced and assigned:

**SB 59** - AN ACT TO AMEND CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO" AS AMENDED, TO REVISE THE PROCEDURES FOR REGISTRATION OF VOTERS. Sponsors: Senator Cordrey and Representative West.

To: **Community/County Affairs.**

**SB 60** - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO HAZARDOUS DUTY PAY. Sponsors: Senator Torbert; Representatives Bennett, Buckworth, Caulk; Senator Still. To: **Finance.**

**SB 61** - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO ASSAULT IN THE SECOND DEGREE. Sponsor: Senator Torbert. To: **Judiciary.**

**HB 37** - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE 4, SECTIONS 12, 13, AND 38 OF THE CONSTITUTION OF THE STATE OF DELAWARE TO HARMONIZE THOSE SECTIONS REGARDING THE AUTHORITY OF A JUSTICE UNDER SECTIONS 12, 13, AND 38 TO DESIGNATE STATE JUDGES TO SIT IN VARIOUS COURTS OF THE STATE OR TO DESIGNATE RETIRED STATE JUDGES OR JUSTICES TO TEMPORARILY PERFORM JUDICIAL SERVICE IN THE ABSENCE, DISQUALIFICATION OR INCAPACITY OF THE CHIEF JUSTICE OR A VACANCY IN THAT OFFICE, AND TO HARMONIZE SECTION 13 WITH SECTIONS 2, 3, AND 12 TO MAKE UNIFORM THE REFERENCES THEREIN TO MEMBERS OF THE SUPREME COURT, TO ELIMINATE OBSOLETE REFERENCES IN SECTION 13 TO THE ORPHANS' COURT, WHICH NO LONGER EXISTS, AND TO PROVIDE FOR THE DESIGNATION OF A STATE JUDGE FROM VARIOUS COURTS OF THE STATE TO SIT IN THE COURT OF CHANCERY AND SUPERIOR COURT TO TEMPORARILY PERFORM JUDICIAL SERVICE. Sponsors: Representative Amick; Senator Sharp. To:

**Judiciary.**

**HB 55** - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, BEING THE CHARTER OF THE CITY OF DOVER, RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR REFUNDING PURPOSES. Sponsors: Representatives Bennett, Wagner; Senators Still, Torbert. To: **Community/County Affairs.**

**SA 1 to SB 24** - Sponsor: Senator Torbert. Placed with the bill.

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**SB 35** was brought before the Senate for consideration on motion of Senator McBride.

**SB 35** - AN ACT TO AMEND CHAPTER 26, TITLE 9 OF THE DELAWARE CODE, RELATING TO THE AMORTIZATION OF NON-CONFORMING USES.

The privilege of the floor was granted to Michael Reynolds, Senate Attorney.

Several Senators commented. The witness was excused and the bill was laid on the table on motion of Senator McBride.

Senators Neal and McDowell were marked present.

At 4:43 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m. March 24, 1993.

The Senate reconvened at 4:07 p.m. March 24, 1993 with Lt. Governor Minner presiding.

The following committee reports were announced:

From Banking: **SB 58** - 3 Merits.

From Community/County Affairs: **SB 59** - 4 Merits; **HB 2** - 4 Merits; **HB 55** - 4 Merits.

From Public Safety: **SB 32** - 4 Merits; **SB 44** - 4 Merits; **SB 45** - 4 Merits.

The Secretary announced that a message from the Chief Clerk of the House indicated that Representative Ewing signed **SB 20** to be an additional co-sponsor on March 23, 1993.

Senator Martin marked present.

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

**LEGISLATIVE ADVISORY #4**, dated March 24, 1993. The following legislation was signed by Governor Thomas R. Carper on the date indicated:

**SB #47 aab SA 1** - 3/19/93 - AN ACT TO AMEND AN ACT, BEING CHAPTER 276, VOLUME 65, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN" REGARDING THE DEBT CEILING. (Sen. Adams and Reps. West and Carey) (Volume 69, Chapter 5, Laws of Delaware).

\* \* \* \* \*

The Secretary announced that a message from the House informed the Senate that it had passed **HB 20 w/HA 1** and **HB 35**.

At 4:10 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 12th Legislative Day.

12TH LEGISLATIVE DAY  
March 24, 1993

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

A prayer was offered by Senator Torbert.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

**PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION**  
**March 24, 1993**

The following legislation was introduced and assigned:

**SB 62** - AN ACT TO AMEND CHAPTER 8, TITLE 29 OF THE DELAWARE CODE RELATING TO COMPOSITION AND REAPPORTIONMENT OF THE GENERAL ASSEMBLY. Sponsor: Senator Knox. To: **Executive**.

**SB 63** - AN ACT TO AMEND CHAPTER 58, TITLE 29 OF THE DELAWARE CODE RELATING TO THE CODE OF CONDUCT. Sponsor: Senator Still. To: **Executive**.

**SB 64** - AN ACT TO AMEND CHAPTER 58, TITLE 29 OF THE DELAWARE CODE RELATING TO THE CODE OF CONDUCT. Sponsors: Senator Still; Senators Bair, Hauge. To: **Executive**.

**HB 20 w/SA 1** - AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO THE CONTROLLED SUBSTANCES ACT AND ANABOLIC STEROIDS. Sponsors: Representatives Oberle & Amick; Senator Vaughn. To: **Committee to Combat Drug Abuse**.

**HB 35** - AN ACT TO AMEND CHAPTER 22, TITLE 25 OF THE DELAWARE CODE RELATING TO UNIT PROPERTIES. Sponsors: Representative Amick; Senator Neal; Representative D. Ennis. To: **Community/County Affairs**.

**SA 1 to SB 22** - Sponsor: Senator Adams. Placed with the bill.

**SA 1 to SB 34** - Sponsor: Senator McBride. Placed with the bill.

**SA 2 to SB 34** - Sponsor: Senator McBride. Placed with the bill.

**SA 1 to SB 35** - Sponsor: Senator McBride. Placed with the bill.

**SA 1 to SB 42** - Sponsor: Senator Holloway. Placed with the bill.

**SA 1 to SB 45** - Sponsor: Senator Voshell. Placed with the bill.

\* \* \* \* \*

Senator Adams requested the personal privilege of the floor to congratulate Senator Martin on the birth of his twin grandchildren.

Senator Bair requested the personal privilege of the floor to congratulate Senator Connor on receiving an award from the Delaware Bar Association.

**SB 23** was brought before the Senate for consideration on motion of Senator McBride.

**SB 23** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO SECRECY IN LITIGATION.

A copy of a news article appearing in the News Journal Papers dated February 24, 1993 was given to members of the Senate and excerpts were read by Senator McBride, however, it was not read for the purposes of the journal, but it was made part of the records for this legislative day.

The privilege of the floor was granted to Joseph J. Rhoades, private attorney, for the purpose of discussing **SB 23**.

Several Senators entered into a discussion with the witness.

Senators Holloway, Neal and Marshall were marked present during the questioning of the witness.

The witness was excused.

A roll call vote was then taken and revealed 4 Senators (Blevins, Marshall, Martin, McBride) voting YES, 13 NO, 3 (Holloway, McDowell, Torbert) NOT VOTING, 1 (Still) ABSENT; therefore, **SB 23** was declared defeated by the Senate.

**SR 12** was brought before the Senate for consideration on motion of Senator Holloway.

**SR 12** - EXTENDING BEST WISHES AND A SPEEDY RECOVERY TO MRS. JUDITH SHARP, WIFE

OF SENATE MAJORITY LEADER, THOMAS B. SHARP. Sponsors: Senator Holloway and all Senators.  
A roll call vote was taken and revealed 20 Senators voting YES, 1 (Still) ABSENT; therefore, **SR 12** was declared adopted by the Senate.

**SJR 8** was read in and laid on the table on motion of Senator Sokola.

**SJR 8** - RECOGNIZING DELAWARE TECHNICAL & COMMUNITY COLLEGE IN CELEBRATING NATIONAL COMMUNITY COLLEGE MONTH. Sponsors: Senator Sokola and Representative Sorenson.

**SR 13** was brought before the Senate for consideration on motion of Senator Bair, however, Senator Sharp moved to place the Resolution in the **Executive Committee**. Senator Bair objected therefore, a roll call vote was taken to place **SR 13** in the **Executive Committee**. The roll call vote revealed 15 Senators voting YES, 5 (Bair, Connor, Hauge, Knox, Neal) NO, 1 (Still) ABSENT; therefore, **SR 13** was placed in the **Executive Committee**.

At 5:18 p.m., on motion of Senator Sharp, the Senate recessed until 2:00 p.m. March 25, 1993.

The Senate reconvened at 2:03 p.m., March 25, 1993 with Senator Cordrey presiding.

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

### **PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION March 25, 1993**

The following legislation was introduced and assigned:

**SR 14** - IN REFERENCE TO THE TEMPORARY RULES OF THE DELAWARE STATE SENATE.

Sponsors: Senator Hauge; Senators Bair, Connor, Knox, Neal and Still. To: **Rules Committee**.

**SA 2 to SB 26** - Sponsor: Senator Hauge. Placed with the bill.

\* \* \* \* \*

The following committee reports were announced:

From Administrative Services: **SB 24** - 4 Merits.

From Health and Social Services: **SB 43** - 4 Merits; **SB 46** - 4 Merits.

The Secretary announced that a message from the Clerk of the House indicated that Representative Buckworth signed **SCR 10** and **SCR 13** to be an additional co-sponsor on March 24, 1993.

The Secretary announced that a message from the House informed the Senate that it had passed **HCR 9** and **HCR 10**, **SCR 9**, **SCR 10**, **SCR 12** and **SCR 13**.

The Secretary announced a typographical correction to **SENATE CONSENT CALENDAR # 2**. A copy of the consent calendar is on file for this legislative day.

At 2:05 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 13th Legislative Day.

### **13TH LEGISLATIVE DAY March 25, 1993**

The Senate convened at 2:05 p.m. with Senator Cordrey presiding.

A prayer was offered by Senator Venables.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Torbert, Vaughn, Venables, Voshell - 20, 1 (Still) ABSENT.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

**SB 26** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 26** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION INSURER'S SUBROGATION RIGHTS AND TITLE 21 OF THE DELAWARE CODE RELATING TO INSURANCE BENEFITS.

**SA 1 to SB 26**, which had been placed with the bill, was brought before the Senate for consideration on motion of Senator Sharp.

Senator Hauge marked present.

A roll call vote was taken and revealed 15 Senators voting YES, 6 (Blevins, Cook, Marshall, Martin, Still, Torbert) ABSENT; therefore, **SA 1 to SB 26** was declared part of the bill.

Senators McBride, Neal and Voshell were marked present during the above roll call.

**SA 2 to SB 26** was brought before the Senate for consideration on motion of Senator Hauge.

A roll call vote was taken and revealed 15 Senators voting YES, 6 (Blevins, Cook, Marshall, Martin, Still, Torbert) ABSENT; therefore, **SA 2 to SB 26** was declared part of the bill.

**SB 26 w/SA 1 & 2** was now before the Senate. The privilege of the floor was granted to Beverly L. Bove, representing Tomor, Seminoff, and the Delaware Trial Lawyers Association.

Senators Bair and Neal questioned the witness, after which the witness was excused.  
Senator Bair asked for privilege of the floor for Clifford B. Hearn, Jr., representing American Insurance Association.

Lt. Governor Minner presiding at 2:32 p.m.

Senators Hauge and Sharp questioned the witness, after which the witness was excused.

Senator Sharp again asked for the privilege of the floor for Beverly Bove. The witness was excused.

Senator Bair asked for privilege of the floor for W. Laird Stabler, III, representing State Farm Insurance.

Several Senators entered in discussion with the witness, after which the witness was excused.

Senators Marshall and Torbert were marked present during discussion with above witness.

Beverly Bove was again given privilege of the floor on motion of Senator Sharp. The witness was excused.

A roll call vote was taken and revealed 15 Senators voting YES, 3 (Bair, Knox, Neal) NO, 3 (Blevins, Cordrey, Still) ABSENT; therefore, **SB 26 w/SA 1 & 2** was declared passed the Senate and sent to the House for consideration.

Senators Cook and Martin were marked present during the above roll call.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:28 p.m.

At 4:10 p.m., the Senate reconvened with Senator Cordrey presiding.

**SB 21** was brought before the Senate for consideration on motion of Senator Torbert.

**SB 21** - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO PROTECTION OF PUBLIC EMPLOYEES REPORTING SUSPECTED VIOLATION OF LAW.

**SA 1 to SB 21**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Torbert.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Blevins, Still) ABSENT; therefore, **SA 1 to SB 21** was declared part of the bill.

Lt. Governor Minner presiding at 4:12 p.m. during the roll call for the above amendment.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Blevins, Still) ABSENT; therefore, **SB 21 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 58** was brought before the Senate for consideration on motion of Senator Adams.

**SB 58** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO BUILDING AND LOAN ASSOCIATIONS.

Several Senators commented. A roll call vote was taken and revealed 19 Senators voting YES, 2 (Blevins, Still) ABSENT; therefore, **SB 58** was declared passed the Senate and sent to the House for consideration.

**SB 41** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 41** - AN ACT TO AMEND THE LAWS OF DELAWARE, VOLUME 66, CHAPTER 291, AS AMENDED, BEING THE CHARTER OF THE TOWN OF CLAYTON, TO CHANGE THE FISCAL YEAR. (2/3 vote)

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Blevins and Still) ABSENT; therefore, **SB 41** was declared passed the Senate and sent to the House for consideration.

**SB 10** was brought before the Senate for consideration on motion of Senator McBride.

**SB 10** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE, RELATING TO THE OFFENSE OF PATRONIZING A PROSTITUTE. (2/3 vote)

A communication was read stating that Representative Reynolds withdrew his name as a co-sponsor to **SB 10**.

**SA 1 to SB 10** was brought before the Senate for consideration on motion of Senator McBride.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Blevins, Still) ABSENT; therefore, **SA 1 to SB 10** was declared part of the bill.

**SB 10 w/SA 1** was now before the Senate. Senator McBride requested that the following correspondence be read in and made part of the journal.

City of Wilmington  
Delaware

January 19, 1992

Senator David B. McBride  
Delaware State Senator  
Legislative Hall  
Dover, DE 19901

Senator McBride:

The Wilmington Department of Police has had the opportunity to review the draft bill relating to the proposed changes in our current "Patronizing a Prostitute" Statute. The Wilmington Department of Police fully supports this concept and we view it as a valuable deterrent to those who consider violating this Statute. We feel that in

light of the ever increasing problem with sexually transmitted diseases, the recent homicide of known prostitutes, the fact that illegal substances are becoming the means of payment and the rash of "ripping off the Johns", that such measures will have a positive impact on the quality of life for the citizens of our State. We thank you for promoting such a timely concept and are offering our support for the record. If we can be of any assistance in passing this bill, please feel free to contact us.

Sincerely,  
(Signed) Samuel D. Pratcher  
Chief of Police  
Wilmington Department of Police  
\* \* \* \* \*

The privilege of the floor was granted to Captain Raymond W. Hancock, Commanding Officer of the Delaware State Police Special Investigations Section.

Several Senators commented. The witness was excused.

Senator Neal commented. A roll call vote on **SB 10 w/SA 1** was taken, however, before the roll call was announced, Senator McBride moved to table the roll call.

**SR 15** was brought before the Senate for consideration on motion of Senator Marshall.

**SR 15 - WISHING A SPEEDY RECOVERY TO MARLENE HOLLOWAY DRYDEN, FORMER SENATE EMPLOYEE AND DAUGHTER OF SEN. HERMAN M. HOLLOWAY SR.** Sponsors: Senator Marshall, all Senators.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Blevins and Still) ABSENT; therefore, **SR 15** was declared adopted by the Senate.

**SENATE CONSENT CALENDAR #4** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SCR 14 - REQUESTING THAT A WORKING GLOSSARY OF DEFINITIONS FOR KEY WORDS, TERMS AND PHRASES IN SOLID WASTE MANAGEMENT BE DEVELOPED JOINTLY BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AND THE DELAWARE SOLID WASTE AUTHORITY.** Sponsors: Senators McBride, Connor and Representative Lofink.

**SCR 15 - REQUESTING STATE AGENCIES TO ENCOURAGE AND PROMOTE BICYCLE USE AND BICYCLE COMMUTING AS AN ALTERNATIVE METHOD OF TRANSPORTATION.** Sponsors: Senator Sokola and Representative Roy; Senators Cook, Martin, McDowell, Sharp, Venables, Voshell, Knox, Neal; Representatives Lofink, Taylor, Bradley, Schroeder, Wojewodzki.

**SCR 16 - PROCLAIMING THE WEEK OF APRIL 18-24 AS PROFESSIONAL SECRETARIES WEEK.** Sponsors: Senators Connor, Bair, Hauge, Knox, Neal, Still, Cordrey, McBride, Vaughn, Venables; Representatives Amick, Buckworth, Carey, Caulk, Davis, Di Pinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Sorenson, Spence, Taylor, Wagner, Brady, West, Wojewodzki.

**SCR 17 - WISHING A SPEEDY RECOVERY TO HAROLD "STAMPER QUICKER" HILYARD, OF KENTON, LONG-TIME SENATE EMPLOYEE WHO HAS ENTERED CHRISTIANA HOSPITAL FOR HEART BYPASS SURGERY.** Sponsors: Senator Cook; Representatives Clark, B. Ennis; Senator Vaughn; All Senators.

**HCR 9 - CONGRATULATING THE WILLIAM PENN HIGH SCHOOL GIRLS' BASKETBALL TEAM, THE "COLONIALS", ON WINNING THE STATE CHAMPIONSHIP IN THE DELAWARE HIGH SCHOOL GIRLS' BASKETBALL TOURNAMENT.** Sponsors: Representative Brady; Representatives Davis, Holloway Jr., Houghton, Lofink, Mack, Reynolds, Spence; Senators Connor, Holloway, Sr., McBride, and Vaughn.

**HCR 10 - CONGRATULATING THE GLASGOW HIGH SCHOOL BOYS BASKETBALL TEAM ON THEIR CHAMPIONSHIP SEASON.** Sponsors: Representative Amick and Senator Neal; Representatives Oberle, Petrilli, Davis, Wojewodzki.

A roll call vote on **SENATE CONSENT CALENDAR #4** was taken and revealed 19 Senators voting YES, 2 (Blevins, Still) ABSENT; therefore, the Consent Calendar was declared adopted by the Senate. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

The necessary rules were suspended on motion of Senator Sokola, so that **SJR 8** could be brought before the Senate for consideration.

**SJR 8 - RECOGNIZING DELAWARE TECHNICAL & COMMUNITY COLLEGE IN CELEBRATING NATIONAL COMMUNITY COLLEGE MONTH.**

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Blevins and Still) ABSENT; therefore, **SJR 8** was declared passed the Senate and sent to the House for consideration.

**SR 16** was brought before the Senate for consideration on motion of Senator Bair.

**SR 16 - CONGRATULATING OUR COLLEAGUE SENATOR ROBERT T. CONNOR ON RECEIVING**

THE LEGISLATIVE SERVICE AWARD CONFERRED BY THE DELAWARE STATE BAR ASSOCIATION. Sponsors: Senators Bair and Cordrey.

A roll call vote was taken and revealed 13 Senators voting YES, 1 (Connor) NOT VOTING, 7 (Blevins, Holloway, Marshall, Sharp, Still, Torbert, Vaughn) ABSENT; therefore, **SR 16** was declared adopted by the Senate.

On motion of Senator McBride, a roll call vote on **SB 10 w/SA 1** was lifted on motion of Senator McBride and revealed 14 Senator voting YES, 5 (Adams, Cordrey, Torbert, Vaughn, Venables) NO, 2 (Blevins and Still) ABSENT; therefore, **SB 10 w/SA 1** was declared passed the Senate and sent to the House for consideration.

At 5:37 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. March 30, 1993.

The Senate reconvened at 2:25 p.m. March 30, 1993 with Lt. Governor Minner presiding.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 23, HB 61, HB 17, HS 1 for HB 18, HB 30** and **HB 86 w/HA 1**.

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

### **PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**March 30, 1993**

The following legislation was introduced and assigned:

**HB 17** - AN ACT TO AMEND CHAPTER 1, TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE BOARD OF EDUCATION. Sponsors: Representative Sorenson and Senator Sokola. To: **Education**.

**HS 1 for HB 18** - AN ACT TO AMEND CHAPTER 55, TITLE 15, DELAWARE CODE RELATING TO ABSENTEE BALLOTS FOR THE PHYSICALLY DISABLED. Sponsor: Representative Quillen. To: **Insurance and Elections**.

**HB 23** - AN ACT TO AMEND CHAPTER 1, TITLE 4, OF THE DELAWARE CODE, RELATING TO ALCOHOLIC LIQUORS. Sponsors: Representative Roy and Senator Venables. To: **Sunset**.

**HB 30** - AN ACT CONCURREN IN A PROPOSED AMENDMENT TO ARTICLE V, SECTION 2, OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO QUALIFICATIONS FOR VOTING AND FORFEITURE OF RIGHT. Sponsors: Representative Davis; Representatives D. Ennis, Maroney, Petrilli, Smith, Brady, Bunting, Holloway, Jr., Houghton, Plant; Senator Holloway, Sr. To: **Insurance and Elections**.

**HB 61** - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE VILLAGE OF ARDEN" AS AMENDED RELATING TO REGISTRATION COMMITTEES. Sponsors: Representative Smith and Senator Bair. To: **Community/County Affairs**.

**HB 86 w/HA 1** - AN ACT TO AMEND CHAPTERS 1, 5 AND 7 OF TITLE 4 OF THE DELAWARE CODE REGARDING A LICENSE FOR A MULTI-PURPOSE SPORTS FACILITY. Sponsors: Representative Amick and Senator Blevins. To: **Community/County Affairs**.

**SA 1 to SB 43** - Sponsor: Senator Holloway. Placed with the bill.

**SA 1 to SB 44** - Sponsor: Senator Voshell. Placed with the bill.

**SA 2 to SB 44** - Sponsor: Senator Voshell. Placed with the bill.

**SA 1 to HB 9** - Sponsor: Senator Voshell. Placed with the bill.

Senator Blevins marked present.

**HB 86 w/HA 1** was reassigned from **Community/County Affairs** to the **Sunset** committee on motion of Senator Cordrey. No objection.

At 2:27 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 14th Legislative Day.

### **14TH LEGISLATIVE DAY**

**March 30, 1993**

The Senate convened at 2:27 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Voshell.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Torbert, Vaughn, Venables, Voshell - 20, 1 (Still) ABSENT.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

**SB 24** was brought before the Senate for consideration on motion of Senator Torbert.

**SB 24** - AN ACT TO AMEND CHAPTER 82, TITLE 29, DELAWARE CODE, RELATING TO BOILER SAFETY.

**SA 1 to SB 24** was introduced and brought before the Senate for consideration on motion of Senator Torbert. Senators Neal and Cook commented. A roll call vote was taken and revealed 18 Senators voting YES, 3 (Holloway, Martin, Still) ABSENT; therefore, **SA 1 to SB 24** was declared part of the bill.

Senator Marshall marked present during the above roll call.

Senators McDowell and Connor marked present during the above roll call.

**SB 24 w/SA 1** was now before the Senate. The privilege of the floor was granted to Frank L. Gardner, representing the Division of Boiler Safety.

The witness was excused. A roll call vote was taken and revealed 19 Senators voting YES, 2 (Martin and Still) ABSENT; therefore, **SB 24 w/SA 1** was declared passed the Senate and sent to the House for consideration.

Senator Holloway marked present during the above roll call.

At 2:38 p.m., on motion of Senator Sharp the Senate recessed for Party Caucus.

At 4:52 p.m., the Senate reconvened with Senator Sharp presiding.

**SB 59** was brought before the Senate for consideration on motion of Senator Cordrey.

**SB 59** - AN ACT TO AMEND CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO" AS AMENDED, TO REVISE THE PROCEDURES FOR REGISTRATION OF VOTERS. (2/3 vote)

At 4:53 p.m. Lt. Governor Minner presiding.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Neal, Still) ABSENT; therefore, **SB 59** was declared passed the Senate and sent to the House for consideration.

Senator Martin marked present during the above roll call.

Senator Martin requested a moment of silence in the memory of the late J. Caleb Boggs, former Governor and United States Senator to Delaware.

At 4:57 p.m. on motion of Senator Sharp, the Senate adjourned until March 31, 1993 at 3:30 p.m.

#### 15TH LEGISLATIVE DAY

March 31, 1993

The Senate convened at 3:41 p.m. with Senator Cordrey presiding.

A prayer was offered by Senator Holloway.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

Senator Bair marked present.

A communication from the President Pro Tempore's office was read appointing Senator Sokola to serve on Delaware's Equalization Funding Committee as per 14 Delaware Code, 1707.

Senator McBride marked present.

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

#### PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION

March 31, 1993

The following legislation was introduced and assigned:

**SB 66** - AN ACT TO AMEND 65 DELAWARE LAWS CHAPTER 455 RELATING TO UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING. Sponsor: Senator Voshell. To: **Insurance and Elections.**

**SB 67** - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO MODIFICATIONS OF PERSONAL INCOME TAX. Sponsors: Senator Still, Senators Connor, Neal, Representative Wagner. To: **Finance.**

**HB 38 w/HA 1** - AN ACT TO AMEND SECTION 4177B, TITLE 21, DELAWARE CODE REQUIRING PARTICIPANTS IN THE FIRST OFFENDER PROGRAM TO PAY THE COSTS OF PROSECUTION. Sponsors: Representative Davis; Representatives Ewing, Lee, Bennett, Houghton; Senator Vaughn. To: **Public Safety.**

**HB 44** - AN ACT TO AMEND CHAPTER 26, TITLE 9, DELAWARE CODE RELATING TO NEW CASTLE COUNTY ZONING. Sponsors: Representative Roy and Senator Sokola; Representative Taylor; Senator Blevins. To: **Community/County Affairs.**

**HB 104 w/HA 1** - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO SPECIAL LICENSE PLATES FOR RECIPIENTS OF THE PURPLE HEART. Sponsors: Representative Ewing and Senator Adams; Representatives Amick, Banning, Bradley, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto, Di Pinto, B. Ennis, D. Ennis, Fallon, George, Gilligan, Holloway, Houghton, Lee, Lofink, Mack, Maroney, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Smith, Sorenson, Spence, Van Sant, Wagner, West, Wojewodzki; Senators Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell. To: **Public Safety.**

\* \* \* \* \*

Senator McDowell marked present.

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

**SB 34** - AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO ADULT ENTERTAINMENT ESTABLISHMENTS.

**SA 1 to SB 34** was laid on the table on motion of Senator McBride.

**SA 2 to SB 34** was brought before the Senate for consideration on motion of Senator McBride.

The privilege of the floor was granted to Captain Raymond Hancock, Troop #9.

Several Senators commented. The witness was excused.

At 4:20 p.m., Lt. Governor Minner presiding.

A roll call vote was taken and revealed 13 Senators voting YES, 5 (Cordrey, Holloway, McDowell, Neal, Venables) NO, 3 (Sharp, Still, Torbert) NOT VOTING; therefore, **SA 2 to SB 34** was declared part of the bill. Senators Blevins, Cook, Hauge, Knox, Marshall and Venables were marked present during the above roll call.

A roll call vote on **SB 34 w/SA 2** was then taken, however, on the request of Senator McBride the roll call vote was tabled before it was announced.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 4:37 p.m. and reconvened at 5:25 p.m. with Senator Cordrey presiding.

At 5:25 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. April 1, 1993.

The Senate reconvened April 1, 1993 at 3:06 p.m. with Senator Cordrey presiding.

The following committee report was announced:

From Sunset: **HB 86 w/HA 1** - 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 44, HB 104 w/HA 1, HB 38 w/HA 1** and **SCR 6 w/HA 1**.

A communication from Senator Torbert was read adding Representative Sorenson as a co-sponsor to **SB 72**.

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

#### **PRESIDENT PRO-TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**April 1, 1993**

The following legislation was introduced and assigned:

**SB 68** - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO FREEDOM OF ACCESS. Sponsor: Senator Knox. To: **Health and Social Services.**

**SB 69** - AN ACT TO AMEND CHAPTER 39, TITLE 11, AND CHAPTER 9, TITLE 10, DELAWARE CODE, TO PROVIDE FOR MANDATORY HUMAN IMMUNODEFICIENCY VIRUS TESTING OF CERTAIN SEX CRIME OFFENDERS. Sponsors: Senator Sharp; Representative Spence; Senators Blevins, Holloway, McBride, Vaughn. To: **Judiciary.**

**SB 70** - AN ACT TO AMEND CHAPTER 101, TITLE 3, DELAWARE CODE, RELATING TO THE DELAWARE THOROUGHBRED RACING COMMISSION. Sponsors: Senator Sharp, Representative Gilligan; Representatives Houghton, Roy, Van Sant. To: **Administrative Services.**

**SB 71** - AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE, RELATING TO LINE-OF-DUTY DEATH BENEFITS; PROVIDING FOR THE ADDITION TO "COVERED PERSONS" OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL ENVIRONMENTAL RESPONSE TEAM. Sponsors: Senator Torbert; Representative Ewing; Representatives B. Ennis, Banning, Gilligan, Schroeder, Bradley, DiPinto. To: **Natural Resources and Environmental Control.**

**SB 72** - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO MODIFICATIONS OF PERSONAL INCOME TAX. Sponsors: Senator Torbert; Representative Bennett; Senators Cook, Blevins, Holloway, Adams, Marshall, McBride, McDowell, Martin, Sokola, Vaughn, Voshell, Venables, Connor, Still, Neal; Representatives B. Ennis, Buckworth, Banning, Brady, Carey, Bunting, Clark, Davis, DiPinto, Ewing, Reynolds, Schroeder, Gilligan, Maroney, Roy, West, Wagner, Quillen, Van Sant, Bradley. To: **Finance.**

**SB 73** - AN ACT TO AMEND TITLE 21, DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR MEMBERS OF DUCKS UNLIMITED. Sponsor: Senator Venables. To: **Public Safety.**

**SB 74** - AN ACT TO AMEND TITLES 16 AND 24 OF THE DELAWARE CODE RELATING TO



INFECTED HEALTH CARE PROVIDERS AND UNIVERSAL PRECAUTIONS. Sponsor: Senator Holloway. To: **Health and Social Services.**

**SCR 19** - ENCOURAGING THE STATE'S TWO MAJOR INSTITUTIONS OF HIGHER LEARNING, NAMELY, THE UNIVERSITY OF DELAWARE AND DELAWARE STATE COLLEGE, TO COMMENCE SERIOUS DISCUSSIONS IN TERMS OF WORKING OUT SCHEDULES AND OTHER FACTORS IN CONCERT WITH THE RESPECTIVE ATHLETIC DEPARTMENTS AND THE RESPECTIVE CONFERENCES SO AS TO PERMIT, AT THE EARLIEST OPPORTUNITY, THESE TWO REPUTABLE INSTITUTIONS TO COMPETITIVELY COMPETE WITH ONE ANOTHER IN THE GLAMOROUS AND EXCITING SPORT OF INTERCOLLEGIATE FOOTBALL. Sponsors: Senators Still, Neal, Connor, Bair, Torbert, Holloway; Representatives Roy, Wagner. To: **Education.**

**SA 3 to SB 44** - Sponsor: Senator Voshell. Placed with the bill.

**SA 4 to SB 44** - Sponsor: Senator Voshell. Placed with the bill.

At 3:08 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 16th Legislative Day.

16TH LEGISLATIVE DAY  
April 1, 1993

The Senate convened at 3:08 p.m. with Senator Cordrey presiding.

A prayer was offered by Senator Adams.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

Senator Sharp commented on the Compensation Report and then recanted his comments stating it was an April Fools joke.

Senator Neal requested privilege of the floor for Diana Brown representing, the State Action Planning Committee on Libraries to give a short report.

The witness referred to two booklets entitled "An Action Agenda for Delaware Libraries" and "Report of the Legislative Task Force on Library Automation to the 137th General Assembly State of Delaware". A copy of these booklets are on file for this legislative day.

Lt. Governor Minner presiding at 3:18 p.m.

The witness was excused and Senator Cook moved to suspend the necessary rules to consider **SJR 11**.

**SJR 11** - MOURNING THE DEATH OF FORMER GOVERNOR J. CALEB BOGGS, WHO PASSED AWAY ON FRIDAY, MARCH 26, 1993 AT THE AGE OF 83. Sponsors: Senator Cook; Representative Clark; Senator Vaughn; All Senators, All Representatives.

Several Senators rose to share some remembrances with the Senate.

Senators Martin, Holloway, Sokola and Hauge were marked present.

A roll call vote was then taken and revealed 21 Senators voting YES; therefore, **SJR 11** was declared passed the Senate and sent to the House for consideration.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:25 p.m. and reconvened at 4:28 p.m. with Senator Cordrey presiding.

**HB 86 w/HA 1** was brought before the Senate for consideration on motion of Senator Blevins, the floor manager.

**HB 86 w/HA 1** - AN ACT TO AMEND CHAPTERS 1, 5, AND 7 OF TITLE 4 OF THE DELAWARE CODE REGARDING A LICENSE FOR A MULTI-PURPOSE SPORTS FACILITY. (3/5 vote)

Senator McDowell commented. Senator Blevins requested the privilege of the floor for Chris Kemple, representing the Wilmington Blue Rocks.

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

Lt. Governor Minner presiding at 4:52 p.m.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 86 w/HA 1** was declared passed by the Senate and returned to the House.

**SB 44** was brought before the Senate for consideration on the motion of Senator Voshell.

**SB 44** - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO INCREASED FINES FOR ALTERED OR FICTITIOUS VEHICLE REGISTRATIONS AND/OR REGISTRATION PLATES AND VIOLATIONS OF REGISTRATION PROVISIONS.

**SA 1 to SB 44** was laid on the table on motion of Senator Voshell.

**SA 2 to SB 44** was brought before the Senate for consideration on motion of Senator Voshell.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 2 to SB 44** was declared part of the bill.

SA 3 to SB 44 was laid on the table on motion of Senator Voshell.

SA 4 to SB 44 was brought before the Senate for consideration on motion of Senator Voshell.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, SA 4 to SB 44 was declared part of the bill.

SB 44 w/SA 2 & 4 was now before the Senate. Several Senators questioned the sponsor. A roll call vote was taken and revealed 16 Senators voting YES, 4 (McBride, McDowell, Still, Venables) NO, 1 (Bair) NOT VOTING; therefore, SB 44 w/SA 2 & 4 was declared passed the Senate and sent to the House for consideration.

SB 45 was brought before the Senate for consideration on motion of Senator Voshell.

SB 45 - AN ACT TO AMEND CHAPTERS 21 AND 27, TITLE 21, DELAWARE CODE, RELATING TO LICENSE AND REGISTRATION OF VEHICLES OWNED BY NEW DELAWARE RESIDENTS.

SA 1 to SB 45, which was previously placed with the bill, was brought before the Senate for consideration on motion of Senator Voshell.

Several Senators commented. Senator Voshell moved to lay the amendment and the bill on the table.

SB 22 was brought before the Senate for consideration on motion of Senator Adams.

SB 22 - AN ACT TO AMEND CHAPTER 15 OF TITLE 13 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF MARITAL PROPERTY.

SA 1 to SB 22 was introduced and brought before the Senate on motion of Senator Adams.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, SA 1 to SB 22 was declared part of the bill.

SB 22 w/SA 1 was now before the Senate. A roll call vote was taken and revealed 21 Senators voting YES; therefore, SB 22 w/SA 1 was declared passed the Senate and sent to the House for consideration.

SA 1 & SA 3 to SB 44 were stricken on motion of Senator Voshell.

SR 18 was brought before the Senate for consideration on motion of Senator Voshell.

SR 18 - EXTENDING CONGRATULATIONS AND BEST WISHES TO OUR ESTEEMED SENATE PRESIDENT AND LIEUTENANT GOVERNOR, RUTH ANN MINNER, UPON BEING NAMED DELAWARE MOTHER OF THE YEAR FOR 1993. Sponsors: Senator Voshell, All Senators.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, SR 18 was declared adopted by the Senate.

On motion of Senator Connor, the necessary rules were suspended to consider SJR 5.

Senator Sharp objected and then withdrew his objection.

SJR 5 - RELATING TO EXTENDING THE REPORTING DATE OF THE TASK FORCE TO STUDY THE FEASIBILITY OF A VOLUNTARY COMMUNITY SATURDAY SCHOOL PROGRAM.

Senator McDowell commented. A roll call vote was taken and revealed 20 Senators voting YES, 1 (Cook) ABSENT; therefore, SJR 5 was declared passed the Senate and sent to the House for consideration.

On motion of Senator Martin and without objection, the necessary rules were suspended to consider SJR 10.

SJR 10 - WELCOMING THE 1993 NATIONAL ASSOCIATION OF STUDENT COUNCIL HIGH SCHOOL LEADERSHIP CONFERENCE TO DELAWARE ON JUNE 26-30 AND PROVIDING AUXILIARY FUNDS THEREFOR.

Senator Bair commented. A roll call vote was taken and revealed 19 Senators voting YES, 2 (Cordrey, Still) NO; therefore, SJR 10 was declared passed the Senate and sent to the House for consideration.

SENATE CONSENT CALENDAR #5 was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

SR 17 - URGING MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT THE FEDERAL COMMUNICATIONS COMMISSION'S NEW RULES PLACING THE CABLE TELEVISION INDUSTRY BACK UNDER GOVERNMENT PRICE SUPERVISION. Sponsor: Senator Holloway.

SCR 18 - RECOGNIZING APRIL OF 1993 AS MATHEMATICS EDUCATION MONTH. Sponsors: Senator Sokola, Representative Sorenson.

HCR 13 - MOURNING THE DEATH OF FORMER DELAWARE GOVERNOR J. CALEB BOGGS WHO PASSED AWAY OF FRIDAY, MARCH 26, 1993 AT THE AGE OF EIGHTY-THREE. Sponsors: Representative Petrilli, Quillen, George, Gilligan on behalf of all Representatives; Senators Bair, Connor, Cordrey, Sharp, Holloway on behalf of all Senators.

A roll call vote was taken on SENATE CONSENT CALENDAR #5 and revealed 21 Senators voting YES; therefore, the Consent Calendar was declared adopted by the Senate. The Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolution was returned to the House.

SR 19 was laid on the table on motion of Senator Vaughn.

At 5:39 p.m., on motion of Senator Sharp, the Senate recessed until 2:00 p.m. on April 6, 1993.

The Senate reconvened at 2:24 p.m. April 6, 1993 with Lt. Governor Minner presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 24 w/HA 1, HB 68 w/HA 1 w/HA 1, HB 90, HB 95 w/HA 1 and SJR 8.

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

**PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**  
**April 6, 1993**

The following legislation was introduced and assigned:

**SB 75** - AN ACT TO AMEND CHAPTER 41, TITLE 21, AND CHAPTER 23, TITLE 11 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLE FORFEITURE. Sponsors: Senator Hauge; Senators Bair, Connor. To: **Public Safety**.

**SB 76** - AN ACT TO AMEND TITLES 9, 20, AND 29 OF THE DELAWARE CODE RELATING TO MERCHANT MARINES. Sponsors: Senators Voshell, Still, Marshall; Senator Neal; Representatives Quillen, Wagner, Jonkiert. To: **Administrative Services**.

**SB 77** - AN ACT ADJUSTING THE SALARY OF THE SECRETARY-SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES AND AUTHORIZING THE TRANSFER OF FUNDS TO ACCOMMODATE THE SALARY ADJUSTMENT. Sponsors: Senators McDowell, Blevins, Venables, Holloway; Representatives Van Sant, Davis, Di Pinto, Bennett, Maroney. To: **Finance**.

**SB 79** - AN ACT SUPERSEDING PORTIONS OF CHAPTER 290, VOLUME 68, LAWS OF DELAWARE AND AMENDING CHAPTER 7, TITLE 29 OF THE DELAWARE CODE RELATING TO ADJUSTMENTS OF SALARIES FOR CERTAIN STATE OFFICIALS AND LEGISLATIVE STIPENDS AND AUTHORIZING THE TRANSFER OF FUNDS TO ACCOMMODATE SUCH ADJUSTMENTS. Sponsors: Senators Holloway, Sharp, Cordrey, Blevins, Martin, McDowell; Representatives Spence, Petrilli, Quillen, Davis, George, Gilligan. To: **Finance**.

**SJR 9** - ACKNOWLEDGMENT OF THE LENAPE INDIAN TRIBE OF DELAWARE, INC., A NON-PROFIT ORGANIZATION INCORPORATED IN THE STATE OF DELAWARE, COMPRISED OF A PEOPLE KNOWN AS MOORS, PREDOMINANTLY LOCATED IN THE GREATER CHESWOLD, DELAWARE AREA, FOR THE PURPOSE OF OFFICIALLY AUTHENTICATING THEIR ANCESTRAL INDIAN HERITAGE. Sponsors: Senators Martin, Cook; Representative Clark. To: **Executive**.

**HB 24 w/HA 1** - AN ACT TO AMEND TITLE 14, DELAWARE CODE, CHAPTER 40 RELATING TO FAIR SHARE FEES AND THE PUBLIC SCHOOL EMPLOYMENT RELATIONS ACT. Sponsors: Representatives Oberle, Spence, Reynolds, Mack, Lofink, B. Ennis, West; Senators Sharp, Marshall, McBride, McDowell, Connor. To: **Education**.

**HB 68 w/HA 1, HA 1 to HA 1** - AN ACT TO AMEND CHAPTER 15, TITLE 14, DELAWARE CODE, RELATING TO SCHOOL DISTRICT QUARTERLY REPORTS. Sponsors: Representative Clark, Banning, B. Ennis, Gilligan, West, Davis, Di Pinto, Maroney, Sorenson, Wagner; Senators Venables and Still. To: **Education**.

**HB 90** - AN ACT TO AMEND CHAPTER 26, TITLE 14 OF THE DELAWARE CODE RELATING TO THE POWER OF COUNTY VOCATIONAL HIGH SCHOOL DISTRICTS AND COUNTY VOCATIONAL-TECHNICAL SCHOOL DISTRICTS TO LEVY TAXES FOR SCHOOL PURPOSES. Sponsors: Representative Bunting, Carey, Ewing, Fallon, and Schroeder; Senators Adams, Cordrey, Venables, and Voshell. To: **Education**.

**HB 95 w/HA 1** - AN ACT TO AMEND CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO PERMIT THE SALE OF BONDS BY THE TOWN OF HENLOPEN ACRES AT PRIVATE SALE. Sponsors: Representative Schroeder and Senator Cordrey. To: **Community/County Affairs**.

**SA 1 to SR 19** - Sponsor: Senator Hauge. Placed with the Resolution.

**SA 2 to SR 19** - Sponsor: Senator Bair. Placed with the Resolution.

**SA 1 to SB 28** - Sponsor: Senator Cordrey. Placed with the bill.

**SA 1 to SB 46** - Sponsor: Senator Vaughn. Placed with the bill.

**SA 1 to SB 73** - Sponsor: Senator Venables. Placed with the bill.

**SA 1 to HB 17** - Sponsor: Senator Cordrey. Placed with the bill.

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At 2:28 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY  
April 6, 1993

The Senate convened at 2:28 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Holloway.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

Senator Sharp made congratulatory comments to Senator Voshell on the birth of his second grandson.

A messenger from the Governor was announced and admitted.

Senators Connor, Bair, Hauge and Neal marked present.

**SB 28** was brought before the Senate for consideration on motion of Senator Cordrey.

**SB 28** - AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE RELATING TO PILOTS.  
(2/3 vote)

**SA 1 to SB 28**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Cordrey.

Senators Still and Knox marked present.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Marshall, Martin) ABSENT; therefore,

**SA 1 to SB 28** was declared part of the bill.

Senator McBride marked present during the above roll call.

**SB 28 w/SA 1** was now before the Senate.

Senators Adams and Sokola commented. Senator Cordrey requested the privilege of the floor for Ronald Jefferson, representing the Pilots Association. The witness was excused.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Martin) ABSENT; therefore, **SB 28 w/SA 1** was declared passed the Senate and sent to the House for consideration.

Senator Marshall marked present during above roll call.

**SB 43** was brought before the Senate for consideration on motion of Senator Holloway.

**SB 43** - AN ACT TO AMEND CHAPTER 84, TITLE 14, DELAWARE CODE, RELATING TO PURPOSES OF THE DELAWARE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH.

**SA 1 to SB 43**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Holloway.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Martin) ABSENT; therefore, **SA 1 to SB 43** was declared part of the bill.

**SB 43 w/SA 1** was now before the Senate.

Several Senators commented. Senator Holloway moved to lay the bill on the table.

**HB 9** was brought before the Senate for consideration on motion of the floor manager, Senator Voshell.

**HB 9** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON THE TIMES CERTAIN ESTABLISHMENTS ARE PERMITTED TO BE OPEN TO THE PUBLIC.

**SA 1 to HB 9**, which had been placed with the bill, was brought before the Senate for consideration on motion of Senator Voshell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Holloway) ABSENT; therefore, **SA 1 to HB 9** was declared part of the bill.

Senator Martin marked present during above roll call.

**HB 9 w/SA 1** was now before the Senate. Several Senators entered into discussion. Senator McBride requested his name be removed as co-sponsor.

The privilege of the floor was granted to John Cordrey, Senate Attorney.

A discussion ensued, after which the witness was excused. A roll call vote was taken and revealed 15 Senators voting YES, 6 (Bair, Connor, Hauge, McBride, Neal, and Still) NO; therefore, **HB 9 w/SA 1** was declared passed the Senate and returned to the House for reconsideration.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:23 p.m. and reconvened at 4:13 p.m. with Senator Cordrey presiding.

**HB 55** was brought before the Senate for consideration on motion of the floor manager, Senator Voshell.

**HB 55** - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, BEING THE CHARTER OF THE CITY OF DOVER, RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR REFUNDING PURPOSES. (2/3 vote)

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Holloway, Marshall) ABSENT; therefore, **HB 55** was declared passed the Senate and returned to the House.

**SB 32** was brought before the Senate for consideration on motion of Senator Venables.

**SB 32** - AN ACT TO AMEND CHAPTER 39, TITLE 18 OF THE DELAWARE CODE, AND TITLE 21 OF THE DELAWARE CODE RELATING TO THE CONSEQUENCES OF LICENSE SUSPENSION FOR NON DRIVING RELATED OFFENSES.

Senators Sokola and McDowell commented. A roll call vote was taken and revealed 18 Senators voting YES, 1 (Sharp) NO, 1 (McBride) NOT VOTING, 1 (Holloway) ABSENT; therefore, **SB 32** was declared passed the Senate and sent to the House for consideration.

**SB 46** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 46** - AN ACT TO AMEND CHAPTERS 15, 37, AND 39 OF TITLE 12, DELAWARE CODE, BY REPEALING CHAPTER 37 IN ITS ENTIRETY AND BY ENACTING CERTAIN LAWS RELATING TO

## THE APPOINTMENT OF GUARDIANS FOR DISABLED PERSONS.

SA 1 to SB 46 was brought before the Senate for consideration on motion of Senator Vaughn.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Marshall) ABSENT; therefore, SA 1 to SB 46 was declared part of the bill.

SB 46 w/SA 1 was now before the Senate. The privilege of the floor was granted to Patricia H. High, Esq., representing the Delaware Bar Association. Senators Neal and Sokola questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Bair) ABSENT; therefore, SB 46 w/SA 1 was declared passed the Senate and sent to the House for consideration.

At 4:36 p.m., on motion of Senator Sharp, the Senate recessed until April 7, 1993 at 3:30 p.m.

The Senate reconvened at 3:40 p.m. April 7, 1993 with Senator Cordrey presiding.

The following committee reports were announced:

From Education: HB 17 - 1 Favorable, 3 Merits; HB 90 - 4 Merits.

From Community/County Affairs: HB 95 w/HA 1 - 3 Merits.

From Public Safety: SB 73 - 4 Merits.

From Natural Resources and Environmental Control: SB 33 - 1 Favorable, 1 Merit, 1 Unfavorable.

At 3:45 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 18th Legislative Day.

## 18TH LEGISLATIVE DAY

April 7, 1993

The Senate convened at 3:45 p.m. with Senator Cordrey presiding.

A prayer was offered by Senator Venables.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

Senator Holloway marked present.

**LEGISLATIVE ADVISORY #5** from the Office of Counsel to the Governor was announced for the record, partially read and copies made available to the members upon request.

**LEGISLATIVE ADVISORY #5**, dated April 7, 1993. The following legislation was signed by Governor Thomas R. Carper on the date indicated:

HB #86 aab HA #1 - 4/6/93 - AN ACT TO AMEND CHAPTERS 1, 5, AND 7 OF TITLE 4 OF THE DELAWARE CODE REGARDING A LICENSE FOR A MULTI-PURPOSE SPORTS FACILITY. (Rep. Amick and Sen. Blevins) (Volume 69, Chapter 6, Laws of Delaware).

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A communication from Senator Cordrey was read appointing himself to the position on the Delaware Open Space Council. A copy of this communication is on file for this legislative day.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:47 p.m.

At 4:03 p.m. the Senate reconvened with Senator Cordrey presiding.

A corrected committee report was announced.

From: Natural Resources and Environmental Control: SB 33 - 1 Favorable, 1 Merit, 1 Unfavorable.

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

## PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

April 7, 1993

The following legislation was introduced and assigned :

SB 80 - AN ACT TO AMEND CHAPTERS 55 AND 56, TITLE 29, OF THE DELAWARE CODE AND SUBCHAPTER III, CHAPTER 83, TITLE 11 OF THE DELAWARE CODE TO PROVIDE A MECHANISM TO FUND POST RETIREMENT INCREASES FOR RETIRED STATE EMPLOYEES. Sponsors: Senators Cook, Vaughn, Cordrey, Sharp, Holloway, Adams, Blevins, Marshall, Martin, McBride, McDowell, Sokola, Torbert, Venables, Voshell, Bair, Connor, Hauge, Knox, Neal, Still; Representatives Oberle, Petrilli, Spence, Quillen, Davis, George, Gilligan, Amick, Banning, Bennett, Bradley, Brady, Buckworth, Bunting, Carey, Caulk, Clark, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Holloway, Jr., Houghton, Jonkiert, Lee, Lofink, Mack, Maroney, Plant, Reynolds, Roy, Schroeder, Smith, Sorenson, Taylor, Van Sant, Wagner, West, Wojewodski. Assigned 4/6/93 To: **Finance**.

SJR 12 - ESTABLISHING AN ASSESSMENT PRACTICE REVIEW COMMITTEE TO FURTHER

DEVELOP A RECOMMENDATION OF THE LOCAL SUBCOMMITTEE OF THE EDUCATION FINANCE REFORM COMMITTEE AS SET FORTH IN THE REPORT PROVIDED BY THIS GROUP. Sponsors: Senator Voshell; Representative Carey; Senator Sokola; Representative Sorenson. Assigned 4/6/93 To: Education

SA 1 to SB 29 - Sponsor: Senator Still. Placed with the bill 4/6/93.

SA 2 to SB 45 - Sponsor: Senator Voshell. Placed with the bill 4/6/93.

SA 3 to SB 45 - Sponsor: Senator Voshell. Placed with the bill 4/6/93.

SA 2 to HB 17 - Sponsor: Senator Cordrey. Placed with the bill 4/6/93.

**HB 137** - AN ACT TO AMEND CHAPTER 10 OF TITLE 14 AND CHAPTERS 50,63, 66A, 69, AND 74 OF TITLE 29 OF THE DELAWARE CODE RELATING TO THE TRANSFER OF CAPITAL BUDGET RESPONSIBILITIES OF THE DELAWARE DEVELOPMENT OFFICE TO THE OFFICE OF THE BUDGET; AND AUTHORIZING THE TRANSFER OF RELATED POSITIONS AND FUNDING, AND THE ADVANCED PLANNING AND REAL PROPERTY ACQUISITION FUND. Sponsors: Representatives Petrilli, Spence, Quillen, Roy, Davis, George, Gilligan; Senators Cordrey, Cook, Sharp, Holloway, Martin, Bair, Connor. To: Laid on the Table.

\* \* \* \* \*

Senator Torbert marked present.

Lt. Governor Minner presiding at 4:06 p.m.

Senator Holloway moved that **SS 1 for SB 79** be adopted in lieu of original.

Senator Hauge objected, therefore, a roll call on the motion to adopt **SS 1 for SB 79** in lieu of the original was taken and revealed 15 Senators voting YES, 6 (Bair, Connor, Hauge, Knox, Neal, Still) NO; therefore, the motion carried and **SS 1 for SB 79** was adopted in lieu of the original.

Senators Martin, Blevins, Marshall, McBride and McDowell were present during above roll call.

**SS 1 to SB 79** - AN ACT SUPERSEDING PORTIONS OF CHAPTER 290, VOLUME 68, LAWS OF DELAWARE AND AMENDING CHAPTER 7, TITLE 29 OF THE DELAWARE CODE RELATING TO ADJUSTMENTS OF SALARIES FOR CERTAIN STATE OFFICIALS AND LEGISLATIVE STIPENDS AND AUTHORIZING THE TRANSFER OF FUNDS TO ACCOMMODATE SUCH ADJUSTMENTS.

Several Senators commented. Senator Holloway requested the privilege of the floor for Michael Ferguson, Budget Director. Several Senators questioned the witness and made points of order during the discussion. The witness was then excused. Comments from members continued.

Senator McDowell then moved that the necessary rules be suspended so that the amendments to **SB 79** be accepted for **SS 1 for SB 79**. No objection.

Senator Bair moved to bring **SA 1** before the Senate for consideration. Senator Sharp moved to lay Senator Bair's motion on the table. Senator Bair objected thus, a roll call vote was taken on Senator Sharp's motion to lay on the table Senator Bair's motion to consider **SA 1** and revealed 15 Senators voting YES, 6 (Bair, Connor, Hauge, Knox, Neal, Still) NO; therefore, Senator Sharp's motion was carried.

Senator Hauge moved to bring **SA 2** before the Senate for consideration. Senator Sharp moved to lay Senator Hauge's motion on the table. Senator Hauge objected, thus, a roll call vote was taken on Senator Sharp's motion to lay on the table Senator Hauge's motion to consider **SA 2** and revealed 15 Senators voting YES, 6 (Bair, Connor, Hauge, Knox, Neal, Still) NO; therefore, Senator Sharp's motion was carried.

Senator Hauge moved to bring **SA 3** before the Senate for consideration. Senator Sharp moved to lay Senator Hauge's motion on the table. Senator Hauge objected, thus, a roll call vote was taken on Senator Sharp's motion to lay on the table Senator Hauge's motion to consider **SA 3** and revealed 15 Senators voting YES, 6 (Bair, Connor, Hauge, Knox, Neal, Still) NO; therefore, Senator Sharp's motion was carried.

Senator Sharp moved for a roll call on **SS 1 for SB 79**. Senator Hauge objected, therefore, a roll call vote to have a roll call vote for **SS 1 for SB 79** was taken and revealed 15 Senators voting YES, 6 (Bair, Connor, Hauge, Knox, Neal, Still) NO; therefore, the motion was carried and a roll call vote was allowed.

A roll call vote on **SS 1 for SB 79** was taken and revealed 13 Senators voting YES, 8 (Bair, Connor, Cook, Hauge, McBride, Still, Venables, Voshell) NO; therefore, **SS 1 for SB 79** was declared passed the Senate and sent to the House for consideration.

**SB 77** was brought before the Senate for consideration on motion of Senator McDowell.

**SB 77** - AN ACT ADJUSTING THE SALARY OF THE SECRETARY-SERVICES FOR CHILDREN, YOUTH, AND THEIR FAMILIES AND AUTHORIZING THE TRANSFER OF FUNDS TO ACCOMMODATE THE SALARY ADJUSTMENT.

A roll call vote was taken and revealed 18 Senators voting YES, 3 (Adams, Cordrey, McBride) NO; therefore, **SB 77** was declared passed the Senate and sent to the House for consideration.

**SJR 13** was brought before the Senate for consideration on motion of Senator McBride, under the suspension of the necessary rules.

**SJR 13** - URGING THE DELAWARE OPEN SPACE COUNCIL AND THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO CONSIDER THE

**PURCHASE OF THE ASH PROPERTY.** Sponsor: Senator McBride; Senators Cook, Connor, Neal, Vaughn; Representatives DiPinto, Mack, Maroney, Reynolds, Van Sant, West.

Several Senators commented. Senator McBride requested the personal privilege of the floor for Dan Griffith, Director of the Division of Historical and Cultural Affairs. Several Senators entered into a discussion with the witness, after which the witness was excused.

Senator Knox commented. A roll call vote was taken and revealed 15 Senators voting YES, 1 (Still) NO, 4 (Hauge, McDowell, Venables, Voshell) NOT VOTING, 1 (Holloway) ABSENT; therefore, **SJR 13** was declared passed the Senate and sent to the House for consideration.

The following nomination from the office of the Governor was read in and laid on the table on motion of Senator Adams:

STATE OF DELAWARE  
Office of the Governor  
April 6, 1993

To the Senate of the 137th 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 K. Hastings**, 212 Hastings Drive, Laurel, Delaware 19956, to be appointed as Adjutant General of the Delaware National Guard to serve a term during the pleasure of the Governor.

Your consideration of this nomination is appreciated.

Sincerely,  
(Signed) Tom Carper  
Governor  
\*\*\*\*\*

Senator Hauge requested the personal privilege of the floor to make comments on the day's session and on **SS 1 for SB 79**.

Several Senators had comments on the aforementioned subject.

Senator Holloway requested the personal privilege of the floor on another issue - The News Journal Article on the traffic death of a twelve year old boy.

At 5:48 p.m., Senator Sharp moved to recess. Senator Hauge objected. A roll call vote on the motion to recess was taken and revealed 10 Senators (Adams, Blevins, Cook, Marshall, Martin, McBride, McDowell, Sokola, Torbert, Voshell) voting YES, 7 (Bair, Connor, Hauge, Knox, Neal, Still, Venables) NO, 4 (Cordrey, Holloway, Sharp, Vaughn) ABSENT; therefore, the motion to recess was carried.

At 5:52 p.m. on motion of Senator Cook, the Senate recessed until April 8, 1993.

The Senate reconvened at 2:29 p.m. April 8, 1993 with Lt. Governor Minner presiding.

The Secretary announced that a message the House informed the Senate that it had passed **HB 137, HCR 12, 15, 16, 17 and SCR 18**.

A memorandum from the Office of Senator McBride was read stating that Representative Reynolds signed **SB 10** as a co-sponsor. This memorandum is to revise his decision to withdraw as co-sponsor dated January 13, 1993.

The following committee report was announced:

From: Insurance and Elections: **SB 66** - 4 Merits.

Senator Connor requested the privilege of the floor to compliment Lt. Governor Minner on presiding over the session of April 7, 1993 and further commented on the session.

At 2:35 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 19th Legislative Day.

19TH LEGISLATIVE DAY  
April 8, 1993

The Senate convened at 2:35 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Connor.

Pledge of allegiance to the Flag.

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

**PRESENT:** Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

**PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**  
**April 8, 1993**

The following legislation was introduced and assigned:

**SB 78** - AN ACT TO AMEND TITLE 16 AND TITLE 18 OF THE DELAWARE CODE PROVIDING FOR A CHILDHOOD LEAD POISONING PREVENTION ACT RELATING TO MANDATORY LEAD POISONING TESTING AND HEALTH INSURANCE COVERAGE. Sponsors: Senators Blevins, Connor, Holloway; Representatives Bradley, Brady, Gilligan. To: **Health and Social Services**.

**SB 81** - AN ACT TO AMEND CHAPTER 26, TITLE 24 OF THE DELAWARE CODE RELATING TO PHYSICAL THERAPY. Sponsors: Senators Blevins, McDowell, Still; Representative Amick, Ewing, Houghton, Gilligan, Oberle. To: **Sunset**.

**SA 3 to HB 17** - Sponsor: Senator Martin. Placed with the bill.

**SA 1 to HB 61** - Sponsor: Senator Bair. Placed with the bill.

\* \* \* \* \*

Senator Holloway introduced some visitors from the New Castle Boys' and Girls' Club sitting in the balcony. On motion of Senator Adams and without objection, the necessary rules were suspended to consider the following nomination for appointment by the Governor.

**George K. Hastings** - 18 Senators voting YES, 3 (Bair, Martin, McDowell) ABSENT. Appointment confirmed.

**SJR 1** was lifted from the table and brought before the Senate for consideration under the suspension of the necessary rules, on motion of Senator Cook.

**SJR 1** - COMMENDING DONALD F. MCARDLE, STATE PENSION ADMINISTRATOR, FOR A JOB WELL DONE AND EXTENDING BEST WISHES TO HIM FOR A LONG AND HAPPY RETIREMENT.

The privilege of the floor was extended to Mr. Donald McArdle, retired Director of the Pension Office, who introduced his family.

Several Senators rose to speak on Mr. McArdle's career.

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

Senator McDowell marked present during the above roll call.

**HB 17** was brought before the Senate for consideration on motion of Senator Sokola, the floor manager.

**HB 17** - AN ACT TO AMEND CHAPTER 1, TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE BOARD OF EDUCATION.

**SA 1 to HB 17** was stricken on motion of Senator Cordrey.

**SA 2 to HB 17** was brought before the Senate for consideration on motion of Senator Cordrey.

Several Senators commented. A roll call vote was taken and revealed 8 Senators (Adams, Cook, Cordrey, Holloway, Sharp, Torbert, Vaughn, Venables) voting YES, 13 NO; therefore, **SA 2 to HB 17** was declared defeated.

Senator Martin marked present during the above roll call.

**SA 3 to HB 17** was brought before the Senate for consideration on motion of Senator Martin. Several Senators commented. Senator Martin requested the privilege of the floor for John Cordrey, Senate Attorney.

The witness was excused. A roll call vote was taken and revealed 9 Senators (Cook, Holloway, Marshall, Martin, McBride, McDowell, Sharp, Torbert, Venables) voting YES, 12 NO; therefore, **SA 3 to HB 17** was declared defeated.

**HB 17** was now before the Senate. A roll call vote was taken and revealed 15 Senators voting YES, 6 (Cook, Cordrey, McBride, Sharp, Torbert, Vaughn) NO; therefore, **HB 17** was declared passed the Senate and returned to the House.

**SB 29** was laid on the table on motion of Senator Marshall.

**SB 29** - AN ACT TO AMEND CHAPTER 69, §6912, TITLE 29, DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTS AND PREVAILING WAGE RATES.

**SB 45** was lifted from the table and brought before the Senate for consideration on motion of Senator Voshell.

**SB 45** - AN ACT TO AMEND CHAPTERS 21 AND 27, TITLE 21, DELAWARE CODE, RELATING TO LICENSE AND REGISTRATION OF VEHICLES OWNED BY NEW DELAWARE RESIDENTS.

**SA 1 to SB 45** was lifted from the table and brought before the Senate for consideration on motion of Senator Voshell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Holloway) ABSENT; therefore, **SA 1 to SB 45** was declared part of the bill.



**SA 2 to SB 45** was stricken on motion of Senator Voshell.

**SA 3 to SB 45** was brought before the Senate for consideration on motion of Senator Voshell.

Several Senators commented. A roll call vote was taken and revealed 13 Senators voting YES, 6 (Bair, Connor, Hauge, Knox, McBride, Neal) NO, 1 (Still) NOT VOTING, 1 (Holloway) ABSENT; therefore, **SA 3 to SB 45** was declared part of the bill.

**SB 45 w/SA 1 & 3** was now before the Senate. A roll call vote was taken and revealed 11 Senators voting YES, 8 (Bair, Connor, Hauge, Knox, McBride, McDowell, Neal, Venables) NO, 1 (Still) NOT VOTING, 1 (Holloway) ABSENT; therefore, **SB 45 w/SA 1 & 3** was declared passed the Senate and sent to the House for consideration.

**SB 29** was lifted from the table and brought before the Senate for consideration on motion of Senator Marshall.

**SA 1 to SB 29** was stricken on motion of Senator Still.

**SA 2 to SB 29** was brought before the Senate for consideration on motion of Senator Still.

Senator Marshall commented. A roll call vote was taken and revealed 14 Senators voting YES, 6 (Adams, Hauge, Knox, Neal, Sharp, Voshell) NO, 1 (Holloway) ABSENT; therefore, **SA 2 to SB 29** was declared part of the bill.

**SB 29 w/SA 2** was now before the Senate. Senators Venables and Knox commented. The privilege of the floor was extended to Richard Crawford, representing the Delaware Building Trades Council. Senator Venables questioned the witness. The witness was excused and Senators further discussed the bill.

A roll call vote was then taken and revealed 13 Senators voting YES, 8 (Adams, Bair, Cordrey, Hauge, Knox, Neal, Venables, and Voshell) NO; therefore, **SB 29 w/SA 2** was declared passed the Senate and sent to the House for consideration.

**SB 73** was brought before the Senate for consideration on motion of Senator Venables.

**SB 73** - AN ACT TO AMEND TITLE 21, DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR MEMBERS OF DUCKS UNLIMITED. (3/5 vote)

**SA 1 to SB 73** was brought before the Senate for consideration on motion of Senator Venables.

A roll call vote was taken and revealed 16 Senators voting YES, 3 (Cook, Neal, Sharp) NO, 1 (Torbert) NOT VOTING, 1 (Holloway) ABSENT; therefore, **SA 1 to SB 73** was declared part of the bill.

**SB 73 w/SA 1** was now before the Senate. Senator Neal commented. A roll call vote was taken and revealed 18 Senators voting YES, 2 (McDowell, Sharp) NO, 1 (Holloway) ABSENT; therefore, **SB 73 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**HB 90** was brought before the Senate for consideration on motion of Senator Sokola, the floor manager.

**HB 90** - AN ACT TO AMEND CHAPTER 26, TITLE 14, OF THE DELAWARE CODE RELATING TO THE POWER OF COUNTY VOCATIONAL HIGH SCHOOL DISTRICTS AND COUNTY VOCATIONAL-TECHNICAL SCHOOL DISTRICTS TO LEVY TAXES FOR SCHOOL PURPOSES.

Senators Neal and Cordrey commented. A roll call vote was taken and revealed 19 Senators voting YES, 1 (Hauge) NOT VOTING, 1 (Holloway) ABSENT; therefore, **HB 90** was declared passed the Senate and returned to the House.

**HB 95 w/HA 1** was brought before the Senate for consideration on motion of Senator Voshell, the floor manager.

**HB 95 w/HA 1** - AN ACT TO AMEND CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO PERMIT THE SALE OF BONDS BY THE TOWN OF HENLOPEN ACRES AT PRIVATE SALE. (2/3 vote)

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Holloway) ABSENT; therefore, **HB 95 w/HA 1** was declared passed the Senate and returned to the House.

**HB 137** was lifted from the table and the necessary rules were suspended on motion of Senator Cordrey, the floor manager.

**HB 137** - AN ACT TO AMEND CHAPTER 10 OF TITLE 14 AND CHAPTERS 50, 63, 66A, 69 AND 74 OF TITLE 29 OF THE DELAWARE CODE RELATING TO THE TRANSFER OF CAPITAL BUDGET RESPONSIBILITIES OF THE DELAWARE DEVELOPMENT OFFICE TO THE OFFICE OF THE BUDGET; AND AUTHORIZING THE TRANSFER OF RELATED POSITIONS AND FUNDING, AND THE ADVANCED PLANNING AND REAL PROPERTY ACQUISITION FUND.

Senator Cordrey yielded to Senator Martin. The privilege of the floor was extended to Michael Ferguson, representing the Budget Office. The witness was excused. Several Senators entered into a discussion.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Holloway) ABSENT; therefore, **HB 137** was declared passed the Senate and returned to the House.

**SENATE CONSENT CALENDAR #6** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**HCR 12** - REQUESTING CONGRESS TO REJECT ANY LEGISLATION IMPOSING UNREALISTIC AUTOMOBILE FUEL ECONOMY STANDARDS ON THE AUTOMOBILE INDUSTRY. Sponsors:

Representative Spence, Senator Cordrey.

**HCR 15** - CELEBRATING DELAWARE'S NUMBER ONE TURNAROUND BANK, STAR STATES

CORPORATION WHOSE PRINCIPAL SUBSIDIARY IS WILMINGTON SAVINGS FUND SOCIETY.  
Sponsors: Representative Petrilli, and Senator Sharp, Representatives Spence, Quillen, Senators Cordrey, Holloway, Sr.

**HCRR 16** - RECOGNIZING THE WEEK OF APRIL 23-30, 1993, AS THE NEW CASTLE COUNTY COMMUNITY PARTNERSHIP ALCOHOL AND OTHER DRUG ABUSE PREVENTION WEEK.

Sponsors: Representative Bradley, Senator Blevins.

**HCRR 17** - MOURNING THE DEATH AND CELEBRATING THE LIFE OF HARRY J. MAICHLE, JR., LIFELONG DELAWAREAN AND LEADER IN THE LAW ENFORCEMENT COMMUNITY.

Representative Van Sant, Representatives Bennett, B. Ennis, Gilligan, Houghton, Jonkiert, Schroeder, Ewing, Lee; Senators Cordrey, Marshall, Vaughn, Voshell.

A roll call vote on the **SENATE CONSENT CALENDAR #6** was taken and revealed 20 Senators voting YES, 1 (Holloway) ABSENT; therefore, the Consent Calendar was declared adopted by the Senate and the House Concurrent Resolutions were returned to the House.

Senator Cordrey requested that a communication be read. No objection.

SENATE  
STATE OF DELAWARE

April 8, 1993

TO: Members of the Senate 137th General Assembly

FROM: Senator Richard S. Cordrey, President Pro Tempore

SUBJECT: Appointment - Senate Resolution #8, 137th General Assembly

As per the power invested in me as President Pro Tempore of the Senate of the 137th General Assembly, I hereby appoint the following:

Senator Robert L. Venables, Sr., Chairman  
116 Hearn Avenue  
Laurel, Delaware 19956

Senator Robert I. Marshall  
601 South DuPont Street  
Wilmington, Delaware 19805

Mrs. Joyce Wright  
Post Office Box 114  
Woodside, Delaware 19980

Henry C. Davis, III, Esq.  
207 E. Market St.  
P.O. Box 532  
Georgetown, DE 19947

Harvey B. Rubenstein, Esq.  
824 Market St. Suite #901  
Wilmington, DE 19801

Senator John C. Still  
Post Office Box 311  
Dover, Delaware 19903

Dr. Vincent Lobo, Jr.  
Route #13 and Shaw Avenue  
Harrington, Delaware 19952

Timothy A. Casey, Esq.  
1310 King St.  
P.O. Box 1328  
Wilmington, DE 19899

Clifford B. Hearn, Jr., Esq.  
606 Market St. Mall  
Post Office Box 1205  
Wilmington, DE 19899

to serve as per **Senate Resolution Number 8** of the 137th General Assembly, ESTABLISHING A SENATE TASK FORCE TO STUDY DELAWARE'S WORKMEN'S COMPENSATION LAW AND TO RECOMMEND ANY NEEDED CHANGES.

The findings of the Task Force, together with recommendations for needed changes in the law, are to be reported to the Delaware State Senate on or before January 1, 1994.

CC: House of Representatives

Board, Commission and/or Task Force Member

\* \* \* \* \*

Senator McDowell commented on **HCRR 12**, which was on **Senate Consent Calendar #6**.

At 4:47 p.m., on motion of Senator Sharp, the Senate recessed until April 27, 1993 or the call of the President Pro Tempore.

The Senate reconvened at 2:35 p.m., April 27, 1993 with Lt. Governor Minner presiding.

The following committee report was announced:

From: Sunset: **HB 23** - 3 Merits.

A communication from Senator Blevins was read requesting that Representative Wojewodzki be added as a co-sponsor of **SB 78**.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 41**, **SS 1** for **SB 15**, **SJR 10**, **SJR 11**, **SJR 13**, **SJR 5**, **HB 115 w/HA 1**, **HB 105**, **HB 139** and **HCR 19**.

**LEGISLATIVE ADVISORIES #6 through #8** from the Office of Counsel to the Governor was announced for the record, partially read and copies made available to the members upon request.

**LEGISLATIVE ADVISORY 6**, dated April 14, 1993. The following legislation was signed by Governor Thomas R. Carper on the date indicated:

**SJR #8** - 4/8/93 - RECOGNIZING DELAWARE TECHNICAL & COMMUNITY COLLEGE IN CELEBRATING NATIONAL COMMUNITY COLLEGE MONTH. (Sen. Sokola and Rep. Sorenson)

**SB #77** - 4/13/93 - AN ACT ADJUSTING THE SALARY OF THE SECRETARY-SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES AND AUTHORIZING THE TRANSFER OF FUNDS TO ACCOMMODATE THE SALARY ADJUSTMENT. (Sens. McDowell, Blevins, Venables, Holloway; Reps. Van Sant, Davis, DiPinto, Bennett, Maroney) (Volume 69, Chapter 7, Laws of Delaware).

**SS #1 for SB #79** - 4/13/93 - AN ACT SUPERSEDING PORTIONS OF CHAPTER 290, VOLUME 68, LAWS OF DELAWARE AND AMENDING CHAPTER 7, TITLE 29 OF THE DELAWARE CODE RELATING TO ADJUSTMENTS OF SALARIES FOR CERTAIN STATE OFFICIALS AND LEGISLATIVE STIPENDS AND AUTHORIZING THE TRANSFER OF FUNDS TO ACCOMMODATE SUCH ADJUSTMENTS. (Sen. Holloway, Sharp, Cordrey, Blevins, Martin, McDowell and Reps. Spence, Petrilli, Quillen, Davis, George, Gilligan) (Volume 69, Chapter 8, Laws of Delaware).

**HB #55** - 4/13/93 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, BEING THE CHARTER OF THE CITY OF DOVER, RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR REFUNDING PURPOSES. (Reps. Bennett & Wagner; Senators Still & Torbert). (Volume 69, Chapter 9, Laws of Delaware).

\* \* \* \* \*

**LEGISLATIVE ADVISORY #7**, dated April 20, 1993. The following legislation was signed by Governor Thomas R. Carper on the date indicated:

**SJR #11** - 4/19/93 - MOURNING THE DEATH OF FORMER GOVERNOR J. CALEB BOGGS, WHO PASSED AWAY ON FRIDAY, MARCH 26, 1993 AT THE AGE OF 83. (Sen. Cook, Rep. Clark, Sen. Vaughn and All Senators and All Representatives).

**HB #137** - 4/19/93 - AN ACT TO AMEND CHAPTER 10 TITLE 14 AND CHAPTERS 50, 63, 66A, 69 AND 74 OF TITLE 29 OF THE DELAWARE CODE RELATING TO THE TRANSFER OF CAPITAL BUDGET RESPONSIBILITIES OF THE DELAWARE DEVELOPMENT OFFICE TO THE OFFICE OF THE BUDGET; AND AUTHORIZING THE TRANSFER OF RELATED POSITIONS AND FUNDING, AND THE ADVANCED PLANNING AND REAL PROPERTY ACQUISITION FUND. (Reps. Petrilli, Spence, Quillen, Roy, Davis, George, Gilligan; Sens. Cordrey, Cook, Sharp, Holloway, Martin, Bair, Connor) (Volume 69, Chapter 10, Laws of Delaware).

**HB #90** - 4/19/93 - AN ACT TO AMEND CHAPTER 26, TITLE 14 OF THE DELAWARE CODE RELATING TO THE POWER OF COUNTY VOCATIONAL HIGH SCHOOL DISTRICTS AND COUNTY VOCATIONAL TECHNICAL SCHOOL DISTRICTS TO LEVY TAXES FOR SCHOOL PURPOSES. (Reps. Bunting, Carey, Ewing, Fallon, and Schroeder; Sens. Adams, Cordrey, Venables and Voshell) (Volume 69, Chapter 11, Laws of Delaware).

**HB #95 aab HA #1** - 4/19/93 - AN ACT TO AMEND CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" TO PERMIT THE SALE OF BONDS BY THE TOWN OF HENLOPEN ACRES AT PRIVATE SALE. (Rep. Schroeder and Sen. Cordrey) (Volume 69, Chapter 12, Laws of Delaware).

**SJR #13** - 4/19/93 - URGING THE DELAWARE OPEN SPACE COUNCIL AND THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO CONSIDER THE PURCHASE OF THE ASH PROPERTY. (Sens. McBride, Cook, Connor, Neal, Vaughn, Reps. DiPinto, Mack, Maroney, Reynolds, Van Sant, West).

\* \* \* \* \*

**LEGISLATIVE ADVISORY #8**, dated April 20, 1993. The following legislation was signed by Governor Thomas R. Carper on the date indicated:

**SS #1 for SB #15** - 4/19/93 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO PROPERTY TAX EXEMPTION FOR CERTAIN PERSONS OVER 65 YEARS OF AGE. (Sen. Torbert and Sen. Still; Reps. Bennett, Wagner) (Volume 69, Chapter 13, Laws of

Delaware).

**SB #41** - 4/19/93 - AN ACT TO AMEND THE LAWS OF DELAWARE, VOLUME 66, CHAPTER 291, AS AMENDED, BEING THE CHARTER OF THE TOWN OF CLAYTON, TO CHANGE THE FISCAL YEAR. (Sen. Vaughn & Rep. B. Ennis) (Volume 69, Chapter 14).

**SJR #59** - 4/19/93 - AN ACT TO AMEND CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO" AS AMENDED, TO REVISE THE PROCEDURES FOR REGISTRATION OF VOTERS. (Sen. Cordrey and Rep. West) (Volume 69, Chapter 15, Laws of Delaware).

**SJR #5** - 4/19/93 - RELATING TO EXTENDING THE REPORTING DATE OF THE TASK FORCE TO STUDY THE FEASIBILITY OF A VOLUNTARY COMMUNITY SATURDAY SCHOOL PROGRAM. (Sen. Connor).

**SJR #10** - 4/19/93 - WELCOMING THE 1993 NATIONAL ASSOCIATION OF STUDENT COUNCIL HIGH SCHOOL LEADERSHIP CONFERENCE TO DELAWARE ON JUNE 26-30 AND PROVIDING AUXILIARY FUNDS THEREFORE. (Sen. Martin; Rep. Spence; Sens. Sokola, Neal; Reps. Oberle, Amick, Davis, Taylor, Sorenson).

**HB #17** - 4/19/93 - AN ACT TO AMEND CHAPTER 1, TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE BOARD OF EDUCATION. (Rep. Sorenson and Sen. Sokola) (Volume 69, Chapter 16, Laws of Delaware).

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At 2:37 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 20th Legislative Day.

#### 20TH LEGISLATIVE DAY

April 27, 1993

The Senate convened at 2:37 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Voshell.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

#### PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

April 27, 1993

The following legislation was introduced and assigned:

**SB 82** - AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE POWER OF RECALL. Sponsors: Senator Still; Senators Bair, Connor, Venables. To: Executive.

**SB 83** - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO RECALL. Sponsors: Senator Still; Senators Bair, Connor, Venables. To: Executive.

**SB 84** - AN ACT TO AMEND CHAPTER 60, TITLE 7 AND CHAPTERS 26 & 30, TITLE 9 OF THE DELAWARE CODE RELATING TO LAND DEVELOPMENT. Sponsors: Senator Connor; Senators Still, Vaughn, Venables; Representative Lofink, Mack, Reynolds, Spence. To: Health and Social Services.

**SB 85** - AN ACT TO AMEND CHAPTER 12, TITLE 14 OF THE DELAWARE CODE RELATING TO PROVISIONAL CERTIFICATES. Sponsors: Senator Hauge; Senator Neal; Representative Fallon. To: Education.

**SB 86** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO CHOICE IN PUBLIC EDUCATION. Sponsor: Senator Hauge; Representatives Fallon, Bradley. To: Education.

**SB 87** - AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE RELATING TO ESTABLISHING MINIMUM, MANDATORY REQUIREMENTS FOR THE INSTALLATION OF SMOKE DETECTORS AND/OR SMOKE DETECTION SYSTEMS IN ALL RESIDENTIAL OCCUPANCIES, USED WHOLLY OR IN PART AS A HOME, RESIDENCE, DWELLING, OR SLEEPING PLACE FOR ONE OR MORE PERSONS, EITHER PERMANENT OR TRANSIENT, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: ONE AND TWO FAMILY DWELLINGS, MOBILE HOMES, MODULAR HOMES, TOWNHOUSES, LODGE ROOMING OR BOARDING HOUSES, HOTELS, MOTELS OR BED AND BREAKFAST; DORMITORY; APARTMENT OR MULTI-FAMILY DWELLING; BOARD AND CARE; OR A RESIDENTIAL OCCUPANCY BY ANY OTHER NAME. Sponsors: Senators Holloway, Marshall,

Bair, Blevins, Sharp; Representatives Holloway, Jr., Plant, Spence, George, Gilligan, West, B. Ennis, Lee. To: Health and Social Services.

**SB 88** - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE, RELATING TO CRIMINAL PENALTIES FOR VIOLATION OF THAT CHAPTER. Sponsor: Senator McBride. To: Judiciary.

**HB 105** - AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, BEING CHAPTER 158, VOLUME 36 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO REAL PROPERTY REASSESSMENTS. (2/3 vote) Sponsors: Representative Bennett; Senator Torbert. To: Community/County Affairs.

Community/County Affairs.

**HB 115 w/HA 1** - AN ACT TO AMEND 68 LAWS OF DELAWARE, CHAPTER 156, BEING THE 1992 BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND 68 LAWS OF DELAWARE, CHAPTER 405, BEING THE 1993 BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE. Sponsors: Representative Roy, Representative Jonkiert; Senators Cook, Martin, Knox. To: Bond Bill.

**HB 139** - AN ACT TO AMEND CHAPTER 237, §29, VOLUME 51, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 165, §1, VOLUME 53, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE POWER TO BORROW MONEY. Sponsors: Representative Ewing; Senator Adams. To: Community/County Affairs.

**SA 1 to SB 48** - Sponsor: Senator McBride. Placed with the bill.

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Senator Holloway marked present.

**SB 66** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 66** - AN ACT TO AMEND 65 DELAWARE LAWS CHAPTER 455 RELATING TO UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING.

A roll call was taken and revealed 19 Senators voting YES, 2 (Marshall, Martin) ABSENT; therefore, **SB 66** was declared passed the Senate and sent to the House for consideration.

Senators Blevins, McBride and Neal marked present during the above roll call.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 2:46 p.m. and reconvened at 3:59 p.m. with Senator Cordrey presiding.

**HB 23** was brought before the Senate for consideration on motion of Senator Blevins, the floor manager.

**HB 23** - AN ACT TO AMEND CHAPTER 1, TITLE 4, OF THE DELAWARE CODE, RELATING TO ALCOHOLIC LIQUORS.

A roll call vote was taken and revealed 17 Senators voting YES, 4 (Adams, Cordrey, Still, Voshell) NO; therefore, **HB 23** was declared passed the Senate and returned to the House.

Lt. Governor Minner presiding at 4:01 p.m.

Senators Martin and Marshall marked present during above roll call.

**SR 19** was lifted from the table and brought before the Senate for consideration on motion of Senator Vaughn.

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

**SA 1 to SR 19**, which had been previously placed with the Resolution, was brought before the Senate for consideration on motion of Senator Hauge.

Senator Vaughn commented. A roll call vote was taken and revealed 6 Senators (Bair, Connor, Hauge, Knox, Neal, Still) voting YES, 15 NO; therefore, **SA 1 to SR 19** was declared defeated.

**SA 2 to SR 19**, which had been previously placed with the Resolution, was brought before the Senate for consideration on motion of Senator Bair.

A roll call vote was taken and revealed 6 Senators (Bair, Connor, Hauge, Knox, Neal, Still) voting YES, 14 NO, 1 (Cook) ABSENT; therefore, **SA 2 to SR 19** was declared defeated.

**SR 19** was now before the Senate. Several Senators entered into a discussion on the Resolution, after which a roll call vote was taken and revealed 15 Senators voting YES, 6 (Bair, Connor, Hauge, Knox, Neal, Still) NO; therefore, **SR 19** was declared adopted by the Senate.

At 4:26 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m. April 28, 1993.

The Senate reconvened April 28, 1993 at 3:34 p.m. with Lt. Governor Minner presiding.

Immediately on motion of Senator Sharp, the Senate adjourned to convene for the 21st Legislative Day.

## 21ST LEGISLATIVE DAY

April 28, 1993

The Senate convened at 3:34 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Torbert.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall,

Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

Senator Cordrey requested the privilege of the floor to introduce Laura Randa Edwards, representing the Delaware Teacher's Academy for Service Learning. Ms. Edwards briefly addressed the Senate and introduced the students whom were involved in the award ceremony.

The students gave brief descriptions of the projects that earned them their awards.

Lt. Governor Minner commented on the groups.

Senators Connor, Bair and McDowell also commented.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 4:12 p.m.

At 4:49 p.m. the Senate reconvened with Senator Cordrey presiding.

Senator Knox marked present.

The Secretary announced that a message from the House informed the Senate that it had passed **HS 1 for HB 32 w/HA 1, HB 89 w/HA 2,3, HB 9 w/SA 1, HA 1 and HCR 21**

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

## **PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**April 28, 1993**

### **PLEASE NOTE CORRECTION OF TYPOGRAPHICAL ERROR: PRE FILE LIST OF APRIL 27, 1993**

**HB 115 w/HA 1 to Bond Bill Committee**

**HB 139 to Community/County Affairs Committee**

The following legislation was introduced and assigned:

**SB 89** - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO CONSTITUTIONAL AMENDMENTS; AND PROVIDING THAT CONSTITUTIONAL AMENDMENTS BE RATIFIED AT THE POLLS. Sponsors: Senator McBride; Representative Oberle. To: **Executive**

**SB 90** - AN ACT AUTHORIZING THE TRANSFER OF GENERAL FUNDS FROM THE STATE BUDGET OFFICE SELF INSURANCE CONTINGENCY ACCOUNT TO THE STATE BUDGET OFFICE - CONTINGENCY - VICTIMS BILL OF RIGHTS. Sponsors: Senator McBride and Representative Oberle. To: **Finance**

**HB 9 w/SA 2, w/HA 1** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON THE TIMES CERTAIN ESTABLISHMENTS ARE PERMITTED TO BE OPEN TO THE PUBLIC. Sponsors: Representative B. Ennis, Senator Vaughn; Representatives Clark, Banning; Senator McBride. To: **Laid on the Table**

**HS 1 for HB 32 w/HA 1** - AN ACT TO AMEND CHAPTER 15, TITLE 28 OF THE DELAWARE CODE RELATING TO THE DELAWARE GAMING CONTROL BOARD. Sponsor: Representative B. Ennis. To: **Sunset**

**HB 89 w/ HA 2 & 3** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES; AND PROVIDING PENALTIES FOR CARJACKING. Sponsors: Representative Jonkiert and Senator Marshall, Holloway, Sr.; Representatives Bennett, Lee, Petrilli, Wagner, Holloway, Jr., Bunting, Quillen, Maroney, Gilligan, George, Schroeder, Spence, Buckworth, Reynolds, Clark, Banning, DiLiberto, Van Sant, Davis, Brady, Bradley, Lofink, Sorenson, B. Ennis, Carey, Plant, Smith, Mack, DiPinto, D. Ennis, Fallon, Caulk, Taylor. To: **Judiciary**

**SA 1 to HB 24** - Sponsor: Senator Still. Placed with the bill.

The following letter of nomination was placed in the **Executive** Committee:

STATE OF DELAWARE  
Office of the Governor  
April 27, 1993

To the Senate of the 137th 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 Danneman**, Lake View Avenue, Taylor Estates, Dover, Delaware 19901, to be appointed to the

University of Delaware Board of Trustees for a term expiring April 29, 1996.

Your consideration of this nomination will be appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*

**SB 88** - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE, RELATING TO CRIMINAL PENALTIES FOR VIOLATION OF THAT CHAPTER. Sponsor: Senator McBride.

**Reassigned from Judiciary to Natural Resources.**

\* \* \* \* \*

**SB 27** was reassigned to the Finance committee.

The following committee reports were announced:

From Community/County Affairs: **HB 105** - 3 Merits; **HB 139** - 3 Merits.

Lt. Governor Minner presiding at 4:52 p.m.

**HB 9 w/SA 1 & HA 1** having passed the Senate with **SA 1** and returning from the House with **HA 1** was brought before the Senate for reconsideration on motion of Senator Voshell, the floor manager.

**HB 9** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON THE TIMES CERTAIN ESTABLISHMENTS ARE PERMITTED TO BE OPEN TO THE PUBLIC.

Senators Adams and Martin marked present.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (McBride, McDowell) ABSENT; therefore, **HB 9 w/SA 1 & HA 1** was declared passed the Senate and returned to the House.

Senator Sharp rose to comment on Congressman Castle's move from the Federal Building to a private office building.

Senator Connor also commented on the move.

Senator McBride marked present.

Senator Cordrey announced a Joint Session to convene on May 5, 1993 at 2:30 p.m. for the purpose of hearing the State of the State Address in the House Chamber.

**SCR 20** was brought before the Senate for consideration on motion of Senator McBride.

**SCR 20** - SUPPORTING THE CANDLELIGHT VIGIL OF APRIL 28, 1993, WHICH IS SPONSORED BY THE VICTIMS RIGHTS TASK FORCE, TO CALL ATTENTION TO THE NEED FOR JUSTICE FOR VICTIMS OF CRIMES. Sponsors: Senator McBride; Representative Spence.

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

**HCR 21** was brought before the Senate for consideration on motion of Senator McDowell, the floor manager.

**HCR 21** - RECOGNIZING APRIL 28, 1993, AS WORKERS' MEMORIAL DAY ON BEHALF OF OUR COLLEAGUES, CO-WORKERS, AND OTHERS WHO HAVE BEEN EITHER INJURED, MADE SICK, OR DIED ON THE JOB. Sponsors: Representative DiLiberto; Representatives Van Sant, Oberle; Senators Marshall, McBride, McDowell.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Holloway) ABSENT; therefore, the **HCR 21** was declared adopted by the Senate and returned to the House.

At 5:06 p.m. on motion of Senator Sharp, the Senate recessed until April 29, 1993 at 2:00 p.m.

The Senate reconvened at 3:17 p.m. April 29, 1993, with Lt. Governor Minner presiding.

The following committee reports were announced:

From Judiciary: **SB 57** - 3 Merits; **SB 61** - 3 Merits; **SB 69** - 3 Merits; **HB 89 w/HA 2, 3** - 3 Merits.

**SCR 25** was introduced and brought before the Senate for consideration on motion of Senator Sokola.

**SCR 25** - JOINING IN RECOGNITION OF NATIONAL TEACHER DAY, MAY 4, 1993, AND COMMENDING DELAWARE TEACHERS FOR THEIR DEDICATION IN PERFORMING THE SIGNIFICANT ROLE OF EDUCATING FUTURE GENERATIONS OF DELAWAREANS. Sponsors: Senator Sokola & Representative Sorenson; All Senators and All Representatives.

A roll call vote was taken and revealed 18 Senators voting YES, 3 (Cook, McBride, McDowell) ABSENT; therefore, **SCR 25** was declared adopted by the Senate and sent to the House for consideration.

The following committee reports were announced:

From Executive: **Ernst Danneman** - 3 Favorable, 1 Merit.

From Health and Social Services: **SB 78** - 4 Merits.

At 3:22 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 22nd Legislative Day.

22ND LEGISLATIVE DAY

April 29, 1993

The Senate convened at 3:22 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Holloway.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

## **PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**April 29, 1993**

The following legislation was introduced and assigned:

**SB 91** - AN ACT TO AMEND CHAPTER 28, TITLE 21 OF THE DELAWARE CODE RELATING TO HABITUAL OFFENDERS. Sponsors: Senator Venables, Voshell and McDowell. To: Laid on the table.

**SB 92** - AN ACT AMEND CHAPTER 42, TITLE 11, DELAWARE CODE RELATING TO STATUTORY AGGRAVATING CIRCUMSTANCES IN CAPITAL MURDER PROSECUTIONS. Sponsors: Senator Sharp & Representative Spence. To: Judiciary.

**SB 93** - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO MANDATORY TRAPPER EDUCATION TRAINING BEFORE ISSUANCE OF A LICENSE. Sponsors: Senator Vaughn; Representatives B. Ennis, Banning. To: Natural Resources and Environmental Control.

**SB 94** - AN ACT TO AMEND CHAPTER 23, TITLE 7, DELAWARE CODE, RELATING TO VESSELS USED BY CRAB DREDGERS WHILE DREDGING FOR CRABS IN DELAWARE. (2/3 vote) Sponsors: Senator Vaughn; Representatives B. Ennis, Banning. To: Natural Resources and Environmental Control.

**SJR 14** - ESTABLISHING A FUTURES COMMISSION, TO BE KNOWN AS "COMMISSION ON DELAWARE COURTS 2000," TO OPERATE AS A TASK FORCE ON COURT STRUCTURES AND LONG-RANGE PLANNING FOR COURT SYSTEMS IN THE STATE OF DELAWARE. Sponsors: Senators Cordrey, Sharp, Bair, Adams, Vaughn, Hauge; Representatives Spence, George, Amick, Wagner. To: Judiciary.

**SA 2 to HB 24** - Sponsor: Senator Still. Placed with the bill.

\* \* \* \* \*

A communication from Senator Cordrey was read requesting Representatives Quillen, Buckworth, Bradley, DiLiberto and Wojewodzki be added as co-sponsors of **SJR 14.**

A communication from Senator Cordrey and Representative Spence was read:

April 28, 1993

TO: Members of the 137th General Assembly

FROM: Senator Richard S. Cordrey, President Pro Tempore  
Representative Terry R. Spence, Speaker of the House

RE: Appointments to Family Law Commission

As per Title 13, Section 2002 of the Delaware Code, I, Richard S. Cordrey, as President Pro Tempore of the Senate and I, Terry R. Spence, as Speaker of the House of Representatives do appoint the following individuals to serve as members of the Commission on Family Law:

Harry E. Gordon, Jr.  
12 Courtney Road  
Sedgely Farms  
Newport, Delaware 19804

Robert W. Bryan  
329 Chestnut Street  
Lewes, Delaware 19958

Mr. Gordon is replacing Mary Moore Williams who was appointed an original member of the Commission and Mr. Bryan is replacing Robert Tunnell, who was appointed in 1991 and resigned.

Their terms will expire in three (3) years, April 30, 1996.



CC: Office of the Governor  
Commission on Family Law  
Appointees

\* \* \* \* \*

The Secretary announced that a message from the House informed the Senate that it had passed **HCR 11**, **HJR 22**, **HJR 3** and **SCR 20**.

Senator Cordrey requested privilege of the floor for John M. Schwalm, representing the Delaware Forestry Service for the purpose of presenting Holly trees to the Senators.

**HJR 3** was brought before the Senate for consideration on motion of the floor manager, Senator Cordrey, under suspension of the necessary rules.

**HJR 3** - DIRECTING THE DEPARTMENT OF AGRICULTURE TO NAME STATE OWNED FOREST LANDS IN SOUTHWESTERN KENT COUNTY THE "WILLIAM S. TABER STATE FOREST" IN HONOR OF DELAWARE'S FIRST STATE FORESTER. Sponsor: Representative Quillen; Representatives Fallon.

Senators Cook, Adams, Voshell and Bair requested to be co-sponsors of **HJR 3**. No objection.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, the **HJR 3** was declared passed the Senate and returned to the House.

Senator McBride marked present during the above roll call.

Senator Sharp requested privilege of the floor for Charles B. deFord, who spoke regarding services to the disabled on our highways.

**HB 105** was brought before the Senate for consideration on motion of the floor manager, Senator Voshell.

**HB 105** - AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, BEING CHAPTER 158, VOLUME 36 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO REAL PROPERTY REASSESSMENTS.

**SA 1 to HB 105** was introduced and brought before the Senate for consideration on motion of Senator Still.

Senators Sharp and Torbert commented. A roll call vote was taken and revealed 19 Senators voting YES, 1 (Sharp) NO, 1 (Holloway) ABSENT; therefore, **SA 1 TO HB 105** was declared part of the bill.

Senator McDowell marked present during the above roll call.

**HB 105 w/SA 1** was now before the Senate.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 105 w/SA 1** was declared passed the Senate and returned to the House for reconsideration.

**HB 139** was brought before the Senate for consideration on motion of the floor manager, Senator Voshell.

**HB 139** - AN ACT TO AMEND CHAPTER 237, §29, VOLUME 51, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 165, §1, VOLUME 53, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE POWER TO BORROW MONEY. (2/3 vote)

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 139** was declared passed the Senate and returned to the House.

On motion of Senator Venables and without objection, the necessary rules were suspended for **SB 91** to be lifted from the table and brought before the Senate for consideration.

**SB 91** - AN ACT TO AMEND CHAPTER 28, TITLE 21 OF THE DELAWARE CODE RELATING TO HABITUAL OFFENDERS.

Several Senators engaged in a discussion concerning the bill. The privilege of the floor was granted to John Cordrey, Senate Attorney and the discussion ensued.

The witness was excused. A roll call vote was taken and revealed 18 Senators voting YES, 2 (McBride, Neal) NO, 1 (Holloway) ABSENT; therefore, **SB 91** was declared passed the Senate and sent to the House for consideration.

The nomination of **Ernst Danneman** was brought before the Senate on motion of Senator Adams. A roll call vote on the nomination was taken and revealed 21 Senators voting YES; therefore, the appointment was confirmed.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 4:18 p.m. and reconvened at 4:44 p.m. with Lt. Governor Minner presiding.

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

**SB 25** - AN ACT TO AMEND CHAPTER 99, TITLE 16, OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE DELAWARE HEALTH CARE COMMISSION.

Several Senators commented. A roll call vote was taken and revealed 18 Senators voting YES, 2 (Cook, McBride) NO, 1 (Holloway) ABSENT; therefore, **SB 25** was declared passed the Senate and sent to the House for consideration.

**SB 28 w/SA 1 & w/HA 2** was brought before the Senate, under suspension of the necessary rules on motion of Senator Cordrey for the purpose of considering the House Amendment.

**SB 28 w/SA 1 & w/HA 2** - AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE

RELATING TO PILOTS. (2/3 vote)

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Holloway) ABSENT; therefore, **SB 28 w/SA 1 & w/HA 2** was declared passed the Senate and sent to the Governor.

**SENATE CONSENT CALENDAR #7** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SCR 21** - COMMENDING DELAWARE CRIME STOPPERS ORGANIZATION ON THEIR 10TH ANNIVERSARY AND EXTENDING TO THEM BEST WISHES FOR A PROSPEROUS AND SUCCESSFUL FUTURE. Sponsors: Senator McBride and Representative Spence.

**SCR 22** - REQUESTING STATE AGENCIES TO PURCHASE PRODUCTS WHICH CONTAIN, OR ARE MANUFACTURED FROM, RECYCLED MATERIALS AND/OR COMPONENTS SUCH AS (BUT NOT LIMITED TO) WOOD CHIPS AND MULCH THAT HAS BEEN DERIVED FROM WOOD WASTE; ROAD SAFETY CONES THAT HAVE BEEN MANUFACTURED FROM RECYCLED RUBBER; OFFICE PAPER PRODUCED FROM POST-CONSUMER RECYCLED PAPER; PALLETS MANUFACTURED FROM RECYCLED PLASTIC, ETC. Sponsors: Senator McBride and Representative Carey.

**SCR 23** - COMMENDING THE CITY OF DOVER, THE OFFICE OF KENT COUNTY TOURISM, THE BOYS AND GIRLS CLUB OF DOVER, DELAWARE, AND THE KENT COUNTY LEVY COURT FOR THEIR ACTIVE PARTICIPATION AND HARD WORK IN HELPING TO MAKE WHAT IS RAPIDLY BECOMING ACCLAIMED AS THE MOST WATCHED ATHLETIC CONTEST IN THE WORLD, NAMELY, THE 1993 TOUR DUPONT WHICH WILL KICK OFF STAGE I OF A 1100 MILE RACE ON MAY 7 IN FRONT OF LEGISLATIVE HALL. Sponsors: Senators Still, Vaughn, Cook, Torbert; Representatives Wagner, B. Ennis, Quillen, Bennett, Caulk, Buckworth, Roy.

**HCR 11** - REQUESTING THE DEPARTMENT OF JUSTICE TO MAKE RECOMMENDATIONS CONCERNING EXPANSION OF LEGALLY ACCEPTED USE OF FORCES IN PROTECTING ONE'S PERSONAL PROPERTY IN RESPONSE TO THE INCREASES IN CARJACKINGS AND OTHER ASSAULTS ON PERSONS IN MOTOR VEHICLES. Sponsors: Representatives Clark, Banning, Carey, Mack, Van Sant, Houghton, DiLiberto, DiPinto, Reynolds, B. Ennis, Plant, Bennett, West; Senators Vaughn, Voshell, Blevins, Torbert.

**HCR 19** - CONGRATULATING THE NEW CASTLE BOYS CLUB BASKETBALL TEAM OF THE ROSE HILL COMMUNITY CENTER FOR THEIR OUTSTANDING 1993 BASKETBALL SEASON, HAVING WON 37 OF THEIR 38 GAME SCHEDULE AND FURTHER EXTENDING MANY THANKS TO THE BASKETBALL COACH, CRAIG KELLY, TO MR. WILLIAM JENKINS, MEMBER OF THE BOARD OF DIRECTORS, MR. MAYNARD "JACK" MILES, EXECUTIVE DIRECTOR, AND MR. KEN DAVIS, CHAIRMAN OF THE BOARD FOR ALL OF THEIR UNRELENTING SUPPORT AND MORAL BACKING THAT HAS LED TO THE TEAM'S OUTSTANDING BASKETBALL SEASON. Sponsors: Representatives Holloway, Plant; Senator Holloway.

**HCR 22** - HONORING THOSE INDIVIDUALS WHO HAVE BEEN SELECTED AS RECIPIENTS OF THE DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE. Sponsors: Representative Spence on behalf of all Representatives; Senator Cordrey on behalf of all Senators.

Senator McDowell questioned the sponsor of **SCR 22** for the clarification of the intent.

A roll call vote on **SENATE CONSENT CALENDAR #7** was taken and revealed 21 Senators voting YES; therefore, the Consent Calendar was declared adopted by the Senate. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

**SCR 24** was introduced and brought before the Senate for consideration on motion of Senator Cook.

**SCR 24** - MOURNING THE DEATH OF CALVIN BOGGS OF CHESWOLD, DELAWARE WHO PASSED AWAY ON SUNDAY, APRIL 11, 1993, AT THE AGE OF 72. Sponsors: Senators Cook, Vaughn, Torbert; Representatives Clark, Quillen, Buckworth, B. Ennis, Bennett.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SCR 24** was declared adopted by the Senate and sent to the House for consideration.

At 5:04 p.m. on motion of Senator Sharp, the Senate recessed until May 4, 1993 at 2:00 p.m.

The Senate reconvened May 4, 1993 at 2:13 p.m. with Lt. Governor Minner presiding.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 41 w/HA 1, HB 63, HB 144, HCR 23, SB 28 w/SA 1, HA 2 and SB 20 w/SA 1**.

The following committee report was announced:

From Sunset: **SB 81** - 1 Favorable, 4 Merits.

**SCR 23** was brought before the Senate for consideration on motion of the floor manager, Senator Cordrey.

**HCR 23** - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF HEARING AN ADDRESS FROM E. NORMAN VEASEY, CHIEF JUSTICE OF THE DELAWARE SUPREME COURT ON THE STATE OF THE JUDICIARY. Sponsor: Representative Petrilli; Representatives Spence, Quillen.

A roll call vote on was taken and revealed 11 Senators voting YES, 1 (Sharp) NOT VOTING, 9 (Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Still, Torbert) ABSENT; therefore, **HCR 23** was declared adopted by the Senate and returned to the House.

At 2:26 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 23rd Legislative Day.

### 23RD LEGISLATIVE DAY

May 4, 1993

The Senate convened at 2:16 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Adams.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 20, 1 (Cook) ABSENT.

The Journal of the previous day was approved as read on motion of Senator Sharp. No objection.

At 2:20 p.m. on motion of Senator Sharp, the Senate recessed for the Joint Session in the House Chamber.

### STATE OF JUDICIARY MESSAGE TO A JOINT SESSION OF THE 137TH GENERAL ASSEMBLY

E. NORMAN VEASEY, CHIEF JUSTICE  
OF THE SUPREME COURT OF DELAWARE

May 4, 1993 - 2:30 p.m.  
Legislative Hall, Dover, Delaware

The Sergeant-at-Arms announced the Members of the Senate. They were admitted, welcomed and seated. Mr. Speaker Spence invited the President of the Senate and the President Pro Tempore to share the rostrum.

Mr. Speaker Spence introduced and welcomed former Governor Carvel.

The Sergeant-at-Arms announced the Justices of the State Supreme Court, the Court of Chancery, the Superior Court, and other Chief Judges. They were admitted, welcomed and seated.

Representative Petrilli moved that the Speaker appoint a Committee to escort the Governor to the House Chamber. The motion prevailed.

Mr. Speaker appointed Representative John F. VanSant, spokesperson & Senator Myrna L. Bair to escort the Governor to the Chamber.

The Sergeant-at-Arms announced and admitted the Governor and the duly appointed Committee to the House Chamber.

The Speaker welcomed the Governor and invited him to the rostrum.

At 2:37 p.m. Representative Petrilli moved that the House and Senate convene in Joint Session. The motion prevailed.

Representative Petrilli moved that the Speaker of the House preside over the Joint Session. The motion prevailed.

Representative Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate act as secretaries to the Joint Session. The motion prevailed.

Representative Petrilli moved that the Speaker appoint a Committee to escort the Chief Justice to the House Chamber.

Mr. Speaker appointed Representative Steven H. Amick, spokesperson and Senator Thomas B. Sharp to escort the Chief Justice to the Chamber.

The Sergeant-at-Arms announced and admitted the Chief Justice and the duly appointed Committee to the House Chamber.

Representative Amick introduced Chief Justice Norman Veasey to the Joint Session.

The Speaker welcomed the Chief Justice to the Joint Session. The Chief Justice addressed the members of the General Assembly as follows:

Governor Carper, Lieutenant Governor Minner, Speaker Spence, President Pro Tem Cordrey, members of the 137th General Assembly, members of the Judiciary, distinguished public officials, Governor Carvel, leaders of the Delaware Bar, distinguished guests and citizens of Delaware.

It is a high honor to present the State of the Judiciary Message to this Body. I am particularly grateful to the members of the House and Senate for extending this distinct privilege to me at this time. I have served a little over a year in this term and I have learned a great deal about the judiciary and the role of the branches of government. Most of all, I have learned and I have mentioned to many of you on several occasions that one should never take anything for granted.

And I do not take for granted your invitation to present the State of the Judiciary Message. I know that, in the exercise of your independent role as the legislative branch of government, you will scrutinize carefully any requests that I may present to you for your consideration and I expect that and I welcome it. And in all events I appreciate your continuing support for the courts know there are perhaps differing views within this State and in

this country about the function of a State of the Judiciary Message presented by a Chief Justice to a legislative branch of government. And I have read State of the Judiciary Messages which have been presented by my fellow Chief Justices to their legislatures, and I see quite a variety of approaches.

Delaware law requires the Chief Justice to present the State of the Judiciary Message. 10 Del. C. § 1901. The language of that statute is virtually identical to the language in the Constitutional provision (art. 111 § 15) requiring the Governor to give the State of the State Message to the General Assembly. Like that constitutional provision, the statute relating to the Chief Justice simply says:

The Chief Justice.... shall from time to time give to the General Assembly information.... concerning the judiciary and recommend to its consideration such measures as he shall deem expedient.

And I would expect that on some occasions it would be sufficient, with your approval, to fulfill this message in writing. I particularly appreciate your invitation at this time, shortly after the end of my first year to deliver the message personally, because I think we are at a watershed now in developing long-range structural solutions to some of our problems.

The next question is: What should a State of the Judiciary Message be about? And I do not believe it should be a long "wish list" detailing all the needs of the courts. It should not be repetitive of, or a substitute for, the detailed presentations to the Joint Finance Committee in connection with the budget or the capitol budget committee or presentations that I have made at the request of the House Judiciary Committee or the invitations that I have received from Senator Sharp's committee to speak to the Senate Judiciary Committee.

I like to limit this message to one central theme and that's a partnership among the three branches of government to forge a refined structure for our judiciary so that it will more efficiently, fairly, promptly, inexpensively and competently serve the citizens of the State and so it will become a model for the nation.

Many of you, perhaps all of you, are familiar with Senate Joint Resolution 14 which was introduced last Thursday. I appreciate very much the fact that there are many co-sponsors among the leadership of this body on that Joint Resolution and it relates to the commission which I am about to discuss.

Delaware has benefited from the competence, hard work and national preeminence of our judiciary and today I ask you and the Governor to join me in a partnership to assure that Delaware will be preeminent not only in the quality of its judiciary and its judicial decisions, but in terms of the structure of its judicial system. That structure does need attention, possible revision, new resources, and coordinated planning to achieve excellence as we approach the 21st Century.

It is my mission and that of my fellow judges to provide fair, prompt, competent, inexpensive decision making for our citizens. That means that it is our job to manage what we have, with the resources that are provided, to carry out our constitutional mandate.

The powers of these three branches are exercised separately and independently, but in a spirit of partnership and harmony, much like a symphony orchestra. One branch does not invade the turf of the other, yet we are interdependent. The judiciary cannot function effectively without adequate resources and wise legislation from this Body. And without the Governor's wise exercise of his appointing authority and the Senate's wise exercise of its power to consent to such appointments the judiciary would not have the quality personnel it needs to operate the system.

While the Constitution delegates the administration, and supervision of the judiciary to the Chief Justice there is a limit on the ability of the judiciary to arrange the structure to keep up with the challenges of today, and those which lie ahead as we approach the 21st Century. We need your help in helping us to think through the kinds of structural improvements which are appropriate, and to provide the statutory and constitution changes which will be required.

That is why I respectfully urge you to pass and the Governor to sign Senate Joint Resolution 14, that proposes a joint task forced "Commission on Delaware Courts 2000." This task force most notably involves the three branches working together to make Delaware a model state.

Why do we need this? Isn't it just another study committee? To be sure, we have had very effective study committees in the past. In 1986 we had the Court Consolidation Commission; we had Superior Court study committees, a recent committee on the Common Pleas Court. We have a Delaware Courts Planning Committee, which is a permanent committee advisory to the judiciary.

But, in my view, what we really need is an action-oriented, broad-based task force directly involving all three branches of government to move immediately and comprehensively to address the problems that are interconnected among our various courts and I hope that committee will report and get their work done in less than a year. At least 33 states around this country have some form of futures commission which has recommended changes to their legislative bodies. We need to review those studies and those methodologies, but we don't necessarily need to copy them because we're unique. We're small enough and we're good enough so that we should have the best state court system in the country.

Why is that important to us? It is not simply to win an award for the best structure. Most important is the fact that it will help the people of this State who live here and who deal with our courts every day. I am concerned about people in all walks of life who may find themselves in a Justice of the Peace Court, the Municipal Court, an Alderman's Court, the Court of Common Pleas, the Family Court, the Superior Court, the Court of Chancery,

or even in the Supreme Court. We need to provide those citizens with a framework which makes sense and will enable us to provide our citizens with those prompt, fair, inexpensive, and competent decision making that they deserve.

Delaware also has, as one of the major components of its public policy, a judiciary which is truly national. More than half of the Fortune 500 companies are attracted to Delaware, not only because of the advanced legislation for which this body is responsible, but because of our judiciary that administers our law. Today we have in Delaware 207,721 domestic corporations whose businesses and affairs are often determined by our courts in one way or another. Streamlining our court structure will help that image and will be to Delaware's economic advantage.

So the problem areas should be brought into sharp focus by this Commission, because many are interconnected. Action affecting Court A will probably affect Court B or will affect other parts of the justice system, the Department of Justice, the Public Defender's office. There are a number of specific areas that have to properly into the mosaic of a modern, smooth functioning, and model structure. The Commission should, in my view focus on the following areas among others:

Court of Common Pleas. We've had a study that suggests a merger with Superior Court. That may or may not be the best idea. It has recommended other steps in terms of jurisdiction. They need to be studies because they have an effect on other courts.

Other areas include the Wilmington Municipal Court, the Alderman Court. Whether we should a unified general trial court with divisions such as a Family Division, an Appellate Division, Common Pleas Division, Criminal Division and a Civil Division.

Whether the Family Court or the Court of Common Pleas or both of them should become constitutional courts. That's a very important issue that this commission should focus on.

One should focus on the jurisdiction of the Justice of the Peace Courts.

What are the impact of "minor traffic offenses," in terms of the burdens on the Court. What are "minor offenses".

How about the jury system, how can we improve that?

Is there an impact of mandatory minimum sentencing that ought to be looked at, whether it should be changed. We ought to know what it's impact is.

A permanent solution to the security problems in Delaware courts needs to be undertaken. A model is the US Marshal system. That's very expensive, that's long range. But I'm worried about the security in our courts, particularly in our Justice of the Peace Court which is one of my highest priorities in this next coming budget year.

We need a permanent solution to our housing problems for courts. Georgetown is an immediate problem, Wilmington Justice Center is the next problem, the next shoe to drop if you will.

We need to study all kinds of issues: what is a fair compensation system, what is the flexibility needed by the Chief Justice in order to move things around within the system and not violate any caps on the budgetary system.

Do we really need a senior judge system. We have one leg of a constitutional amendment. This commission should study that issue.

We need to, most of all, I think in the end we need to consider the feasibility of establishing goals involving enhanced non-judicial staffing: commissioners, masters, staff attorneys, law clerks, advanced technology and other resources, particularly alternate dispute resolution mechanisms, mediation and arbitration and the like.

This final item may be last on this list, but its not least, because it calls on the Commission to consider the feasibility of establishing goals in those areas. To be sure, we have an immediate need for two Superior Court judgeships today. That's the number one priority. That cannot wait. But what do we do in the future?

This Commission will study caseloads, will study projections and will see how we can deal without involving additional judgeships anytime soon, how we can deal with the situation with these other tools that we have available and come up with a plan for when we're going to need these judgeships.

The Superior Court and the other courts are already are already making great strides alternate dispute resolution mechanisms that are attached to the Court, court-annexed. The Superior Court, for example, has mandatory arbitration for cases involving \$100,000 or less and, if the litigants don't like that they get a trial de novo. This weeds out over 80 percent of the cases and that's a good system.

The Family Court and other courts have outstanding alternate dispute resolution mechanisms. We need to strengthen that.

The Superior Court has trained mediators who are trained to talk to people in court to keep the case away from involving juries and judges as long as possible. To be sure you have to have a judge at the end of the line as an enforcement mechanism but we need to look cooperatively as a partnership at all of these methods to try to come up with a solution.

In the technology area, the Superior Court, for example, has its Complex Litigation Automated Docketing system which is nationally known for its efficiency in electronic filing. I think we need to look and see how that can be expanded.

I have not mentioned the Supreme Court or the Court of Chancery. The Supreme Court has a tremendous

workload but I don't recommend that we add any more judges to the Supreme Court or that we add another layer of courts, an intermediate appellate court. What we need are more staff and more mechanisms through the way of staff attorneys which is one of my high priorities or law clerks in the future.

The Court of Chancery, which is our outstanding business court, nationally known. It's a Court whose resources are valuable to the State and perhaps they can be expanded.

I'm particularly delighted that Governor Carvel is here because we have a Supreme Court of five justices now and he started with the help of this body many years ago in 1951, the separate Supreme Court which has helped propel, I think, our judicial system into national recognition along with the quality of our judiciary. Governor Carvel has been a leader in judicial reform and he's a prime example of what we're about today in 1993 as we start on this new venture. Thank you for being here.

Unlike most states we can get things done in Delaware. We can get it done cooperatively. We can all work together. You all have been very kind to me in the number of times I have been before you and I know we can get this done. If you look at Senate Joint Resolution 14, you'll see that it proposes a commission of sixteen people. The chairs, co-chairs, of that commission are named in there, O. Francis Biondi, Esquire and Rodman Ward, Jr., Esquire, who are here. They would be outstanding leaders for this commission. It also calls on the Governor to appoint four, the Chief Justice to appoint four and the President Pro Tem to appoint two, the Speaker to appoint two, all bipartisan and there are mandates in there to appoint members of the public who are not lawyers and not public officials. The key, however, is having members of this body involved in the process.

When should the Commission report? Well, as I mentioned earlier in this message, I think it would be desirable for the Commission to have presented to you for your action, constitutional and legislative changes to implement their study early next year. Any constitutional changes then can be considered by the 137th General Assembly in 1994. This is a very ambitious undertaking but I'm certain we'll have an outstanding and hardworking commission who with your help will get the job done.

You're gracious to have invited me and you have been extraordinarily courteous and attentive to me, not only today but each time I have had the privilege of speaking with each of you directly or in your committees or on the floor. And as I said at the outset, I do not take that for granted. I think it is important to maintain frequent contact and work together. My door is always open to you and I will always return your phone calls, the same day if it's at all possible and I'll always be available to you to answer any questions you may have about judicial administration or legislation or structural change. I cannot speak to you and no judge can speak to you about any case but I welcome the opportunity to discuss these matters with you at any time.

I think that's about twenty minutes, in the Supreme Court we limit the lawyers to about twenty minutes so now I will thank you very much for your attention. I appreciate it.

Mr. Speaker thanked Justice Veasey for his comments.

Mr. Speaker announced that the duly appointed committees would escort the Governor and the Chief Justice from the Chamber.

Representative Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate compare their Journals to see if they agree. The motion prevailed.

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

Representative Petrilli moved that the Joint Session be adjourned at 3:00 p.m.

The Senate reconvened at 3:10 p.m. with Lt. Governor Minner presiding.

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

## **PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**May 4, 1993**

The following legislation was introduced and assigned:

**SB 95** - AN ACT TO AMEND CHAPTERS 1, 3, 7, 8, 9, 21, AND 27 OF TITLE 5, DELAWARE CODE, AND CHAPTER 303 OF 68 DEL. LAWS RELATING TO BANKS, BUILDING AND LOANS AND OTHER FINANCIAL INSTITUTIONS. (2/3 vote) Sponsors: Senator Cordrey; Representative D. Ennis. To:

### **Banking**

**SB 96** - AN ACT TO AMEND CHAPTERS 50 AND 55, TITLE 29 RELATING TO CERTAIN EMPLOYEES OF THE FORMER DIVISION OF HOUSING AND CERTAIN EMPLOYEES OF THE DELAWARE STATE HOUSING AUTHORITY. Sponsors: Senator Cordrey; Representative Schroeder. To:

### **Community/County Affairs**

**SB 97** - AN ACT TO AMEND VOLUME 27, CHAPTER 216, LAWS OF DELAWARE, AS AMENDED, BEING THE CHARTER OF THE CITY OF NEW CASTLE, AND RELATING TO THE DAY ON WHICH THE CITY COUNCIL SHOULD MEET FOR THE TRANSACTION OF BUSINESS. (2/3 vote) Sponsors: Senator Connor; Representative Mack. To: **Community/County Affairs**.

**SB 98** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO PUBLIC HEARINGS FOR PERMITS RELATING TO USE OF SUBAQUEOUS LANDS. Sponsor: Senator Cordrey.

To: **Natural Resources.**

**SB 99** - AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES OF THE STATE OF DELAWARE TO AMEND THE SPOUSAL IMPOVERISHMENT PROVISIONS OF THE STATE PLAN UNDER TITLE XIX (MEDICAID) OF THE SOCIAL SECURITY ACT. Sponsors: Senator Holloway; Representative George; Senators Neal, Blevins, Sokola; Representative West. To: **Health and Social Services.**

**SB 100** - AN ACT TO AMEND TITLE 14, CHAPTER 40 OF THE DELAWARE CODE RELATING TO SCHOOL EMPLOYEE NEGOTIATIONS. Sponsors: Senator Blevins and Representative Oberle; Senator McDowell; Representatives Bradley, Brady, Davis, Lofink, Spence, Reynolds, and Wagner. To: **Education.**

**SB 101** - AN ACT TO AMEND TITLES 11 AND 21, DELAWARE CODE, RELATING TO THE PROCEEDS FROM VIOLATIONS OF CHAPTER 48 OF TITLE 21 AND CREATING THE "VICTIMS' RIGHTS FUND". Sponsors: Senators Vaughn, Cook, Sharp; Representative Davis. To: **Finance.**

**HB 41 w/HA 1** - AN ACT TO AMEND CHAPTER 51 AND 53 OF TITLE 31, DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES OVER THE FERRIS SCHOOL FOR BOYS AND THE WOODS HAVEN SCHOOL FOR GIRLS. Sponsors: Representative Maroney & Senator Holloway. To: **Children, Youth, and Families.**

**HB 63** - AN ACT TO AMEND CHAPTERS 2 AND 27, TITLE 14, DELAWARE CODE RELATING TO MANDATORY AGE OF ATTENDANCE IN PUBLIC SCHOOLS. Sponsors: Representatives Maroney & Sorenson & Bradley; Senator Sokola; Representatives Spence, Buckworth, Smith, D. Ennis, Ewing, Lee, Quillen, Mack, Wagner, Brady, Houghton; Senators McBride, Bair, Connor, Hauge, Neal, Knox. To: **Education.**

**HB 144** - AN ACT TO AMEND TITLE 16, TITLE 18, TITLE 20, AND TITLE 29, RELATING TO THE DIVISION OF EMERGENCY PLANNING AND OPERATIONS; AND CHANGING THE CODE REFERENCES TO THAT DIVISION. Sponsors: Representative Buckworth & Senator Blevins; Representatives Spence, Ewing, Lee, Bradley, Brady; Senator Still. To: **Public Safety.**

**SA 1 to SB 49** - Sponsor: Senator Venables. Placed with the bill.

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**SB 17** was brought before the Senate for consideration on motion of Senator Sokola.

**SB 17** - AN ACT TO AMEND TITLE 11, DELAWARE CODE BY ADDING THE CRIME OF CONTINUOUS SEXUAL ABUSE OF A CHILD.

The privilege of the floor was extended to Timothy H. Barron, representing the Attorney General's Office.

Senators Neal and Bair questioned the witness, after which the witness was excused. Senator Sokola moved to lay the bill on the table.

**SB 69** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 69** - AN ACT TO AMEND CHAPTER 39, TITLE 11, AND CHAPTER 9, TITLE 10, DELAWARE CODE, TO PROVIDE FOR MANDATORY HUMAN IMMUNODEFICIENCY VIRUS TESTING OF CERTAIN SEX CRIME OFFENDERS.

Senator Bair commented. The privilege of the floor was again extended to Timothy H. Barron, representing the Attorney General's Office.

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

**SA 1 to SB 69** was introduced and brought before the Senate for consideration on motion of Senator McDowell.

Senator Sharp commented.

Senator Holloway was marked present and also offered his comments.

Senator Holloway requested privilege of the floor for John Paradee, Senate Attorney.

Several Senators entered into a discussion with the witness, after which the witness was excused.

Senator McBride marked present.

Senator Bair requested privilege of the floor for Timothy H. Barron, representing the Attorney General's Office.

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

A roll call vote was then taken and revealed 4 Senators (Connor, McDowell, Still, Venables) voting YES, 16 NO, 1 (Cook) ABSENT; therefore, **SA 1 to SB 69** was declared defeated.

Senators Marshall, Martin and Still marked present during the above roll call.

**SB 69** was now before the Senate. The privilege of the floor was extended to John Paradee, Senate Attorney.

The witness was excused. A roll call vote was taken and revealed 19 Senators voting YES, 1 (McDowell) NOT VOTING, 1 (Cook) ABSENT; therefore, **SB 69** was declared passed the Senate and sent to the House for consideration.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 4:05 p.m. and reconvened at 4:42 p.m. with Senator Cordrey presiding.

**SB 57** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 57** - AN ACT TO AMEND CHAPTER 42, TITLE 11, DELAWARE CODE, RELATING TO THE METHOD AND IMPOSITION OF SENTENCE OF DEATH.

Senator Martin commented. A roll call vote was taken and revealed 17 Senators voting YES, 3 (Holloway, Knox, McDowell) NO, 1 (Cook) ABSENT; therefore, **SB 57** was declared passed the Senate and sent to the House for consideration.

Lt. Governor Minner presiding at 4:48 p.m.

**SB 17** was lifted from the table on motion of Senator Sokola and brought before the Senate for consideration.

**SA 1 to SB 17** was stricken on motion of Senator Sokola.

**SA 2 to SB 17** was introduced and brought before the Senate for consideration on motion of Senator Sokola.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Cook) ABSENT; therefore, **SA 2 to SB 17** was declared part of the bill.

A roll call vote was then taken and revealed 20 Senators voting YES, 1 (Cook) ABSENT; therefore, **SB 17 w/SA 2** was declared passed the Senate and sent to the House for consideration.

At 4:53 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m. May 5, 1993.

The Senate reconvened at 3:58 p.m. May 5, 1993 with Lt. Governor Minner presiding.

The Secretary announced that a message from the House informed the Senate that it has passed **SCR 25**.

The following committee reports were announced:

From Public Safety: **HB 104 w/HA 1** - 4 Merits.

From Bond Bill: **HB 115 w/HA 1** - 2 Favorable, 2 Merits.

From Judiciary: **SB 92** - 3 Merits; **SJR 14** - 3 Merits; **HB 37** - 3 Merits.

The Secretary read a withdrawal of sponsorship request from Representative Spence, requesting his name be removed as a co-sponsor of **SB 33**.

At 3:59 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 24th Legislative Day.

#### 24TH LEGISLATIVE DAY

May 5, 1993

The Senate convened at 3:59 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Venables.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Cook, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

#### PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

May 5, 1993

The following legislation was introduced and assigned:

**SB 102** - AN ACT TO AMEND CHAPTER 59, TITLE 29, SECTION 5903 (17) RELATING TO THE TERM OF EMPLOYMENT OF TEMPORARY, CASUAL AND SEASONAL EMPLOYEES. Sponsors: Senator Sharp and Representative Spence. To: **Judiciary**.

**SB 103** - AN ACT TO AMEND TITLE 8, CHAPTER 3, SUBCHAPTER XVII OF THE DELAWARE CODE RELATING TO GENERAL CORPORATION LAW. Sponsors: Senator Sharp and Representative Spence. To: **Judiciary**.

**SB 104** - AN ACT TO AMEND CHAPTER 5, TITLE 8, OF THE DELAWARE CODE RELATING TO CORPORATION FRANCHISE TAX. Sponsors: Senator Sharp and Representative Spence. To: **Judiciary**.

**SB 105** - AN ACT TO AMEND CHAPTER 5, TITLE 8, OF THE DELAWARE CODE RELATING TO CORPORATION FRANCHISE TAX. Sponsors: Senator Sharp and Representative Spence. To: **Judiciary**.

The following Amendments were placed with the bill:

**SA 1 to SB 33** - Sponsor: Senator McBride.

**SA 2 to SB 33** - Sponsors: Senators Venables, Adams, Cordrey, Knox, Still, Voshell.

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Senator Blevins marked present.

**HB 104 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Blevins.



**HB 104 w/HA 1** - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO SPECIAL LICENSE PLATES FOR RECIPIENTS OF THE PURPLE HEART. (3/5 vote)

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Cook) ABSENT; therefore, **HB 104 w/HA 1** was declared passed the Senate and returned to the House.

Senators Marshall and Still marked present during above roll call.

**HB 89 w/HA 2 & 3** was brought before the Senate for consideration on motion of Senator Sharp, the floor manager.

**HB 89 w/HA 2 & 3** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES; AND PROVIDING PENALTIES FOR CARJACKING.

**SA 1 to HB 89** was introduced and brought before the Senate for consideration on motion of Senator Sharp.

The privilege of the floor was extended to John Cordrey, Senate Attorney.

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

A roll call was taken and revealed 20 Senators voting YES, 1 (Cook) ABSENT; therefore, **SA 1 to HB 89** was declared part of the bill.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Cook) ABSENT; therefore, **HB 89 w/HA 2, 3 & w/SA 1** was declared passed the Senate and returned to the House for reconsideration.

**HCR 24** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HCR 24** - COMMENDING THE STUDENTS SELECTED AS STATE SUPERINTENDENT'S SCHOLARS OF 1993.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Cook) ABSENT; therefore, **HCR 24** was declared adopted by the Senate and returned to the House.

At 4:22 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. May 6, 1993.

The Senate reconvened 2:07 p.m. May 6, 1993 with Lt. Governor Minner presiding.

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

**SB 33** - AN ACT TO AMEND CHAPTER 60 AND CHAPTER 63, TITLE 7 OF THE DELAWARE CODE, RELATING TO CRIMINAL PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF SAID CHAPTERS.

The privilege of the floor was granted to Kevin Patrick Maloney, representing the Department of Justice.

Several Senators entered into a discussion with the witness, after which the witness was excused.

Senator McBride requested the privilege of the floor for Kevin Patrick Maloney and Attorney General Charles M. Oberly, III.

The Senators entered into a lengthy discussion with the witnesses, after which Mr. Oberly was excused.

The debate on **SB 33** continued and then Mr. Maloney was excused.

Senator Venables requested the privilege of the floor for F. Michael Parkowski, representing CIC. Several Senators questioned the witness, after which the witness was excused.

Senator McBride moved to lay **SB 33** on the table.

Senator Cook marked present.

On motion of Senator Sharp, the Senate recessed at 4:23 p.m. and reconvened at 4:33 p.m. with Lt. Governor Minner presiding.

The following committee reports were announced:

From Education: **SJR 12** - 2 Favorable, 2 Merits; **HB 63** - 3 Merits.

From Banking: **SB 95** - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed **HCR 25, HCR 26, HCR 24, SCR 21, SCR 23** and **SCR 24**.

At 4:35 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 25th Legislative Day.

## 25TH LEGISLATIVE DAY

May 6, 1993

The Senate convened at 4:35 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Holloway.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

## PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

May 6, 1993

The following legislation was introduced and assigned:

**SB 106** - AN ACT TO AMEND CHAPTER 64, TITLE 7, DELAWARE CODE, TO REQUIRE THE SOLID WASTE AUTHORITY TO RESTUDY THE DANGERS AND COST OF A PROPOSED WASTE INCINERATOR BEFORE PROCEEDING WITH SITE SELECTION AND CONSTRUCTION OF SUCH PROPOSED INCINERATOR. Sponsors: Senator Torbert; Representative Caulk; Senator Voshell. To: Natural Resources.

**SB 107** - AN ACT TO AMEND CHAPTER 92, TITLE 11, DELAWARE CODE RELATING TO BILL OF RIGHTS FOR LAW ENFORCEMENT OFFICERS. Sponsors: Senator Sharp and Representative Ewing. To: Judiciary.

**SB 108** - AN ACT TO AMEND CHAPTER 21, TITLE 19 OF THE DELAWARE CODE, RELATING TO THE COMPOSITION AND COMPENSATION OF MEMBERS OF THE INDUSTRIAL ACCIDENT BOARD. Sponsors: Senator Marshall and Representative Oberle. To: Labor and Industrial Relations.

**SB 109** - AN ACT TO AMEND TITLE 19 DELAWARE CODE PROVIDING FOR THE REMOVAL OF INDUSTRIAL ACCIDENT BOARD MEMBERS. Sponsors: Senator Marshall and Representative Oberle. To: Labor and Industrial Relations.

**SB 110** - AN ACT TO AMEND AN ACT BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO" TO AUTHORIZE EXEMPTIONS FROM TAXATION UNDER CERTAIN CIRCUMSTANCES AND CONDITIONS. (2/3 vote) Sponsors: Senator Cordrey and Representative West. To: Community/County Affairs.

**SB 111** - AN ACT TO AMEND CHAPTER 79, TITLE 29, DELAWARE CODE, RELATING TO POWERS, DUTIES, AND FUNCTIONS OF THE SECRETARY. Sponsors: Senator Blevins; Representative Gilligan; Senators Marshall, Sokola, Voshell, Neal, Still, Connor, Knox; Representatives Davis, Smith, Wojewodzki, Bradley. To: Health and Social Services.

**SB 112** - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC BIDDING AND CONTRACTS. Sponsor: Senator Sharp. To: Judiciary.

**SB 113** - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO ASSAULT IN THE SECOND DEGREE. Sponsors: Senator Torbert; Representative Buckworth; Senators Cook, Sharp, Blevins, Sokola, Vaughn, Marshall, Voshell, Connor, Still; Representatives Brady, Carey, Davis, B. Ennis, Jonkiert, Ewing, Gilligan, Lee, Wagner, Quillen. To: Judiciary.

**SB 114** - AN ACT TO AMEND AN ACT, BEING CHAPTER 128, VOLUME 33, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MIDDLETOWN" REGARDING THE DEBT CEILING. (2/3 vote) Sponsors: Senator Vaughn; Representative Banning. To: Community/County Affairs.

**SR 20** - IN REFERENCE TO THE PERMANENT RULES OF THE DELAWARE STATE SENATE. Sponsors: Senator Bair & Senator Hauge. To: Rules.

The following Amendments were introduced and placed with the bill:

**SA 1 to SB 95** - Sponsor: Senator Cordrey.

**SA 3 to SB 33** - Sponsor: Senator Venables.

**SB 33** was lifted from the table and brought before the Senate for consideration on motion of Senator McBride.

**SB 33** - AN ACT TO AMEND CHAPTER 60 AND CHAPTER 63, TITLE 7 OF THE DELAWARE CODE, RELATING TO CRIMINAL PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF SAID CHAPTERS.

Several Senators commented. The privilege of the floor was requested on motion of Senator Neal for Dana P. Thuresson, representing Rodell, Incorporated.

Ms. Thuresson handed out a report to the Senators entitled "An Appeal for Tough, Clear Environmental Law". A copy of this report is on file for this legislative day.

Senators Neal and Knox questioned the witness, after which the witness was excused.

**SA 1 to SB 33**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator McBride.

Senator Cordrey presiding at 5:00 p.m.

Senator Venables requested the privilege of the floor for F. Michael Parkowski, Esquire.

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

Senator Blevins requested privilege of the floor for John Paradee, Senate Attorney. A brief discussion ensued and the witness was excused.

A roll call vote was taken and revealed 8 Senators (Blevins, Connor, Marshall, Martin, McBride, Sharp, Sokola, Vaughn) voting YES, 12 NO, 1 (McDowell) ABSENT; therefore, **SA 1 to SB 33** was declared defeated.

**SA 2 to SB 33** was stricken on motion of Senator Venables.

**SA 3 to SB 33**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Venables.

Senator McBride moved that **SB 33** be laid on the table and placed back into committee. Senator Venables objected. A roll call vote to lay on the table and place **SB 33** back into committee was taken and revealed 7 Senators (Blevins, Connor, Marshall, McBride, Sharp, Sokola, Vaughn) voting YES, 13 NO, 1 (McDowell) ABSENT; therefore, the motion was defeated.

Senator Venables moved to lay **SA 3 to SB 33** on the table.

Senator McBride moved to lay **SB 33** on the table and return it to the Natural Resources Committee. No objection.

**SR 21** was introduced and brought before the Senate for consideration on motion of Senator Voshell.

**SR 21** - RECOGNIZING AND HONORING ALL MOTHERS IN DELAWARE. Sponsor: Senator Voshell; On behalf of all Senators.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SR 21** was declared adopted by the Senate.

**SENATE CONSENT CALENDAR #8** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SCR 26** - MOURNING THE DEATH OF FORMER STATE SENATOR LEMUAL H. HICKMAN OF FRANKFORD, DELAWARE WHO PASSED AWAY ON WEDNESDAY, MAY 5, 1993, AT THE AGE OF 78. Sponsors: Senators Adams, Cordrey, Representatives West, Bunting.

**HCR 25** - MOURNING THE DEATH OF ARDEN TRUSTEE AND COMMUNITY SERVANT, JOAN WARE COLGAN. Sponsors: Representative Smith and Senator Bair.

**HCR 26** - IN RECOGNITION OF MARION D. TRACEY OF CAMDEN, DELAWARE, WHO ESTABLISHED THE RENOWN MARION TRACEY DANCE STUDIO IN DOVER, DELAWARE IN 1962 WHO IS RETIRING MAY 15, 1993 AFTER HAVING CONTRIBUTED ENORMOUSLY TO THE CULTURAL HERITAGE OF THE GREATER DOVER COMMUNITY, AND FURTHER EXTENDING TO HER AND HER FAMILY A HEALTHY AND RICH FUTURE. Sponsors: Representative Buckworth on behalf of all Representatives & Senator Torbert.

Senator Adams requested that all Senators names be added to **SCR 26**. No objection.

A roll call vote on **SENATE CONSENT CALENDAR #8** was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, the Consent Calendar was declared adopted by the Senate. The Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

At 5:25 p.m. on motion of Senator Sharp, the Senate recessed until May 11, 1993 at 2:00 p.m.

The Senate reconvened May 11, 1993 at 2:53 p.m. with Senator Cordrey presiding.

Senator McDowell marked present.

The following committee report was announced:

From Small Business: **SB 49 (SA 1)** - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 131 w/HA 1**.

**LEGISLATIVE ADVISORY #9** from the Office of Counsel to the Governor was announced for the record, partially read and copies made available to the members upon request.

**LEGISLATIVE ADVISORY #9**, dated May 6, 1993. The following legislation was signed by Governor Thomas R. Carper on the date indicated:

**HB #139** - 5/4/93 - AN ACT TO AMEND CHAPTER 237, §29, VOLUME 51, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 165, §1, VOLUME 53, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE POWER TO BORROW MONEY. (Rep. Ewing; Sen. Adams) (Volume 69, Chapter 17, Laws of Delaware).

**HB #23** - 5/4/93 - AN ACT TO AMEND CHAPTER 1, TITLE 4, OF THE DELAWARE CODE, RELATING TO ALCOHOLIC LIQUORS. (Rep. Roy & Sen. Venables) (Volume 69, Chapter 18, Laws of Delaware).

**HB #9 aab SA #1 and HA #1** - 5/4/93 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON THE TIMES CERTAIN ESTABLISHMENTS ARE PERMITTED TO BE OPEN TO THE PUBLIC. (Rep. B. Ennis, Sen. Vaughn, Reps. Clark, Banning) (Volume 69, Chapter 19, Laws of Delaware).

**HJR #3** - 5/4/93 - DIRECTING THE DEPARTMENT OF AGRICULTURE TO NAME STATE OWNED FOREST LANDS IN SOUTHWESTERN KENT COUNTY THE "WILLIAM S. TABER STATE FOREST" IN HONOR OF DELAWARE'S FIRST STATE FORESTER. (Reps. Quillen, Fallon).

**SB #28 aab SA #1 and HA #2** - 5/4/93 - AN ACT TO AMEND CHAPTER 1, TITLE 23, DELAWARE CODE RELATING TO PILOTS. (Sens. Cordrey, Vaughn, Cook, Adams, Voshell, Martin, Holloway, Torbert, Blevins, Connor, Bair, Still, Reps. Spence, Quillen, Ewing, Carey, Houghton, Oberle, Schroeder, Jonkiert, Var Sant, B. Ennis, Bennett, Banning, D. Ennis, Lee, Smith, Amick, West, Fallon) (Volume 69, Chapter 20, Laws

of Delaware).

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At 2:55 p.m. on motion of Senator Holloway, the Senate adjourned to immediately convene for the 26th Legislative Day.

## 26TH LEGISLATIVE DAY

May 11, 1993

The Senate convened at 2:55 p.m. with Senator Cordrey presiding.

A prayer was offered by Senator Holloway.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 20, 1 (Sharp) ABSENT.

The journal of the previous day was approved as read on motion of Senator Cordrey. No objection.

Lt. Governor Minner presiding at 2:56 p.m.

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

### PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

May 11, 1993

The following legislation was introduced and assigned on May 6, 1993:

**SB 115** - AN ACT SUPPLEMENTING THE PROVISIONS OF TITLE 26 OF THE DELAWARE CODE ANNOTATED RELATING TO THE REGULATION OF PUBLIC UTILITIES PROVIDING TELECOMMUNICATIONS SERVICES. Sponsors: Senator Adams, Representatives Amick & Petrilli; Senator Cordrey, Representatives DiPinto, B. Ennis, Ewing, George, Roy, Spence. To: **Administrative Services**.

The following legislation was introduced and assigned :

**SJR 16** - REQUESTING THE INTERAGENCY RESOURCE MANAGEMENT COMMITTEE TO STUDY EARLY INTERVENTION ALTERNATIVES FOR THE EDUCATION OF CHILDREN AT RISK OF FAILURE IN SCHOOL AND TO REPORT THE FINDINGS TO THE GOVERNOR, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. Sponsors: Senator Sokola & Representative Sorenson; Senators Bair, Blevins, Martin, McDowell, Voshell; Representatives Maroney and Wojewodski. To: **Education**.

**HB 131 w/HA 1** - AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE DELAWARE CODE RELATING TO THE SURVIVORS' ELIGIBILITY FOR PENSION BENEFITS. Sponsor: Representative Ewing. To: **Finance**.

**SA 1 to SB 61** - Sponsor: Senator Torbert. Placed with the bill.

**SA 1 to SB 92** - Sponsor: Senator Sharp. Placed with the bill.

**SA 1 to SB 93** - Sponsor: Senator Vaughn. Placed with the bill.

\* \* \* \* \*

**SB 81** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 81** - AN ACT TO AMEND CHAPTER 26, TITLE 24 OF THE DELAWARE CODE RELATING TO PHYSICAL THERAPY.

On motion of Senator Blevins, the privilege of the floor was granted to Gregory Rybichi, representing Delaware Physical Therapy Association. Several Senators questioned the witness, after which the witness was excused.

On motion of Senator Holloway, the privilege of the floor was extended to Eugene H. Wolinsky, representing the Association of Delaware Hospitals.

Senator Bair marked present.

Senators Bair and Torbert questioned the witness, after which the witness was excused.

**SA 1 to SB 81** was introduced and brought before the Senate for consideration on motion of the Senator Cordrey.

Senator Marshall marked present.

On motion of Senator Cordrey, the privilege of the floor was extended to Barry Bakst, D.O., representing the

Medical Society. Several Senators engaged in a discussion with the witness, after which the witness was excused.

On motion of Senator Blevins, the privilege of the floor was again extended to Gregory Rybichi, representing Delaware Physical Therapy Association. Senator Torbert questioned the witness. The witness was then excused.

A roll call vote was then taken and revealed 7 Senators (Adams, Cook, Cordrey, Holloway, Knox, Vaughn, and Voshell) voting YES, 11 NO, 1 (Hauge) NOT VOTING, 2 (Martin, Sharp) ABSENT; therefore, **SA 1 to SB 81** was declared defeated.

Senator Hauge marked present during the above roll call.

Senator Cordrey moved, with the consent of Senator Blevins (Sponsor of **SB 81**), for a thirty minute recess at 4:29 p.m. No objection.

The Senate reconvened at 4:53 p.m. with Lt. Governor Minner presiding.

**SB 81** was still before the Senate.

**SA 2 to SB 81** was stricken on motion Senator Cordrey.

**SA 3 to SB 81** was introduced and brought before the Senate for consideration on motion of Senator Cordrey.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SA 3 to SB 81** was declared part of the bill.

Senator Martin marked present during the above roll call.

A communication was read withdrawing the name of Representative Ewing as co-sponsor of **SB 81** dated May 11, 1993.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SB 81 w/SA 3** was declared passed the Senate and sent to the House for consideration.

**SCR 28** was brought before the Senate for consideration on motion of Senator Torbert.

**SCR 28** - MOURNING THE DEATH OF WALTON H. SIMPSON OF CAMDEN, FORMER STATE SENATOR, SECRETARY OF STATE, AND CHAIRMAN OF THE KENT COUNTY REPUBLICAN COMMITTEE. Sponsors: Senator Torbert on behalf of all Senators and Representative Buckworth on behalf of all Representatives.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SCR 28** was declared adopted by the Senate and sent to the House for consideration.

At 5:06 p.m., on motion of Senator Cordrey, the Senate recessed until 3:30 p.m. May 12, 1993.

The Senate reconvened at 3:41 p.m. on May 12, 1993 with Lt. Governor Minner presiding.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 76**, **HB 88 w/HA 1**, **HB 162** and **HB 163 w/HA 1**.

The following committee reports were announced:

From Administrative Services: **SB 13** - 3 Merits; **SB 19** - 4 Merits; **SB 76** - 1 Favorable, 3 Merits.

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

#### **PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**May 12, 1993**

The following legislation was introduced and assigned:

**SB 116** - AN ACT TO AMEND CHAPTER 27, TITLE 21 DELAWARE CODE RELATING TO REQUIREMENTS AND QUALIFICATIONS FOR LICENSING SCHOOL BUS DRIVERS. Sponsors: Senators Blevins, Voshell; Representative Ewing. To: **Public Safety**.

**SB 117** - AN ACT TO AMEND CHAPTER 63, TITLE 21 OF THE DELAWARE CODE RELATING TO DEALERSHIP ISSUANCE AND CANCELLATION OF APPROVAL. Sponsors: Senators Blevins, Voshell; Representative Ewing. To: **Public Safety**.

**SB 118** - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO SUSPENSION OR REVOCATION. Sponsors: Senators Blevins, Voshell; Representative Ewing. To: **Public Safety**.

**SB 119** - AN ACT TO AMEND CHAPTER 27, TITLE 21 DELAWARE CODE RELATING TO REQUIREMENTS AND QUALIFICATIONS FOR LICENSING SCHOOL BUS DRIVERS. Sponsors: Senators Blevins, Voshell; Representative Ewing. To: **Public Safety**.

**SB 120** - AN ACT TO AMEND CHAPTER 42, TITLE 21 OF THE DELAWARE CODE RELATING TO REPORTS OF ACCIDENTS; PENALTIES; INTERPRETATION OF LAWS. Sponsors: Senators Blevins, Voshell; Representative Ewing. To: **Public Safety**.

**SB 121** - AN ACT TO AMEND CHAPTER 33, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMPENSATION COMMISSION. Sponsors: Senators Neal and Still. To: **Executive**.

**SB 122** - AN ACT TO AMEND CHAPTER 23, SUBCHAPTER III, TITLE 19, DELAWARE CODE

RELATING TO A REASONABLE FEE TO CLAIMANT'S ATTORNEY FOR SERVICES ON AN APPEAL.  
Sponsors: Senator Vaughn and Representative D. Ennis; Representatives Ewing, Houghton, Spence. To: **Insurance and Elections.**

**SB 123** - AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO DISTRIBUTION, DELIVERY, OR POSSESSION OF CONTROLLED SUBSTANCES WITHIN 1,000 FEET OF SCHOOL PROPERTIES BY ADDING THERETO A SIMILAR PROHIBITION AGAINST SUCH ACTIVITIES IN AND AROUND PUBLIC HOUSING PROJECTS. Sponsors: Senator Holloway; Senator Torbert. To: **Laid on the Table.**

**SB 124** - AN ACT TO AMEND CHAPTER 80, TITLE 29 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsors: Senator McBride and Representative Carey. To: **Natural Resources and Environmental Control.**

**SR 22** - IN REFERENCE TO THE PERMANENT RULES OF THE DELAWARE STATE SENATE.  
Sponsor: Senator Neal. To: **Rules.**

**HB 76** - AN ACT TO AMEND §7101, CHAPTER 71, PART IV, TITLE 14 OF THE DELAWARE CODE RELATING TO DISTRICT LIBRARIES. Sponsors: Representative Schroeder and Senator Voshell. To: **Community/County Affairs.**

**HB 88 w/HA 1** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO VACANCIES ON NEW CASTLE COUNTY COUNCIL. Sponsors: Representative Banning; Representative B. Ennis; Senator Vaughn. To: **Community/County Affairs.**

**HB 162** - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, TO ALLOW SPECIAL PLATES FOR PEARL HARBOR SURVIVORS AND RETIRED STATE AND COUNTY POLICE OFFICERS. (3/5 vote) Sponsors: Representatives Ewing, Van Sant, Buckworth. To: **Public Safety.**

**HB 163 w/HA 1** - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE RELATING TO EXEMPTIONS FOR LICENSE REQUIREMENTS. (2/3 vote) Sponsors: Representative Carey; Senator McBride. To: **Natural Resources and Environmental Control.**

**SA 1 to SJR 14** - Sponsor: Senator Cordrey. Placed with the Joint Resolution.

**SA 1 to SB 13** - Sponsor: Senator McBride. Placed with the bill.

**SA 2 to SB 95** - Sponsor: Senator Cordrey. Placed with the bill.

**SA 1 to HB 115** - Sponsors: Senators Knox and Bair. Placed with the bill.

**SA 2 to HB 115** - Sponsor: Senator Cook. Placed with the bill.

\* \* \* \* \*

At 3:45 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 27th Legislative Day.

## 27TH LEGISLATIVE DAY May 12, 1993

The Senate convened at 3:45 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Holloway.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 20, 1 (Sharp) ABSENT.

The journal of the previous day was approved as read on motion of Senator Cordrey. No objection.

A messenger from the Governor was announced and admitted.

Senator McDowell marked present.

**HB 63** was brought before the Senate for consideration on motion of the floor manager, Senator Sokola.

**HB 63** - AN ACT TO AMEND CHAPTERS 2 AND 27, TITLE 14, DELAWARE CODE RELATING TO MANDATORY AGE OF ATTENDANCE IN PUBLIC SCHOOLS.

Several Senators commented.

**SA 1 to HB 63** was introduced and brought before the Senate for consideration on motion Senator Connor.

Senator Sokola commented. A roll call vote was taken and revealed 6 Senators (Bair, Connor, Hauge, Knox, Neal, Still) voting YES, 14 NO, 1 (Sharp) ABSENT; therefore, **SA 1 to HB 63** was declared defeated.

**HB 63** was now before the Senate. Several Senators commented. A roll call vote was taken and revealed 18 Senators voting YES, 1 (Hauge) NO, 1 (Holloway) NOT VOTING, 1 (Sharp) ABSENT; therefore, **HB 63** was declared passed the Senate and returned to the House.

Senators Blevins and Marshall were marked present before roll call was announced and the Secretary notes such for the record.

Senator Cordrey requested privilege of the floor for Judy Hendricks, representing The Delaware Nurses

Association. Ms. Hendricks made references to a packet entitled "Advanced Practice Nursing". A copy of this packet is on file for this Legislative Day.

The privilege of the floor was also granted to Kathleen Warren, representing Delaware Nurses Association, Michele Hood, CNM, representing the Delaware Nurses Association Advance Practice Committee and Dr. Lucille Gambardeen, President of the Delaware Nurses Association all of whom testified on the subject. The witnesses were excused.

On motion of Senator Cordrey, the Senate recessed for Party Caucus at 4:18 p.m. and reconvened at 4:42 p.m. with Lt. Governor Minner presiding.

Senator Martin requested privilege of the floor for Coach Steinfeld, University of Delaware Basketball Coach and Sean Kearney, from the University of Delaware for the introduction of the team members and assistant coaches. Several Senators made congratulatory comments to the team, after which the witnesses were excused.

**HB 115 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Martin.

**HB 115 w/HA 1** - AN ACT TO AMEND 68 LAWS OF DELAWARE, CHAPTER 156, BEING THE 1992 BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND 68 LAWS OF DELAWARE, CHAPTER 405, BEING THE 1993 BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE. (3/4 vote)

**SA 1 to HB 115** was stricken on motion of Senator Knox.

**SA 2 to HB 115**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Cook.

A roll call vote on was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SA 2 to HB 115** was declared part of the bill.

**HB 115 w/HA 1 & SA 2** was now before the Senate. Senator McDowell commented. A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **HB 115 w/HA 1 & SA 2** was declared passed the Senate and returned to the House for reconsideration.

**SJR 14** was brought before the Senate for consideration on motion of Senator Cordrey.

**SJR 14** - ESTABLISHING A FUTURES COMMISSION, TO BE KNOWN AS "COMMISSION ON DELAWARE COURTS 2000", TO OPERATE AS A TASK FORCE ON COURT STRUCTURES AND LONG-RANGE PLANNING FOR COURT SYSTEMS IN THE STATE OF DELAWARE.

**SA 1 to SJR 14**, which had been previously placed with the Joint Resolution, was brought before the Senate for consideration on motion of Senator Cordrey.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SA 1 to SJR 14** was declared part of the Joint Resolution.

**SJR 14 w/SA 1** was now before the Senate. Several Senators commented. A roll call vote was taken and revealed 18 Senators voting YES, 2 (McBride, McDowell) NOT VOTING, 1 (Sharp) ABSENT; therefore, **SJR 14 w/SA 1** was declared passed the Senate and sent to the House for consideration.

At 5:08 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. May 13, 1993.

The Senate reconvened at 2:22 p.m. May 13, 1993, with Lt. Governor Minner presiding.

The following committee reports were announced:

From Natural Resources: **SB 71** - 4 Merits; **SB 93** - 4 Merits; **SB 94** - 5 Merits; **SB 98** - 5 Merits; **HB 163 w/HA 1** - 5 Merits.

From Labor and Industrial Relations: **SB 108** - 1 Favorable, 2 Merits; **SB 109** - 1 Favorable, 2 Merits.

From Community/County Affairs: **SB 97** - 3 Merits; **SB 110** - 3 Merits; **SB 114** - 3 Merits; **HB 44** - 3 Merits; **HB 61** - 3 Merits; **HB 76** - 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed **HCR 27**, **HCR 28**, **HCR 29**, **SCR 15**, **SCR 26** and **SCR 28**.

**HCR 27** was brought before the Senate for consideration on motion of the floor manager, Senator Voshell.

**HCR 27** - URGING THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO TAKE NO ACTION WHICH WOULD ADVERSELY AFFECT THE AFFORDABILITY OF MANUFACTURED HOUSING. Sponsor: Representative Schroeder; Representatives Bunting, West; Senator Voshell.

Senator Neal commented. Senator Voshell requested the privilege of the floor to Marcene A. Gory, representing Delaware Manufactured Housing Association. Several Senators entered into a discussion, after which the witness was excused.

A roll call vote was taken and revealed 18 Senators voting YES, 1 (McDowell) NOT VOTING, 2 (Martin, Sharp) ABSENT; therefore, **HCR 27** was declared adopted by the Senate and returned to the House.

At 2:35 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 28th Legislative Day.

The Senate convened at 2:35 p.m. with Lt. Governor Minner presiding.  
A prayer was offered by Senator Knox.  
Pledge of allegiance to the Flag.  
Call of the roll for the Legislative Day revealed the following attendance:  
PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.  
The journal of the previous day was approved as read on motion of Senator Cordrey. No objection.  
On motion of Senator Cordrey, the President Pro Tempore's List of Pre-Filed Legislation was introduced for the permanent record, partially read and copies were made available.

**PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**  
**May 13, 1993**

The following legislation was introduced and assigned:

**SB 125** - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO CERTAIN LEGISLATIVE PENSIONS. Sponsors: Senator Connor; Senators Bair, Hauge, Neal, Still, Sokola, Voshell; Representatives Amick, Davis, Lofink, Oberle, Quillen, Smith, Wagner, Wojewodzki. To: **Finance**.  
**SB 126** - AN ACT TO AMEND CHAPTERS 1 AND 4, TITLE 18 OF THE DELAWARE CODE RELATING TO THE DELAWARE INSURANCE AUTHORITY. Sponsors: Senators Cordrey, Vaughn, Adams. To: **Insurance and Elections**.

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

STATE OF DELAWARE  
Office of the Governor  
May 12, 1993

To the Senate of the 137th General Assembly  
of the State of Delaware

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

**Mary M. Dudeck**, 3815 Valleybrook Drive, Wilmington, Delaware 19808, to be appointed to the Delaware Technical and Community College Board of Trustees for a term expiring May 12, 1996.

Your consideration of this nomination is appreciated.

Sincerely,  
(Signed) Tom Carper  
Governor

\* \* \* \* \*

STATE OF DELAWARE  
Office of the Governor  
May 12, 1993

To the Senate of the 137th General Assembly  
of the State of Delaware

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

**Robert W. Hartley**, 335 Fiddlers Green, Dover, Delaware 19901, to be appointed to the Public Service Commission for a five year term expiring May 1, 1998.

Your consideration of this nomination is appreciated.

Sincerely,  
(Signed) Tom Carper  
Governor

\* \* \* \* \*

STATE OF DELAWARE  
Office of the Governor



May 12, 1993

To the Senate of the 137th General Assembly  
of the State of Delaware

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

**James C. Holloway, Jr.**, 101 W. 20th Street, Wilmington, Delaware 19802, to be appointed to the Delaware Technical and Community College Board of Trustees for a term expiring May 12, 1996.

Your consideration of this nomination is appreciated.

Sincerely,  
(Signed) Tom Carper  
Governor

STATE OF DELAWARE  
Office of the Governor  
May 12, 1993

To the Senate of the 137th 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 L. Stone**, 110 Maryland Avenue, Laurel, Delaware 19956, to be appointed to the Industrial Accident Board for a six year term expiring May 12, 1999.

Your consideration of this nomination is appreciated.

Sincerely,  
(Signed) Tom Carper  
Governor

\*\*\*\*\*  
STATE OF DELAWARE  
Office of the Governor  
May 12, 1993

To the Senate of the 137th General Assembly  
of the State of Delaware

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

**William L. Witham, Jr.**, 425 Greenhill Road, Eastover Hills, Dover, Delaware 19901, to be appointed to the Delaware Technical and Community College Board of Trustees for a term expiring May 12, 1996.  
to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,  
(Signed) Tom Carper  
Governor

\*\*\*\*\*  
STATE OF DELAWARE  
Office of the Governor  
May 12, 1993

**LEGISLATIVE ADVISORY #10** from the Office of Counsel to the Governor was announced for the record, partially read and copies made available to the members upon request.

**LEGISLATIVE ADVISORY #10** dated May 13, 1993. The following legislation was signed by Governor Thomas R. Carper on the date indicated:

**SB #20 aab SA #1** - 5/6/93 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE REGARDING WAIVER OF REQUIREMENT FOR REGISTRATION OF FARM VEHICLES. (Sen. Adams; Sens. Cook, Cordrey, Vaughn, Venables, Still; Reps. Caulk, Carey, Lofink, Quillen, Bunting, Clark, Schroeder) (Volume 69, Chapter 21, Laws of Delaware).

**HB #104 aab HA #1** - 5/12/93 - AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO SPECIAL LICENSE PLATES FOR RECIPIENTS OF THE PURPLE HEART. (Rep. Ewing

& Sen. Adams, Reps. Amick, Banning, Bradley, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Holloway, Houghton, Lee, Lofink, Mack, Maroney, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Smith, Sorenson, Spence, Van Sant, Wagner, West, Wojewodzki, Sens. Bair, Blevins, Connor, Hauge, Holloway, Knox, Marshall, Martin, McBride, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell (Volume 69, Chapter 22, Laws of Delaware).

\* \* \* \* \*

The Secretary announced that Representative Ewing requested his name be removed as co-sponsor of **SB 107**.

Senator Cordrey requested privilege of the floor for Steven Barbato, representing the Department of Public Instruction to introduce students presenting geraniums to Senate Members.

The following students made brief presentations to the Senate:

Chelsea Clemmons, James Tollui, Chris Stewart, Bown Phommachanh, Elisha Kanada and Ty A. Burns.

The Secretary announced that a message from the House informed the Senate that it had passed **HCR 30**.

**HCR 30** was brought before the Senate for consideration on motion of the floor manager, Senator Cordrey.

**HCR 30** - EXTENDING "MANY THANKS" TO THE DELAWARE VOCATIONAL STUDENT ORGANIZATIONS OF DELAWARE FOR THE GERANIUMS GIVEN AND EXTENDING BEST WISHES AND SUCCESS TO EACH OF YOU IN YOUR CHOSEN CAREERS. Sponsor: Representative Petrilli; Representatives Spence, Quillen, George, Gilligan, On behalf of all Representatives; Senators Cordrey, Sharp, Holloway, Sr., Bair, Connor, On behalf of all Senators.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Martin, Sharp) ABSENT; therefore, **HCR 30** was declared adopted by the Senate and returned to the House.

**SB 95** was brought before the Senate for consideration on motion of Senator Cordrey.

**SB 95** - AN ACT TO AMEND CHAPTERS 1, 3, 7, 8, 9, 21, AND 27 OF TITLE 5, DELAWARE CODE, AND CHAPTER 303 OF 68 DEL. LAWS RELATING TO BANKS, BUILDING AND LOANS AND OTHER FINANCIAL INSTITUTIONS. (2/3 vote)

**SA 1 to SB 95** was stricken on motion of Senator Cordrey.

**SA 2 to SB 95**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Cordrey.

A roll call vote was taken and revealed 18 Senators voting YES, 3 (Martin, Sharp, Venables) ABSENT; therefore, **SA 2 to SB 95** was declared part of the bill.

**SA 3 to SB 95** was introduced and brought before the Senate for consideration on motion of Senator Cordrey.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Martin, Sharp) ABSENT; therefore, **SA 3 to SB 95** was declared part of the bill.

**SB 95 w/SA 2 & 3** was now before the Senate. A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SB 95 w/SA 2 & 3** was declared passed the Senate and sent to the House for consideration.

Senator Martin marked present during the above roll call.

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

**SB 13** - AN ACT TO AMEND CHAPTER 79, TITLE 16, OF THE DELAWARE CODE, RELATING TO PLUMBING. (2/3 vote)

**SA 1 to SB 13**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator McBride.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SA 1 to SB 13** was declared part of the bill.

**SB 13 w/SA 1** was now before the Senate. Several Senators commented. A roll call vote was taken and revealed 15 Senators voting YES, 5 (Adams, Cordrey, Still, Vaughn, Venables) NO, 1 (Sharp) ABSENT; therefore, **SB 13 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 98** was brought before the Senate for consideration on motion of Senator Cordrey.

**SB 98** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO PUBLIC HEARINGS FOR PERMITS RELATING TO USE OF SUBAQUEOUS LANDS.

Senator Cordrey requested privilege of the floor for Gerard L. Esposito, representing the Division of Water Resources, DNREC. The witness was excused. A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SB 98** was declared passed the Senate and sent to the House for consideration.

On motion of Senator Cordrey, the Senate recessed for Party Caucus at 3:18 p.m. and reconvened at 4:17 p.m. with Lt. Governor Minner presiding.

**HB 163 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator McBride.

**HB 163 w/HA 1** - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE RELATING TO EXEMPTIONS FOR LICENSE REQUIREMENTS. (2/3 vote)

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **HB 163**

w/HA 1 was declared passed the Senate and returned to the House.

**SENATE CONSENT CALENDAR #9** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SCR 27** - MOURNING THE DEATH OF GEORGE D. HILL JR., FORMER KENT COUNTY SHERIFF AND DOVER CITY COUNCILMAN. Sponsors: Senator Torbert, Sen. Cook, Sen. Still; Rep. Bennett, Rep. Wagner.

**SCR 29** - MOURNING THE DEATH OF FORMER STATE SENATOR AND SECRETARY OF STATE, WALTON H. SIMPSON OF CAMDEN, DELAWARE WHO PASSED AWAY ON THURSDAY, MAY 6, 1993 AT THE AGE OF 81. Sponsors: Senator Bair & Representative Buckworth; Sen. Still, Reps. Bennett & Wagner.

**SCR 30** - COMMENDING BEVERLY LAWRENCE, DOROTHY DUKER-ROBINSON, VALERIE DORSEY, AND ELIZABETH WHITE FOR HAVING BEEN SELECTED AS THE 1993 YWCA ACHIEVERS, AND FURTHER CONGRATULATING THE YWCA OF NEW CASTLE COUNTY, ITS STAFF AND BOARD OF DIRECTORS FOR HONORING THESE WOMEN AS ACHIEVERS IN HOUSING, EMPLOYMENT PREPARATION, CHILD CARE, AND WELLNESS. Sponsors: Senator Bair & Representative Maroney; Senators Holloway, Blevins, McDowell, Representatives DiPinto, Sorenson, Wojewodzki, Plant, Holloway, Bradley.

**SCR 31** - MOURNING THE DEATH AND CELEBRATING THE LIFE OF JAMES F. FARLEY, PATRIARCH OF ONE OF DELAWARE'S LEADING POLITICAL FAMILIES. Sponsors: Senator Blevins & Representative Houghton.

**HCN 28** - MOURNING THE LOSS OF WILMINGTON RESTAURANTEUR WILLIAM A. DINARDO, SR. Sponsors: Representative DiPinto & Senator Marshall; Representative Jonkiert.

**HCN 29** - MOURNING THE LOSS OF FRANK "LUKE" LUCAS, LONG-TIME BASEBALL COACH. Sponsors: Representative DiPinto, Senator Hauge; Representative D. Ennis.

After reading of the Consent Calendar, Senator Martin asked to be added as a co-sponsor to **HCN 28**. A roll call vote was taken on **SENATE CONSENT CALENDAR #9** and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, the Consent Calendar was declared adopted by the Senate. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

**SCR 32** was introduced and brought before the Senate for consideration on motion of Martin.

**SCR 32** - COMMENDING AND CONGRATULATING THE UNIVERSITY OF DELAWARE'S FIGHTING BLUE HEN BASKETBALL TEAM FOR A SUCCESSFUL 1992-1993 BASKETBALL SEASON, CULMINATING IN THEIR SECOND STRAIGHT APPEARANCE IN THE NCAA NATIONAL DIVISION I TOURNAMENT. Sponsors: Senator Martin; all Senators; Representative Amick, Representative Wojewodzki; All Representatives.

Senator McBride commented. A roll call vote was taken and revealed 20 Senators voting YES, 1 (Sharp) ABSENT; therefore, **SCR 32** was declared adopted by the Senate and sent to the House for consideration.

At 4:32 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m. May 18, 1993.

The Senate reconvened at 2:20 p.m. May 18, 1993 with Lt. Governor Minner presiding.

Senator Sharp marked present.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 120 w/HA 1**, **HJR 2** and **SB 10 w/SA 1 & HA 1**.

A communication from Senator Sokola was read requesting that Representative Bradley be added as a co-sponsor to **SJR 16**.

The Secretary announced that a message from the Chief Clerk of the House indicated that Representative Holloway, Jr. signed **SB 10** as an additional co-sponsor on May 14, 1993.

The following committee reports were announced:

From Health and Social Services: **SB 87** - 4 Merits; **SB 99** - 4 Merits; **SB 111** - 4 Merits.

A messenger from the Governor was announced and admitted.

At 2:24 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 29th Legislative Day.

#### 29TH LEGISLATIVE DAY

May 18, 1993

The Senate convened at 2:24 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Adams.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

## **PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**May 18, 1993**

**PLEASE NOTE TYPOGRAPHICAL ERROR ON PRE FILE LIST OF MAY 13, 1993: GOVERNOR TOM CARPER SUBMITTED THE NOMINATION OF ROBERT W. HARTLEY. GOVERNOR CASTLE'S NAME WAS PLACED IN ERROR.**

The following legislation was introduced and assigned:

**SB 127** - AN ACT TO AMEND CHAPTER 25 OF TITLE 21 OF THE DELAWARE CODE RELATING TO APPLICATION FOR CERTIFICATE OF TITLE AND LATE FEE. (3/5 vote) Sponsors: Senators Voshell & Blevins; Representative Ewing. To: **Public Safety**.

**SB 128** - AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE RELATING TO SIZE AND WEIGHT OF VEHICLES AND LOADS. Sponsors: Senators Voshell & Blevins; Representative Ewing. To: **Public Safety**.

**SB 129** - AN ACT TO AMEND CHAPTER 23, TITLE 21, OF THE DELAWARE CODE RELATING TO AGE REQUIREMENT FOR APPLICATION FOR CERTIFICATE OF TITLE. Sponsors: Senators Voshell & Blevins; Representative Ewing. To: **Public Safety**.

**SB 130** - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO LICENSE QUALIFICATIONS. Sponsors: Senators Voshell & Blevins; Representative Ewing. To: **Public Safety**.

**SB 131** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CERTIFICATE OF TITLE ISSUANCE. Sponsors: Senators Voshell & Blevins; Representative Ewing. To: **Public Safety**.

**SB 132** - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO SUSPENSION AND REVOCATION OF LICENSE FOR REFUSAL TO SUBMIT TO CHEMICAL TEST. Sponsors: Senator Venables; Senators Adams, Sokola, Torbert and Voshell; Representatives Bunting, Clark, B. Ennis, West and Wojewodzki. To: **Public Safety**.

**SB 133** - AN ACT TO AMEND CHAPTER 5, TITLE 13, DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT. Sponsors: Senator Holloway; Representative Maroney. To: **Health and Social Services**.

**SB 134** - AN ACT TO AMEND CHAPTER 29, TITLE 24, DELAWARE CODE RELATING TO REAL ESTATE BROKERS, SALESPERSONS AND APPRAISERS. Sponsors: Senators Blevins, Bair, Sokola, Voshell; Representatives Amick, Banning, Smith, Sorenson. To: **Sunset**.

**HB 120 w/HA 1** - AN ACT TO AMEND CHAPTER 41, TITLE 14, DELAWARE CODE, RELATING TO THE PARENTS AS TEACHERS PROGRAM. Sponsors: Representatives George, Amick, Banning, Bradley, Brady, Bunting, Clark, Davis, DiLiberto, D. Ennis, Holloway Jr., Petrilli, Plant, Quillen, Roy, Van Sant, Wojewodzki; Senators Holloway Sr., Sokola, Voshell. To: **Education**.

**HJR 2** - REQUESTING THE DELAWARE CONGRESSIONAL DELEGATIONS TO MEET WITH A JOINT SESSION OF THE GENERAL ASSEMBLY TO DISCUSS UNFUNDED FEDERAL MANDATES AND OTHER BURDENS IMPOSED BY THE FEDERAL GOVERNMENT ON THE STATE. Sponsors: Representative Petrilli; Representatives Amick, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maroney, Quillen, Reynolds, Roy, Smith, Spence, Wagner, Banning, Bennett, Bradley, Brady, Bunting, Clark, DiLiberto, B. Ennis, Holloway, Houghton, Jonkiert, Plant, Schroeder, West, Wojewodzki, Senators Holloway, Sokola, Torbert, Venables, Voshell, Bair, Connor, Hauge, Knox, Neal, Still. To: **Executive**.

**SA 1 to SB 78** - Sponsor: Senator Blevins. Placed with the bill.

**SA 1 to SB 123** - Sponsor: Senator Holloway. Placed with the bill.

**SA 2 to SB 123** - Sponsor: Senator Bair. Placed with the bill.

\* \* \* \* \*

Senator Sokola marked present.

Senator Cordrey requested privilege of the floor for Miss Delaware Kathleen Ann Slavin for her reflections on her reign as Miss Delaware. The witness was excused after she addressed the Senate.

**SB 93** was laid on the table on motion of Senator Vaughn.

**SB 93** - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO MANDATORY TRAPPER EDUCATION TRAINING BEFORE ISSUANCE OF A LICENSE.

**SJR 12** was brought before the Senate for consideration on motion of Senator Voshell.

**SJR 12** - ESTABLISHING AN ASSESSMENT PRACTICE REVIEW COMMITTEE TO FURTHER DEVELOP A RECOMMENDATION OF THE LOCAL SUBCOMMITTEE OF THE EDUCATION FINANCE REFORM COMMITTEE AS SET FORTH IN THE REPORT PROVIDED BY THIS GROUP.

Senator Marshall marked present.

Several Senators commented. A roll call vote was taken and revealed 13 Senators voting YES, 4 (Marshall, Sharp, Vaughn, Venables) NO, 1 (Holloway) NOT VOTING, 3 (Cordrey, Martin, McDowell) ABSENT; therefore, **SJR 12** was declared passed the Senate and sent to the House for consideration.

Senators Bair, Holloway, Knox and Torbert marked present during the above roll call.

**SB 92** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 92** - AN ACT TO AMEND CHAPTER 42, TITLE 11, DELAWARE CODE RELATING TO STATUTORY AGGRAVATING CIRCUMSTANCES IN CAPITAL MURDER PROSECUTIONS.

**SA 1 to SB 92**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Sharp.

Senator Bair commented. A roll call vote was taken and revealed 14 Senators voting YES, 4 (Holloway, Knox, Neal, Venables) NO, 3 (Cordrey, Martin, McDowell) ABSENT; therefore, **SA 1 to SB 92** was declared part of the bill.

**SB 92 w/SA 1** was now before the Senate.

Several Senators commented. A roll call vote was taken and revealed 15 Senators voting YES, 4 (Holloway, Knox, Neal, Venables) NO, 2 (Martin, McDowell) ABSENT; therefore, **SB 92 w/SA 1** was declared passed the Senate and sent to the House for consideration.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:02 p.m. and reconvened at 3:50 p.m. with Lt. Governor Minner presiding.

The following committee reports were announced:

From Executive: **SJR 9** - 3 Merits, 1 Unfavorable; **SB 37** - 4 Merits; **SB 54** - 4 Merits.

From Sunset: **HS 1 for HB 32 w/HA 1** - 4 Merits.

From Education: **HB 68 w/HA 1 w/HA 1** - 1 Favorable, 3 Merits.

From Health and Social Services: **SB 133** - 4 Merits.

**SB 10 w/SA 1 & HA 1**, which had returned to the Senate for reconsideration was brought before the Senate, under the suspension of the necessary rules on motion of Senator McBride.

**SB 10 w/SA 1 & HA 1** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE, RELATING TO THE OFFENSE OF PATRONIZING A PROSTITUTE.

Senator McBride mentioned some letters of support for this bill, but did not request that they be made part of the journal.

The privilege of the floor was extended to Captain Raymond Hancock, representing the State Police. Several Senators entered into a discussion with Captain Hancock, after which he was excused.

A roll call vote was taken and revealed 14 Senators voting YES, 5 (Adams, Cordrey, Torbert, Vaughn, Venables) NO, 1 (Still) NOT VOTING, 1 (McDowell) ABSENT; therefore, **SB 10 w/SA 1 & HA 1** was declared passed the Senate and sent to the Governor.

Senator Martin marked present during the above roll call.

**SB 94** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 94** - AN ACT TO AMEND CHAPTER 23, TITLE 7, DELAWARE CODE, RELATING TO VESSELS USED BY CRAB DREDGERS WHILE DREDGING FOR CRABS IN DELAWARE. (2/3 vote)

**SA 1 to SB 94** was introduced and brought before the Senate for consideration on motion of Senator Vaughn.

Senator Vaughn requested the privilege of the floor for Rick Cole, representing DNREC. Senator McBride questioned the witness, after which the witness was excused.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SA 1 to SB 94** was declared part of the bill.

**SB 94 w/SA 1** was now before the Senate. A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SB 94 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 93** was lifted from the table and brought before the Senate for consideration on motion of Senator Vaughn.

**SA 1 to SB 93**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Vaughn.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SA 1 to SB 93** was declared part of the bill.

**SA 2 to SB 93** was introduced and brought before the Senate for consideration on motion of Senator Vaughn.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Holloway, McDowell) ABSENT; therefore, **SA 2 to SB 93** was declared part of the bill.

**SB 93 w/SA 1 & 2** was now before the Senate. The privilege of the floor was extended to Bud Holland, representing the Delaware Trappers Association on motion of Senator Vaughn.

Several Senators questioned the witness, after which the witness was excused. A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SB 93 w/SA 1 & 2** was declared passed the Senate and sent to the House for consideration.

**SB 97** was brought before the Senate for consideration on motion of Senator Connor.

**SB 97** - AN ACT TO AMEND VOLUME 27, CHAPTER 216, LAWS OF DELAWARE, AS AMENDED, BEING THE CHARTER OF THE CITY OF NEW CASTLE, AND RELATING TO THE DAY ON WHICH THE CITY COUNCIL SHOULD MEET FOR THE TRANSACTION OF BUSINESS. (2/3 Vote)

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SB 97** was declared passed the Senate and sent to the House for consideration.

**SB 110** was brought before the Senate for consideration on motion of Senator Cordrey.

**SB 110** - AN ACT TO AMEND AN ACT BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO" TO AUTHORIZE EXEMPTIONS FROM TAXATION UNDER CERTAIN CIRCUMSTANCES AND CONDITIONS. (2/3 Vote)

**SA 1 to SB 110** was introduced and brought before the Senate for consideration on motion of Senator Cordrey.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SA 1 to SB 110** was declared part of the bill.

A roll call vote was then taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, the **SB 110 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 114** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 114** - AN ACT TO AMEND AN ACT, BEING CHAPTER 128, VOLUME 33, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MIDDLETOWN" REGARDING THE DEBT CEILING. (2/3 Vote)

The privilege of the floor was granted to John Paradee, Senate Attorney on motion of Senator Vaughn. The witness was excused. Senators Adams and McBride commented. A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SB 114** was declared passed the Senate and sent to the House for consideration.

**HB 44** was brought before the Senate for consideration on motion of Senator Voshell, the floor manager.

**HB 44** - AN ACT TO AMEND CHAPTER 26, TITLE 9, DELAWARE CODE RELATING TO NEW CASTLE COUNTY ZONING.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **HB 44** was declared passed the Senate and returned to the House.

**HB 61** was brought before the Senate for consideration on motion of Senator Voshell, the floor manager.

**HB 61** - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE VILLAGE OF ARDEN" AS AMENDED RELATING TO REGISTRATION COMMITTEES. (2/3 vote)

**SA 1 to HB 61** was brought before the Senate for consideration on motion of Senator Bair.

Senator Blevins commented. A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **SA 1 to HB 61** was declared part of the bill.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) ABSENT; therefore, **HB 61 w/SA 1** was declared passed the Senate and returned to the House for reconsideration.

At 4:54 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m. May 19, 1993.

The Senate reconvened at 4:05 p.m. May 19, 1993, with Lt. Governor Minner presiding.

The following committee reports were announced:

From Insurance and Elections: **HS 1 for HB 18** - 4 Merits; **SB 122** - 4 Merits.

From Education: **HB 24 w/HA 1** - 3 Merits; **SJR 16** - 4 Merits; **SB 100** - 3 Merits, 1 Unfavorable.

Senator McDowell marked present.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 197**, **HB 125**, **HB 67 w/HA 1**, **HB 79 w/HA 1, 2 & 3**, **HB 145 w/HA 1**, **HB 21 w/HA 1 w/HA 1**.

At 4:07 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 30th Legislative Day.

### 30TH LEGISLATIVE DAY

May 19, 1993

The Senate convened at 4:07 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Voshell.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

### PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

May 19, 1993

The following legislation was introduced and assigned:

**SB 65** - AN ACT TO AMEND CHAPTER 13, TITLE 19 AND CHAPTER 40, TITLE 14 OF THE DELAWARE CODE RELATING TO THE RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE FOR PURPOSES OF COLLECTIVE BARGAINING. Sponsors: Senator Marshall and Representative Oberle; Senators Blevins, McBride, McDowell, Connor; Representatives Davis, Lofink, Mack, Reynolds, Spence, Banning, Brady, B. Ennis, Plant, Van Sant, Jonkiert. To: **Labor and Industrial Relations.**

**SB 135** - AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE RELATING TO PROCUREMENT OF PRODUCTS AND SERVICES FROM THE PRISON INDUSTRIES BY STATE AGENCIES. Sponsors: Senator Vaughn & Representative B. Ennis. To: **Corrections.**

**SB 136** - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE NUMBER OF TEMPORARY REGISTRATION PLATES FOR DEALERS. Sponsors: Senator Blevins; Senator Voshell; Representative Ewing. To: **Public Safety.**

**SB 137** - AN ACT TO AMEND CHAPTER 63, TITLE 7 OF THE DELAWARE CODE RELATING TO HAZARDOUS WASTES. Sponsors: Senator Venables; Senators Cordrey and Knox. To: **Natural Resources.**

**SB 138** - AN ACT TO AMEND CHAPTER 65, TITLE 14, DELAWARE CODE, RELATING TO CHANGING THE NAME OF DELAWARE STATE COLLEGE TO DELAWARE STATE UNIVERSITY. Sponsors: Senator Holloway and Representative Bennett; Senators Cook, Still, Vaughn, Torbert; Representatives Clark, Quillen, Wagner, Sorenson. To: **Executive.**

**SB 139** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO CASUALTY INSURANCE CONTRACTS. Sponsors: Senator Sharp; Representative Spence. To: **Insurance and Elections.**

**SB 140** - AN ACT TO AMEND CHAPTER 9, SUBCHAPTER III, TITLE 10, DELAWARE CODE, RELATING TO THE PROSECUTION OF A DELINQUENT CHILD. Sponsors: Senator Vaughn and Representative B. Ennis; Senators Sharp, Cook, Adams, Voshell, Torbert; Representatives Banning, Roy, Spence, Ewing. To: **Judiciary.**

**SJR 15** - RESOLVING THAT THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL SHALL CHANGE THE CLOSURE DATES ESTABLISHED BY TIDAL FINFISH REGULATION NO. 10 FOR THE CALENDAR YEAR 1993. Sponsors: Senator Voshell; Senators Venables and Still; Representatives Clark, Houghton, and Quillen. To: **Natural Resources.**

**HB 21 w/HA 1 w/HA 1** - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION. Sponsors: Representative Oberle and Senator Connor. To: **Insurance and Elections.**

**HB 67 w/HA 1** - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL ENGINEERS. Sponsors: Representative Amick and Senators Blevins; Senators Neal and McBride. To: **Sunset.**

**HB 79 w/HA 1, HA 2, HA 3** - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER II, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE. Sponsors: Representative Wagner and Senator Sharp; Representatives Amick, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Sorenson, Spence, Taylor, Banning, Bennett, Brady, Bunting, Clark, DiLiberto, B. Ennis, George, Gilligan, Holloway, Houghton, Jonkiert, Plant, Van Sant, West; Senators Blevins, Sokola, Venables, Voshell, Bair, Connor, Hauge, Still. To: **Judiciary.**

**HB 125** - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, REGARDING FEES AND TAXES. Sponsors: Representative Smith and Senator Vaughn; Representatives D. Ennis, Wagner, DiPinto, Jonkiert, Houghton, Bennett. To: **Insurance and Elections.**

**HB 145 w/HA 1** - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO LEAVE FOR VOLUNTEER EMERGENCY SERVICE. Sponsors: Representatives B. Ennis, Clark, Van Sant, Banning, Lee, Houghton, West, Brady, D. Ennis, Oberle, Ewing; Senators Vaughn, Voshell, Marshall, McBride, Knox. To: **Public Safety.**

**HB 197** - AN ACT TO WAIVE THE STATUTORY PROVISIONS OF §107(a), TITLE 13, OF THE DELAWARE CODE RELATING TO THE MARRIAGE OF KEVIN PATRICK O'BRIEN AND MICHELLE ANN TAYLOR. Sponsors: Representative Ewing and Senator Adams. To: **Executive.**

The following Amendments were read in and placed with the bill.

**SA 2 to SB 48** - Sponsor: Senator Hauge.

**SA 2 to SB 49** - Sponsor: Senator Still.

SA 1 to SB 87 - Sponsor: Senator Holloway.

SA 2 to SB 87 - Sponsor: Senator Holloway.

SA 3 to SB 87 - Sponsor: Senator Holloway.

SA 4 to SB 87 - Sponsor: Senator Holloway.

SA 5 to SB 87 - Sponsor: Senator Holloway.

SA 1 to SB 108 - Sponsor: Senator Marshall.

SA 1 to SB 117 - Sponsor: Senator Blevins.

SA 1 to SB 119 - Sponsor: Senator Blevins.

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

STATE OF DELAWARE  
Office of the Governor  
May 18, 1993

To the Senate of the 137th 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:

**Elizabeth A. Davis**, 205 Eighth Street, Post Office Box 85, Laurel, Delaware 19956, to be appointed to the Advisory Council on Tidal Finfisheries to serve for a term expiring May 12, 1998.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
May 18, 1993

To the Senate of the 137th 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:

**Suzanne C. Moore**, 121 Augustine Cut Off, Wilmington, Delaware 19850, to be appointed to the Delaware Technical and Community College Board of Trustees for a term expiring February 5, 1995.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*  
STATE OF DELAWARE  
Office of the Governor  
May 18, 1993

To the Senate of the 137th 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:

**Bettina L. Tweardy**, 1811 Gilpin Avenue, Wilmington, Delaware 19806, to be appointed to the Commission on Adult Entertainment Establishments for a term expiring October 31, 1994.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor



STATE OF DELAWARE  
Office of the Governor  
May 18, 1993

To the Senate of the 137th 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:

**Dennis P. Williams**, 3414 N. Madison Street, Wilmington, Delaware 19802, to be appointed to the Violent Crimes Compensation Board for a term expiring May 18, 1996.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

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**SR 23** was introduced and brought before the Senate for consideration on motion of Senator Sharp.

**SR 23** - SALUTING STEPHANIE BENTLEY OF DEL PARK MANOR FOR HER MODELING AND BEAUTY PAGEANT SUCCESS AND WISHING HER CONTINUED SUCCESS IN THE FUTURE.

Sponsor: Senator Sharp.

The privilege of the floor was extended to Stephanie Bentley. The witness was excused. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SR 23** was declared adopted by the Senate.

Senator Marshall marked present during the above roll call.

**SB 123** was lifted from the table and brought before the Senate for consideration under the suspension of the necessary rules, on motion of Senator Holloway.

**SB 123** - AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO DISTRIBUTION, DELIVERY, OR POSSESSION OF CONTROLLED SUBSTANCES WITHIN 1,000 FEET OF SCHOOL PROPERTIES BY ADDING THERETO A SIMILAR PROHIBITION AGAINST SUCH ACTIVITIES IN AND AROUND PUBLIC HOUSING PROJECTS.

**SA 1 to SB 123**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Holloway. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 1 to SB 123** was declared part of the bill.

**SA 2 to SB 123**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Bair. Several Senators commented. A roll call vote was taken and revealed 17 Senators voting YES, 4 (Blevins, Cook, McDowell, Venables) NO; therefore, **SA 2 to SB 123** was declared part of the bill.

**SB 123 w/SA 1 & 2** was now before the Senate. Several Senators commented. Senator Holloway moved to lay the bill on the table. No objection.

**HB 76** was brought before the Senate for consideration on motion of Senator Voshell, the floor manager.

**HB 76** - AN ACT TO AMEND §7101, CHAPTER 71, PART IV, TITLE 14 OF THE DELAWARE CODE RELATING TO DISTRICT LIBRARIES.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 76** was declared passed the Senate and returned to the House.

**SB 49** was brought before the Senate for consideration on motion of Senator Venables.

**SB 49** - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO THE PROTECTION OF PRIVATE PROPERTY.

Senator Still requested that he be added as a co-sponsor.

**SA 1 to SB 49**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Venables. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 1 to SB 49** was declared part of the bill.

**SA 2 to SB 49**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Still. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 2 to SB 49** was declared part of the bill.

**SA 3 to SB 49** was introduced and brought before the Senate for consideration on motion of Senator Venables. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 3 to SB 49** was declared part of the bill.

**SB 49 w/SA 1, 2 & 3** was now before the Senate. Senator McBride requested the privilege of the floor for Christophe Tulou, Secretary, Department of Natural Resources and Environmental Control.

Several Senators entered into a lengthy discussion with Secretary Tulou. The witness was excused. The bill was laid on the table on motion of Senator Venables.

At 5:18 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. May 20, 1993.

The Senate reconvened at 2:34 p.m. May 20, 1993 with Lt. Governor Minner presiding.

**SB 49 w/SA 1, 2 & 3** was lifted from the table and brought before the Senate for consideration on motion of Senator Venables.

**SA 4 to SB 49** was introduced and brought before the Senate for consideration on motion of Senator Sokola. Senators Venables and Sharp commented. **SA 4 to SB 49** was laid on the table on motion of Senator Sokola. **SB 49 w/SA 1, 2 & 3** was now before the Senate.

Several Senators commented. Senator Still requested that an article, *The Wall Street Journal, Review & Outlook*, November 18, 1992, EPA's Most Wanted, be read. Senator Sharp moved so much be considered the reading of the communication. Senator Still requested it be made part of the permanent record. A copy is in the activity file for this legislative day.

Senator Bair requested the privilege of the floor for Michael Reynolds, Senate Attorney. Senator McBride questioned the witness, after which the witness was excused.

Discussion ensued and a point of order was raised. Senator Sokola requested privilege of the floor for Grace W. Peirce-Beck, representing The Delaware Audubon Society. Several Senators questioned the witness, after which the witness was excused.

Senators Neal and Sharp requested that the sponsor lay the bill on the table for purpose of Party Caucus.

Senator Venables then moved to lay **SB 49 w/SA 1, 2 & 3** on the table.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:37 p.m. and reconvened at 4:54 p.m. with Lt. Governor Minner presiding.

The following committee reports were announced:

From Insurance and Elections: **SB 126** - 4 Merits.

From Public Safety: **SB 116** - 4 Merits; **SB 118** - 4 Merits; **SB 119** - 4 Merits; **SB 120** - 4 Merits; **SB 127** - 4 Merits; **SB 128** - 4 Merits; **SB 129** - 4 Merits; **SB 131** - 4 Merits; **SB 132** - 4 Merits; **HB 145 w/HA 1** - 4 Merits.

**SB 49 w/SA 1, 2 & 3** was lifted from the table on motion of Senator Venables.

Senators McDowell and Bair commented. A roll call vote was taken; however the roll call was tabled on motion of Senator Venables before it was announced.

At 5:05 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 31st Legislative Day.

### 31ST LEGISLATIVE DAY

May 20, 1993

The Senate convened at 5:05 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Torbert.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

### PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

May 20, 1993

The following legislation was introduced and assigned:

**SB 141** - AN ACT TO AMEND TITLE 7, CHAPTER 64, OF SECTION 6452 OF THE DELAWARE CODE; REQUIRING THE SOLID WASTE AUTHORITY TO CONDUCT AN ENVIRONMENTAL IMPACT STUDY FOCUSING ON ANY PROPOSED RESOURCE RECOVERY FACILITY OR INCINERATOR WITHIN THE STATE BEFORE PROCEEDING WITH SITE SELECTION. Sponsors: Senators McBride, Torbert; Representatives Carey, Caulk. To: **Natural Resources**.

**SB 142** - AN ACT TO AMEND CHAPTER 35, TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP AND BLANKET HEALTH INSURANCE. Sponsors: Senators Holloway, McBride, Voshell, Connor, Blevins, Knox; Representatives DiPinto, Bradley, Oberle, Carey, Quillen, Maroney, Buckworth, Roy, Wagner, Taylor, West, Holloway. To: **Health and Social Services**.

**SB 143** - AN ACT PROPOSING AN AMENDMENT TO THE DELAWARE CODE RELATING TO APPEALS TO THE DELAWARE SUPREME COURT BY PERSONS SENTENCED TO DEATH. Sponsors: Senator Sharp and Representative Spence. To: **Judiciary**.

**SB 144** - AN ACT TO AMEND CHAPTER 44, TITLE 6 OF THE DELAWARE CODE RELATING TO AUTOMATIC DIALING - ANNOUNCING DEVICES. (2/3 vote) Sponsors: Senator Bair; Senator Blevins; Representatives DiPinto, D. Ennis, Wagner, Oberle. To: **Administrative Services**.

\* \* \* \* \*

A communication was read from Representative Carey requesting that his name be removed as a co-sponsor of **SB 141**.

**LEGISLATIVE ADVISORY #11** from the Office of Counsel to the Governor was announced for the record, partially read and copies made available to the members upon request.

**LEGISLATIVE ADVISORY #11**, dated May 20, 1993. The following legislation was signed by Governor Thomas R. Carper on the date indicated:

**SB #10 aab SA #1 and HA #1** - 5/19/93 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE, RELATING TO THE OFFENSE OF PATRONIZING A PROSTITUTE. Sen. McBride & Rep. Reynolds (Volume 69, Chapter 23, Laws of Delaware).

**HB 89 aab HA #2 & 3 and SA #1** - 5/19/93 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES; AND PROVIDING PENALTIES FOR CARJACKING. Rep. Jonkiert and Sens. Marshall, Holloway, Sr., Reps. Bennett, Lee, Petrilli, Wagner, Holloway, Jr., Bunting, Quillen, Maroney, Gilligan, George, Schroeder, Spence, Buckworth, Reynolds, Clark, Banning, DiLiberto, Van Sant, Davis, Brady, Bradley, Lofink, Sorenson, B. Ennis, Carey, Plant, Smith, Mack, DiPinto, D. Ennis, Fallon, Caulk, Taylor (Volume 69, Chapter 24, Laws of Delaware).

**HB #115 aab HA #1 and SA #2** - 5/19/93 - AN ACT TO AMEND 68 LAWS OF DELAWARE, CHAPTER 156, BEING THE 1992 BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE, AND 68 OF DELAWARE, CHAPTER 405, BEING THE 1993 BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE. Rep. Roy; Rep. Jonkiert, Sens. Cook, Martin, Knox (Volume 69, Chapter 25, Laws of Delaware).

**HB #163 aab HA #1** - 5/19/93 - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE RELATING TO EXEMPTIONS FOR LICENSE REQUIREMENTS. Rep. Carey; Sen. McBride. (Volume 69, Chapter 26, Laws of Delaware).

**HB #44** - 5/19/93 - AN ACT TO AMEND CHAPTER 26, TITLE 9, DELAWARE CODE RELATING TO NEW CASTLE COUNTY ZONING. Rep. Roy & Sen. Sokola; Rep. Taylor; Sen. Blevins (Volume 69, Chapter 27, Laws of Delaware).

\* \* \* \* \*

The Secretary announced that a message from the House informed the Senate that it had passed **SCR 27, SCR 29, SCR 30, SCR 31 and SCR 32**.

**SB 87** was brought before the Senate for consideration on motion of Senator Holloway.

**SB 87** - AN ACT TO AMEND CHAPTER 66, TITLE 16, DELAWARE CODE RELATING TO ESTABLISHING MINIMUM, MANDATORY REQUIREMENTS FOR THE INSTALLATION OF SMOKE DETECTORS AND/OR SMOKE DETECTION SYSTEMS IN ALL RESIDENTIAL OCCUPANCIES, USED WHOLLY OR IN PART AS A HOME, RESIDENCE, DWELLING, OR SLEEPING PLACE FOR ONE OR MORE PERSONS, EITHER PERMANENT OR TRANSIENT, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: ONE AND TWO FAMILY DWELLINGS, MOBILE HOMES, MODULAR HOMES, TOWNHOUSES; LODGE ROOMING OR BOARDING HOUSES; HOTELS, MOTELS OR BED AND BREAKFAST; DORMITORY; APARTMENT OR MULTI-FAMILY DWELLING; BOARD AND CARE; OR A RESIDENTIAL OCCUPANCY BY ANY OTHER NAME.

The privilege of the floor was extended to Dan Kiley, representing the State Fire Marshall's office.

**SA 1** and **SA 2 to SB 87** were stricken on motion of Senator Holloway.

**SA 3 to SB 87** was brought before the Senate for consideration on motion of Senator Holloway.

Senator Neal commented. A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bair, Connor) ABSENT; therefore, **SA 3 to SB 87** was declared part of the bill.

The witness was still on the Senate floor.

**SA 4 to SB 87**, which had previously been placed with the bill, was brought before the Senate for consideration on motion of Senator Holloway.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bair, Connor) ABSENT; therefore, **SA 4 to SB 87** was declared part of the bill.

**SA 5 to SB 87**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Holloway.

The witness, Mr. Kiley, was still on the floor. A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bair, Connor) ABSENT; therefore, **SA 5 to SB 87** was declared part of the bill.

**SA 6 to SB 87** was introduced and brought before the Senate for consideration on motion of Senator Holloway.

Senator Martin commented. A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bair, Connor) ABSENT; therefore, **SA 6 to SB 87** was declared part of the bill.

**SA 7 to SB 87** was introduced and brought before the Senate for consideration on motion of Senator Holloway.

The witness still remained on the Senate floor while the consideration of the amendment was taking place.

Senator Cordrey commented. A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bair, Connor) ABSENT; therefore, **SA 7 to SB 87** was declared part of the bill.

SA 8 to SB 87 was introduced and brought before the Senate for consideration on motion of Senator Holloway.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bair, Connor) ABSENT; therefore, SA 8 to SB 87 was declared part of the bill.

SA 9 to SB 87 was introduced and brought before the Senate for consideration on motion of Senator Holloway. Senator Venables commented. A roll call vote was taken and revealed 18 Senators voting YES, 3 (Bair, Connor, McBride) ABSENT; therefore, SA 9 to SB 87 was declared part of the bill.

SB 87 w/SA 3, 4, 5, 6, 7, 8 & 9 was now before the Senate.

Several Senators entered into a discussion, after which the witness, Mr. Kiley, was excused. A roll call vote was taken and revealed 18 Senators voting YES, 3 (Bair, Connor, Cook) ABSENT; therefore, SB 87 w/SA 3, 4, 5, 6, 7, 8 & 9 was declared passed the Senate and sent to the House for consideration.

On motion of Senator Adams and without objection, the necessary rules were suspended to consider the following nominations by the Governor.

**Robert W. Hartley** - 19 Senators voting YES, 2 (Bair, Connor) ABSENT. Appointment confirmed.

**James C. Holloway, Jr.** - 19 Senators voting YES, 2 (Bair, Connor) ABSENT. Appointment confirmed. Senator Cordrey presiding at 5:52 p.m.

**Suzanne C. Moore** - 19 Senators voting YES, 2 (Bair, Connor) ABSENT. Appointment confirmed.

**Richard L. Stone** - 19 Senators voting YES, 2 (Bair, Connor) ABSENT. Appointment confirmed.

**Dennis P. Williams** - 19 Senators voting YES, 2 (Bair, Connor) ABSENT. Appointment confirmed.

**William L. Witham, Jr.** - 19 Senators voting YES, 2 (Bair, Connor) ABSENT. Appointment confirmed.

**SENATE CONSENT CALENDAR #10** was introduced and considered for adoption on motion of Senator McBride. The calendar included the following Resolutions:

**SCR 33** - COMMEMORATING THE 50TH ANNIVERSARY OF THE DEATH OF SGT. WILLIAM L. NELSON, 25, OF MIDDLETOWN, KILLED IN COMBAT IN NORTH AFRICA ON APRIL 24, 1943, AND HONORING HIM AS ONE OF TWO DELAWAREANS AWARDED THE CONGRESSIONAL MEDAL OF HONOR DURING WORLD WAR II. Sponsors: Senator Vaughn, Representative Banning.

**SCR 34** - MOURNING THE DEATH OF DR. LOUIS LEVINSON, OF MIDDLETOWN, DELAWARE, FATHER OF FORMER INSURANCE COMMISSIONER, DAVID LEVINSON, WHO PASSED AWAY ON WEDNESDAY, APRIL 21, 1993 AT THE AGE OF NINETY-SIX. Sponsors: Senator Vaughn, Representatives Banning, B. Ennis.

**SCR 35** - EXTENDING CONGRATULATIONS TO BARBARA M. HRINAK UPON HER RETIREMENT FROM THE STATE OF DELAWARE AFTER COMPLETING TWENTY-FOUR YEARS OF DEDICATED SERVICE IN A VARIETY OF POSITIONS IN DELAWARE'S SUPERIOR COURT SYSTEM. Sponsors: Senators Connor, McBride; Representatives Mack, Houghton.

A roll call vote on **SENATE CONSENT CALENDAR #10** was taken and revealed 19 Senators voting YES, 2 (Bair, Connor) ABSENT; therefore, the Consent Calendar was declared adopted by the Senate. The Senate Concurrent Resolutions were sent to the House for consideration.

At 6:03 p.m. on motion of Senator Sharp, the Senate recessed until June 1, 1993 at 2:00 p.m.

The Senate reconvened at 2:39 p.m. June 1, 1993 with Lt. Governor Minner presiding.

The following committee report was announced:

From Administrative Services: **SB 115** - 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 124 w/HA 1, HB 188 w/HA 3, SB 73 w/SA 1** and **SB 114**.

**LEGISLATIVE ADVISORY #12** from the Office of Counsel to the Governor was announced for the record, partially read and copies were made available to the members upon request.

**LEGISLATIVE ADVISORY #12**, dated May 21, 1993. The Governor signed the following legislation on the date indicated:

**HB #63** - 5/20/93 - AN ACT TO AMEND CHAPTERS 2 AND 27, TITLE 14, DELAWARE CODE RELATING TO MANDATORY AGE OF ATTENDANCE IN PUBLIC SCHOOLS. Reps. Maroney & Sorenson & Bradley; Sen. Sokola; Reps. Spence, Buckworth, Smith, D. Ennis, Ewing, Lee, Quillen, Mack, Wagner, Brady, Houghton; Senators McBride, Bair, Connor, Knox. (Volume 69, Chapter 28, Laws of Delaware.).

**HB #76** - 5/20/93 - AN ACT TO AMEND §7101, CHAPTER 71, PART IV, TITLE 14 OF THE DELAWARE CODE RELATING TO DISTRICT LIBRARIES. Rep. Schroeder and Sen. Voshell (Volume 69, Chapter 29, Laws of Delaware).

At 2:40 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 32nd Legislative Day.

32ND LEGISLATIVE DAY  
June 1, 1993

The Senate convened at 2:40 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Connor.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

## **PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**May 26, 1993**

The following legislation was introduced and assigned:

**SB 145** - AN ACT TO AMEND CHAPTER 3, TITLE 22 OF THE DELAWARE CODE RELATING TO DISTANCE REQUIREMENTS FOR INSTITUTIONAL OR GROUP RESIDENTIAL FACILITIES.

Sponsors: Senator Marshall; Representatives Jonkiert and Buckworth. To: Community/County Affairs.

**SB 146** - AN ACT TO AMEND CHAPTER 1, TITLE 8 OF THE DELAWARE CODE, RELATING TO THE GENERAL CORPORATION LAW. (2/3 vote) Sponsors: Senator Sharp; Representative Smith. To: Judiciary.

**SB 147** - AN ACT TO AMEND CHAPTER 31, PART III, TITLE 16, DELAWARE CODE, RELATING TO VITAL STATISTICS. Sponsors: Senator Vaughn; Representatives B. Ennis, Buckworth, Caulk. To: Administrative Services.

**SB 148** - AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF FUNERAL SERVICES. Sponsors: Senator Vaughn; Representatives B. Ennis, Buckworth, Caulk. To: Administrative Services.

**SB 149** - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE NUMBER OF PLATES FOR MANUFACTURERS AND DEALERS. Sponsors: Senators Blevins and Voshell; Representative Ewing. To: Public Safety.

**SB 150** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE ILLEGAL POSSESSION OF CONTROLLED SUBSTANCES IN OR WITHIN 1,000 FEET OF A PARK OR RECREATION AREA. Sponsors: Senator Marshall; Representatives Jonkiert and Spence. To: Judiciary.

**HB 124 w/HA 1** - AN ACT TO AMEND CHAPTER 7, TITLE 24, DELAWARE CODE RELATING TO INSURANCE AND THE BOARD OF CHIROPRACTIC. Sponsors: Representative Roy; Representatives Amick, Buckworth, Carey, Davis, Ewing, Lofink, Mack, Quillen, Reynolds, Taylor, Houghton, Jonkiert, Plant, Van Sant; Senators Blevins, Cook, Cordrey, Holloway, Marshall, Martin, McDowell, Torbert, Voshell. To: Health and Social Services.

**HB 188 w/HA 3** - AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS. Sponsors: Representative Roy; Representatives Spence, Petrilli, B. Ennis, Plant; Senators Blevins, Holloway, Sokola, Neal. To: Administrative Services.

**SA 1 to SB 138** - Sponsor: Senator Holloway. Placed with the bill.

\* \* \* \* \*

**SB 71** was brought before the Senate for consideration on motion of Senator Torbert.

**SB 71** - AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE, RELATING TO LINE-OF-DUTY DEATH BENEFITS; PROVIDING FOR THE ADDITION TO "COVERED PERSONS" OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL ENVIRONMENTAL RESPONSE TEAM.

The privilege of the floor was extended to Philip Cherry, representing Department of Natural Resources and Environmental Control. Several Senators questioned the witness. Senators McBride and McDowell were marked present. The witness was then excused.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Martin) ABSENT; therefore, **SB 71** was declared passed the Senate and sent to the House for consideration.

Senators Blevins, Hauge, Holloway, Marshall and Still marked present during the above roll call.

**SB 133** was brought before the Senate for consideration on motion of Senator Holloway.

**SB 133** - AN ACT TO AMEND CHAPTER 5, TITLE 13, DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 133** was declared passed the Senate and sent to the House for consideration.

Senator Martin marked present during the above roll call.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:03 p.m. and reconvened at 4:23 p.m. with Lt. Governor Minner presiding.

On motion of the floor manager, Senator Adams, the necessary rules were suspended to bring **HB 197** before the Senate for consideration.

**HB 197** - AN ACT TO WAIVE THE STATUTORY PROVISIONS OF §107(a), TITLE 13, OF THE DELAWARE CODE RELATING TO THE MARRIAGE OF KEVIN PATRICK O'BRIEN AND MICHELLE ANN TAYLOR.

A roll call vote was taken and revealed 18 Senators voting YES, 3 (Bair, McBride, Still) ABSENT; therefore, **HB 197** was declared passed the Senate and returned to the House.

**SB 108** was brought before the Senate for consideration on motion of Senator Marshall.

**SB 108** - AN ACT TO AMEND CHAPTER 21, TITLE 19 OF THE DELAWARE CODE, RELATING TO THE COMPOSITION AND COMPENSATION OF MEMBERS OF THE INDUSTRIAL ACCIDENT BOARD.

**SA 1 to SB 108**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Marshall.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Bair, Still) ABSENT; therefore, **SA 1 to SB 108** was declared part of the bill.

**SB 108 w/SA 1** was now before the Senate. Several Senators commented. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 108 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 109** was brought before the Senate for consideration on motion of Senator Marshall.

**SB 109** - AN ACT TO AMEND TITLE 19 DELAWARE CODE PROVIDING FOR THE REMOVAL OF INDUSTRIAL ACCIDENT BOARD MEMBERS.

Senator Bair commented. A roll call vote was taken and revealed 20 Senators voting YES, 1 (Still) NOT VOTING; therefore, **SB 109** was declared passed the Senate and sent to the House for consideration.

On motion of the floor manager, Senator Blevins, **HS 1 for HB 32 w/HA 1** was brought before the Senate for consideration.

**HS 1 for HB 32 w/HA 1** - AN ACT TO AMEND CHAPTER 15, TITLE 28 OF THE DELAWARE CODE RELATING TO THE DELAWARE GAMING CONTROL BOARD.

Senator Neal questioned the floor manager. A roll call vote was taken and revealed 16 Senators voting YES, 2 (Adams, Neal) NO, 3 (Bair, Sharp, Still) NOT VOTING; therefore, **HS 1 for HB 32 w/HA 1** was declared passed the Senate and returned to the House.

**SB 37** was brought before the Senate for consideration on motion of Senator Holloway.

**SB 37** - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE, RELATING TO ENFORCEMENT OF THE FREEDOM OF INFORMATION ACT.

**SA 1 to SB 37** was introduced and brought before the Senate for consideration on motion of Senator Holloway.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 1 to SB 37** was declared part of the bill.

**SB 37 w/SA 1** was laid on the table on motion of Senator Holloway.

**SB 54** was brought before the Senate for consideration on motion of Senator Cordrey,

**SB 54** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN GEORGETOWN HUNDRED, SUSSEX COUNTY, TO MR. & MRS. ALFRED CHAVEZ. (3/4 vote)

Senator McBride questioned the sponsor. The privilege of the floor was granted to John Cordrey, Senate Attorney. Senators McBride and Neal questioned the witness, after which the witness was excused. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 54** was declared passed the Senate and was sent to the House for consideration.

**SB 61** was brought before the Senate for consideration on motion of Senator Torbert.

**SB 61** - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO ASSAULT IN THE SECOND DEGREE.

**SA 1 to SB 61**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Torbert.

Senator Bair commented. The privilege of the floor was again granted to John Cordrey, Senate Attorney. The witness was excused. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 1 to SB 61** was declared part of the bill.

**SA 2 to SB 61** was introduced and brought before the Senate for consideration on motion of Senator Torbert. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 2 to SB 61** was declared part of the bill.

**SB 61 w/SA 1 & 2** was now before the Senate. Several Senators commented. The privilege of the floor was extended to John Cordrey, Senate Attorney. The witness was excused. A roll call vote was taken and revealed 11 Senators voting YES, 9 (Bair, Cook, Cordrey, Holloway, Knox, Marshall, McBride, Sharp, Venables) NO, 1 (Martin) ABSENT; therefore, **SB 61 w/SA 1 & 2** was declared passed the Senate and sent to the House for consideration.

**HB 68 w/HA 1 w/HA 1** was brought before the Senate for consideration on motion of the floor manager,

Senator Sokola.

**HB 68 w/HA 1 w/HA 1** - AN ACT TO AMEND CHAPTER 15, TITLE 14, DELAWARE CODE, RELATING TO SCHOOL DISTRICT QUARTERLY REPORTS.

Senator Bair commented. A roll call vote was taken and revealed 17 Senators voting YES, 1 (Sharp) NO, 1 (Vaughn) NOT VOTING, 2 (Holloway, Martin) ABSENT; therefore, **HB 68 w/HA 1 w/HA 1** was declared passed the Senate and returned to the House.

**SJR 16** was brought before the Senate for consideration on motion of Senator Sokola.

**SJR 16** - REQUESTING THE INTERAGENCY RESOURCE MANAGEMENT COMMITTEE TO STUDY EARLY INTERVENTION ALTERNATIVES FOR THE EDUCATION OF CHILDREN AT RISK OF FAILURE IN SCHOOL AND TO REPORT THE FINDINGS TO THE GOVERNOR, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Several Senators rose to comment. A roll call vote was taken and revealed 20 Senators voting YES, 1 (Martin) ABSENT; therefore, **SJR 16** was declared passed the Senate and sent to the House for consideration.

**HS 1 for HB 18** was brought before the Senate for consideration by the floor manager, Senator Vaughn.

**HS 1 for HB 18** - AN ACT TO AMEND CHAPTER 55, TITLE 15, DELAWARE CODE RELATING TO ABSENTEE BALLOTS FOR THE PHYSICALLY DISABLED.

Senator Cordrey presiding at 5:38 p.m.

Senators Sokola and Neal commented. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HS 1 for HB 18** was declared passed the Senate and returned to the House.

**SB 76** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 76** - AN ACT TO AMEND TITLES 9, 20, AND 29 OF THE DELAWARE CODE RELATING TO MERCHANT MARINES.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 76** was declared passed the Senate and sent to the House for consideration.

**SB 116** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 116** - AN ACT TO AMEND CHAPTER 27, TITLE 21 DELAWARE CODE RELATING TO REQUIREMENTS AND QUALIFICATIONS FOR LICENSING SCHOOL BUS DRIVERS.

Senator Sokola commented. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 116** was declared passed the Senate and sent to the House for consideration.

**SB 118** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 118** - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO SUSPENSION OR REVOCATION.

Several Senators commented. A roll call vote was taken and revealed 20 Senators voting YES, 1 (McDowell) NO; therefore, **SB 118** was declared passed the Senate and sent to the House for consideration.

**SB 119** was brought before the Senate for consideration by the Senate on motion of Senator Blevins.

**SB 119** - AN ACT TO AMEND CHAPTER 27, TITLE 21 DELAWARE CODE RELATING TO REQUIREMENTS AND QUALIFICATIONS FOR LICENSING SCHOOL BUS DRIVERS.

**SA 1 to SB 119**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Blevins. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 1 to SB 119** was declared part of the bill.

**SA 2 to SB 119** was introduced and brought before the Senate for consideration on motion of Senator Blevins. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SA 2 to SB 119** was declared part of the bill.

**SB 119 w/SA 1 & 2** was now before the Senate. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 119 w/SA 1 & 2** was declared passed the Senate and sent to the House for consideration.

At 5:59 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m. June 2, 1993.

The Senate reconvened June 2, 1993 at 3:34 p.m. with Senator Cordrey presiding.

The following committee reports were announced:

From Judiciary: **SB 102** - 4 Merits; **SB 103** - 4 Merits; **SB 104** - 4 Merits; **SB 105** - 4 Merits; **SB 107** - 4 Merits; **SB 112** - 4 Merits; **SB 113** - 4 Merits; **SB 140** - 4 Merits; **SB 143** - 4 Merits; **SB 146** - 4 Merits; **SB 152** - 4 Merits; **SB 153** - 4 Merits; **SB 154** - 4 Merits; **SB 155** - 4 Merits; **SB 156** - 4 Merits.

From Corrections: **SB 135** - 4 Merits.

From Insurance and Elections: **SB 139** - 4 Merits.

From Administrative Services: **HB 188 w/HA 3** - 3 Merits; **SB 147** - 3 Merits; **SB 148** - 3 Merits; **SB 70** - 3 Merits.

Lt. Governor Minner presiding at 3:35 p.m. during the announcement of the committee reports.

A messenger from the Governor was announced and admitted.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 22 w/HA 2**, **HB 146**, **HB 159 w/HA 1**, **HB 166 w/HA 1**, **HB 101 w/HA 1, 2**.

At 3:40 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 33rd Legislative Day.

33RD LEGISLATIVE DAY

June 2, 1993

The Senate convened at 3:40 p.m. with Lt. Governor Minner presiding.

A prayer was offered by Senator Torbert.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

**PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION**

**June 2, 1993**

The following legislation was introduced and assigned:

**SB 151** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO FISHING SEASONS. Sponsors: Senator Cordrey; Representative Schroeder. To: **Natural Resources**

**SB 152** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO CONDEMNATION PROCEDURES. Sponsors: Senator Sokola, Blevins and Venables; Representatives Davis and Wojewodzki. To: **Judiciary**.

**SB 153** - AN ACT TO AMEND TITLE 10, CHAPTER 9 OF THE DELAWARE CODE RELATING TO A DOMESTIC VIOLENCE DIVERSION PROGRAM IN THE FAMILY COURT. Sponsors: Senator Blevins and Representative Sorenson and Representative Bradley, Senators Bair, Connor, Knox, Marshall, Martin, McBride, Neal, Sokola, Still, Voshell, Representatives Banning, Bennett, Brady, Clark, Davis, DiPinto, B. Ennis, Gilligan, Holloway, Houghton, Jonkiert, Plant, Schroeder, West, Wojewodzki, Van Sant, Wagner. To: **Judiciary**.

**SB 154** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO DOMESTIC VIOLENCE AND PROTECTION FROM ABUSE PROCEEDINGS. Sponsors: Senator Blevins and Representative Maroney and Representative Bradley, Senators Bair, Connor, Knox, Marshall, Martin, McBride, Neal, Sokola, Still, Voshell, Representatives Banning, Bennett, Brady, Davis, DiPinto, Gilligan, Holloway, Houghton, Jonkiert, Plant, Sorenson, Van Sant, Wojewodzki, Wagner. To: **Judiciary**.

**SB 155** - AN ACT TO AMEND CHAPTER 25, TITLE 29 OF THE DELAWARE CODE RELATING TO MANDATORY TRAINING OF DEPUTY ATTORNEYS GENERAL. Sponsors: Senator Blevins and Representative Sorenson and Representative Bradley; Senators Bair, Connor, Knox, Marshall, Martin, McBride, Neal, Sokola, Still, Voshell, Representatives Banning, Brady, Davis, DiLiberto, DiPinto, B. Ennis, Gilligan, Holloway, Jonkiert, Plant, Schroeder, West, Wojewodzki, Wagner. To: **Judiciary**.

**SB 156** - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE CREATING A DOMESTIC VIOLENCE COORDINATING COUNCIL. Sponsors: Senator Blevins and Representative Sorenson and Representative Bradley, Senators Bair, Connor, Knox, Marshall, Martin, McBride, Neal, Sokola, Still, Voshell, Representatives Banning, Bennett, Brady, Davis, DiPinto, B. Ennis, Gilligan, Holloway, Houghton, Jonkiert, Plant, Schroeder, West, Wojewodzki, Van Sant, Wagner. To: **Judiciary**.

**SB 157** - AN ACT TO AMEND CHAPTER 10, TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL BOARD AND VOCATIONAL-TECHNICAL SCHOOL BOARD MEMBERS. Sponsors: Senator Still; Senators Neal, Holloway. To: **Education**.

**HB 22 w/HA 2** - AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE RELATING TO THE CONTROLLED SUBSTANCES ACT. Sponsors: Representatives Oberle and Amick; Senator Vaughn. To: **Judiciary**.

**HB 101 w/HA 1, 2** - AN ACT TO AMEND SUB-CHAPTER II, CHAPTER 5, TITLE 4, OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS. Sponsors: Representative Amick and Senator Venables. To: **Administrative Services**.

**HB 146** - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER II, SUBPART D, TITLE 11 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF VOLUNTARY SOCIAL COMPANION. Sponsors: Representative Banning; Senator Vaughn. To: **Judiciary**.

**HB 159 w/HA 1** - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER II, SUBPART D OF TITLE 11 OF THE DELAWARE CODE BY ADDING THE NEW SEXUAL CRIME OF BESTIALITY. Sponsors: Representatives Oberle, D. Ennis, Lee, Buckworth, Smith, Reynolds, Amick, Davis, Ewing, Wagner, Carey, Lofink, B. Ennis. To: **Judiciary**.

**HB 166 w/HA 1** - AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, BEING CHAPTER 158, VOLUME 36, OF THE LAWS OF DELAWARE, AS AMENDED, BY PROVIDING THAT THE CITY



TREASURER SHALL SIGN WARRANTS IN PLACE OF THE MAYOR; AND PROVIDING THAT THE MAYOR, MEMBERS OF COUNCIL, OR OTHER MEMBERS OF ANY COMMISSION OR BODY APPOINTED BY THE MAYOR OR COUNCIL AUTOMATICALLY RELINQUISHES THEIR OFFICE BY FILING FOR AN ELECTIVE COUNTY, STATE, OR FEDERAL POSITION. Sponsors: Representatives Bennett and Wagner; Senators Torbert and Still. To: Community/County Affairs.

**SA 1 to SB 60** - Sponsor: Senator Torbert. Placed with the bill.

**SA 1 to SB 135** - Sponsor: Senator Cordrey. Placed with the bill.

\* \* \* \* \*

**SJR 9** was brought before the Senate for consideration on motion of Senator Martin.

**SJR 9** - ACKNOWLEDGMENT OF THE LENAPE INDIAN TRIBE OF DELAWARE, INC., A NON-PROFIT ORGANIZATION INCORPORATED IN THE STATE OF DELAWARE, COMPRISED OF A PEOPLE KNOWN AS MOORS, PREDOMINANTLY LOCATED IN THE GREATER CHESWOLD, DELAWARE AREA, FOR THE PURPOSE OF OFFICIALLY AUTHENTICATING THEIR ANCESTRAL INDIAN HERITAGE.

Senator Martin requested the privilege of the floor for Fred A. Hedgepeth, representing the Lenape Indian Tribe. Senator Bair questioned the witness, after which the witness was excused.

Senator Martin then requested the privilege of the floor for Lonnie Coker, representing the Lenape Indian Tribe. Senator Bair again questioned the witness, after which the witness was excused.

Senator Cordrey requested privilege of the floor for Kenneth S. Clark, Sr., representing the Nanticoke Indian Tribe. Several Senators entered into a discussion with the witness, after which Senator Cordrey requested the privilege of the floor for Charles C. Clark, IV, representing the Nanticoke Indian Tribe, to assist Mr. Clark in answering some of the Senators questions. The witnesses were excused.

Senator Martin again requested the privilege of the floor for Fred Hedgepeth. Several Senators rose to give comments.

Senator Venables was marked present.

The witness was excused.

Senator Neal requested the privilege of the floor for Kim Burdick, the House/Senate Liaison.

Senators Cook and Holloway marked present.

The witness was excused. A roll call vote on **SJR 9** was taken, however it was tabled before the roll call was announced.

Senators Connor, Hauge, Knox, Marshall and McBride present during the above roll call.

**SB 120** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 120** - AN ACT TO AMEND CHAPTER 42, TITLE 21 OF THE DELAWARE CODE RELATING TO REPORTS OF ACCIDENTS; PENALTIES; INTERPRETATION OF LAWS.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 120** was declared passed the Senate and sent to the House for consideration.

**HB 145 w/HA 1** was brought before the Senate for consideration on motion of the floor manager, Senator Blevins.

**HB 145 w/HA 1** - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO LEAVE FOR VOLUNTEER EMERGENCY SERVICE.

Senator Still commented. A roll call vote was taken and revealed 21 Senators voting YES; therefore, **HB 145 w/HA 1** was declared passed the Senate and returned to the House.

**SB 127** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 127** - AN ACT TO AMEND CHAPTER 25 OF TITLE 21 OF THE DELAWARE CODE RELATING TO APPLICATION FOR CERTIFICATE OF TITLE AND LATE FEE. (3/5 vote)

Senator Venables commented. A roll call vote was taken and revealed 19 Senators voting YES, 2 (McDowell, Still) ABSENT; therefore, **SB 127** was declared passed the Senate and sent to the House for consideration.

**SB 128** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 128** - AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE RELATING TO SIZE AND WEIGHT OF VEHICLES AND LOADS.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Still) ABSENT; therefore, **SB 128** was declared passed the Senate and sent to the House for consideration.

**SB 129** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 129** - AN ACT TO AMEND CHAPTER 23, TITLE 21, OF THE DELAWARE CODE RELATING TO AGE REQUIREMENT FOR APPLICATION FOR CERTIFICATE OF TITLE.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Holloway, Still) ABSENT; therefore, **SB 129** was declared passed the Senate and sent to the House for consideration.

**SB 131** was brought before the Senate for consideration on motion of Senator Voshell.

**SB 131** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO CERTIFICATE

OF TITLE ISSUANCE.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Holloway, Still) ABSENT; therefore, **SB 131** was declared passed the Senate and sent to the House for consideration.

**SB 132** was brought before the Senate for consideration on motion of Senator Venables.

**SB 132** - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO SUSPENSION AND REVOCATION OF LICENSE FOR REFUSAL TO SUBMIT TO CHEMICAL TEST.

**SA 1 to SB 132** was introduced and brought before the Senate for consideration on motion of Senator Venables.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Still) ABSENT; therefore, **SA 1 to SB 132** was declared part of the bill.

**SB 132 w/SA 1** was now before the Senate. Senator Venables requested the privilege of the floor for John Paradee, Senate Attorney. Several Senators questioned the witness, after which the witness was excused. A roll call vote was taken and revealed 17 Senators voting YES, 2 (Knox, McBride) NO, 2 (Bair, Connor) NOT VOTING; therefore, **SB 132 w/SA 1** was declared passed the Senate and sent to the House for consideration.

At 6:11 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. June 3, 1993.

The Senate reconvened at 2:10 p.m. June 3, 1993 with Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed **SB 25**.

The Secretary announced that the nominations of: **S. Lee Frankel, Jr., William G. Turner, Jr. and Katy K. N. Woo** were returned to the Governor for corrections on June 3, 1993.

The following committee reports were announced:

From Labor: **SB 65** - 1 Favorable, 2 Merits.

From Natural Resources: **SB 124** - 5 Merits.

At 2:12 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 34th Legislative Day.

34TH LEGISLATIVE DAY

June 3, 1993

The Senate convened at 2:12 p.m. with Senator Cordrey presiding.

A prayer was offered by Senator Connor.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

June 3, 1993

The following legislation was introduced and assigned:

**SB 158** - AN ACT TO AMEND CHAPTER 23 OF TITLE 5, DELAWARE CODE, RELATING TO REGULATING THE SALE OF CHECKS, DRAFTS AND MONEY ORDERS. Sponsors: Senators Cordrey and Adams. To: **Banking**.

**SB 159** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF THE REVENUE LAWS OF THE STATE OF DELAWARE. Sponsors: Senator Sharp, Representative Smith. To: **Judiciary**.

**SB 160** - AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE, RELATING TO CASUALTY INSURANCE CONTRACTS BY REQUIRING CAR RENTAL COMPANIES OR FRANCHISEES TO POST CERTAIN NOTICES. (2/3 vote) Sponsor: Senator Holloway. To: **Insurance/Elections**.

**SB 161** - AN ACT TO AMEND CHAPTER 15, TITLE 6 OF THE DELAWARE CODE BY PROVIDING FOR THE FORMATION, REGISTRATION, AND REGULATION OF REGISTERED LIMITED LIABILITY PARTNERSHIPS. (3/5 vote) Sponsors: Senators Sharp, Cordrey; Representatives Petrilli, George. To: **Judiciary**.

**SB 162** - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF SURPLUS PROPERTY. Sponsors: Senators Sokola, Blevins and Venables; Representatives Davis and Wojewodzki. To: **Highways/Transportation**.

**SB 163** - AN ACT TO AMEND CHAPTER 9, TITLE 29 OF THE DELAWARE CODE TO PROVIDE

FOR IMPACT INFORMATION ON CRIMINAL JUSTICE RELATED LEGISLATION. Sponsors: Senator Vaughn and Representative Davis. To: Judiciary.

**SJR 17** - URGING GOVERNOR THOMAS R. CARPER TO APPOINT A TASK FORCE TO STUDY THE HIGH RATES OF CANCER IN DELAWARE. Sponsors: Senators Sharp, Holloway, Venables, Cordrey; Representative Spence. To: **Health and Social Services**.

\* \* \* \* \*

**SB 100** was brought before the Senate for consideration on motion of Senator Blevins.

**SB 100** - AN ACT TO AMEND TITLE 14, CHAPTER 40 OF THE DELAWARE CODE RELATING TO SCHOOL EMPLOYEE NEGOTIATIONS.

Senator Sharp requested the privilege of the floor for Charles Moses, representing the School Officers Association.

Senators Holloway and Knox marked present.

Several Senators proceeded to question the witness, after which the witness was excused.

Senator Sharp requested the privilege of the floor for Ray W. Christian, representing DSBA and NCCUT. The witness made his presentation and then was excused.

Senator Sharp requested the privilege of the floor for James T. Vaughn, Jr., representing the Smyrna School Board.

Senator Bair questioned the witness and then the witness was excused.

Senator Blevins requested the privilege of the floor for Dennis Crowley representing DSEA. Several Senators questioned the witness, after which the witness was excused.

Senator Sharp requested the privilege of the floor for Dr. Dennis L. Loftus, representing the New Castle County Vo-tech School District. The witness was excused after he made a brief presentation.

A roll call vote on **SB 100** was taken, however it was tabled before the roll call was announced.

Senators Hauge, McBride, Torbert, Venables and Martin were marked present during the above roll call.

**SB 99** was brought before the Senate for consideration on motion of Senator Holloway.

**SB 99** - AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES OF THE STATE OF DELAWARE TO AMEND THE SPOUSAL IMPOVERISHMENT PROVISIONS OF THE STATE PLAN UNDER TITLE XIX (MEDICAID) OF THE SOCIAL SECURITY ACT.

The privilege of the floor was extended to John Frazer, Office of the Controller General. The witness was excused after making a statement.

A roll call vote was taken and revealed 21 Senators voting YES; therefore, **SB 99** was declared passed the Senate and sent to the House for consideration.

**SB 122** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 122** - AN ACT TO AMEND CHAPTER 23, SUBCHAPTER III, TITLE 19, DELAWARE CODE RELATING TO A REASONABLE FEE TO CLAIMANT'S ATTORNEY FOR SERVICES ON AN APPEAL.

The privilege of the floor was extended to John Cordrey, Senate Attorney.

The witness was excused. A roll call vote was taken and revealed 20 Senators voting YES, 1 (Still) NOT VOTING; therefore, **SB 122** was declared passed the Senate and sent to the House for consideration.

**HB 188 w/HA 3** was brought before the Senate for consideration on motion of the floor manager, Senator Torbert.

**HB 188 w/HA 3** - AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.

Several Senators questioned the floor manager. Senator Torbert requested the privilege of the floor for Edwin D. Miller, representing himself.

Senators Bair and Adams questioned the witness, after which the witness was excused.

Senator Torbert requested the privilege of the floor for Representative Roger Roy, the sponsor of the bill. Several Senators questioned Representative Roy, after which the witness was excused.

Senators Holloway and Torbert commented further. A roll call vote was taken on **HB 188 w/HA 3**, and tabled before it could be announced.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 4:04 p.m. and reconvened at 4:54 p.m. with Lt. Governor Minner presiding.

The following committee report was announced:

Community/County Affairs: **HB 166 w/HA 1** - 3 Merits.

**SB 102** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 102** - AN ACT TO AMEND CHAPTER 59, TITLE 29, SECTION 5903 (17) RELATING TO THE TERM OF EMPLOYMENT OF TEMPORARY, CASUAL AND SEASONAL EMPLOYEES.

A roll call vote was taken and revealed 17 Senators voting YES, 4 (Connor, Holloway, Martin, Still) ABSENT; therefore, **SB 102** was declared passed the Senate and sent to the House for consideration.

**SB 165** was introduced and brought before the Senate for consideration on motion of Senator Sharp, under the suspension of the necessary rules. This bill replaces **SB 103**.

**SB 165** - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO GENERAL CORPORATION LAW. (3/5 vote) Sponsor: Senator Sharp; Representative Spence.

Senator McBride raised a question. The privilege of the floor was extended to John Cordrey, Senate Attorney. The witness was excused.

A roll call vote was taken and revealed 19 Senators voting YES, 2 (Connor, Venables) ABSENT; therefore, **SB 165** was declared passed the Senate and sent to the House for consideration.

**SB 103** was stricken on motion of Senator Sharp.

**SB 104** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 104** - AN ACT TO AMEND CHAPTER 5, TITLE 8, OF THE DELAWARE CODE RELATING TO CORPORATION FRANCHISE TAX.

Senator Bair commented. A roll call vote was taken and revealed 19 Senators voting YES, 1 (Venables) NOT VOTING, 1 (Connor) Absent; therefore, **SB 104** was declared passed the Senate and sent to the House for consideration.

**SB 105** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 105** - AN ACT TO AMEND CHAPTER 5, TITLE 8, OF THE DELAWARE CODE RELATING TO CORPORATION FRANCHISE TAX.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SB 105** was declared passed the Senate and sent to the House for consideration.

**SB 107** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 107** - AN ACT TO AMEND CHAPTER 92, TITLE 11, DELAWARE CODE RELATING TO BILL OF RIGHTS FOR LAW ENFORCEMENT OFFICERS.

**SA 1 to SB 107** was introduced and brought before the Senate on motion of Senator Sharp.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SA 1 to SB 107** was declared part of the bill.

**SB 107 w/SA 1** was now before the Senate. A roll call vote was taken and revealed 18 Senators voting YES, 1 (Vaughn) NOT VOTING, 2 (Connor, Holloway) ABSENT; therefore, **SB 107 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 146** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 146** - AN ACT TO AMEND CHAPTER 1, TITLE 8 OF THE DELAWARE CODE, RELATING TO THE GENERAL CORPORATION LAW. (2/3 vote)

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SB 146** was declared passed the Senate and sent to the House for consideration.

**SB 70** was brought before the Senate for consideration on motion of Senator Sharp.

**SB 70** - AN ACT TO AMEND CHAPTER 101, TITLE 3, DELAWARE CODE, RELATING TO THE DELAWARE THOROUGHBRED RACING COMMISSION.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SB 70** was declared passed the Senate and sent to the House for consideration.

**SB 135** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 135** - AN ACT TO AMEND CHAPTER 69, TITLE 29, DELAWARE CODE RELATING TO PROCUREMENT OF PRODUCTS AND SERVICES FROM THE PRISON INDUSTRIES BY STATE AGENCIES.

**SA 1 to SB 135**, which had been previously placed with the bill, was brought before the Senate for consideration on motion of Senator Cordrey.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SA 1 to SB 135** was declared part of the bill.

**SB 135 w/SA 1** was now before the Senate. Senator Bair commented. A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SB 135 w/SA 1** was declared passed the Senate and sent to the House for consideration.

**SB 147** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 147** - AN ACT TO AMEND CHAPTER 31, PART III, TITLE 16, DELAWARE CODE, RELATING TO VITAL STATISTICS.

Senator Holloway commented. A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SB 147** was declared passed the Senate and sent to the House for consideration.

**SB 148** was brought before the Senate for consideration on motion of Senator Vaughn.

**SB 148** - AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF FUNERAL SERVICES.

A roll call vote was taken and revealed 20 Senators voting YES, 1 (Connor) ABSENT; therefore, **SB 148** was declared passed the Senate and sent to the House for consideration.

**SB 124** was brought before the Senate for consideration on motion of Senator McBride.

**SB 124** - AN ACT TO AMEND CHAPTER 80, TITLE 29 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

Senator Sharp commented. Senator McBride moved to lay the bill on the table.

**SJR 15** was stricken on motion of Senator Voshell.

At 5:31 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. June 8, 1993.

The Senate reconvened at 2:03 p.m. June 8, 1993 with Senator Cordrey presiding.

The following committee reports were announced:

From Sunset: **SB 134** - 5 Merits; **HB 67 w/HA 1** - 5 Merits.

From Public Safety: **HB 162** - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 49 w/HA 2, HB 185, HB 191, HB 186, SCR 33, SCR 34, SCR 35**.

**LEGISLATIVE ADVISORY #13** from the Office of Counsel to the Governor was announced for the record, partially read and copies made available to the members upon request.

**LEGISLATIVE ADVISORY # 13**, dated June 7, 1993. The following legislation was signed by Governor Thomas R. Carper on the date indicated:

**HB #61 aab SA #1** - 6/1/93 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE VILLAGE OF ARDEN" AS AMENDED RELATING TO REGISTRATION COMMITTEES. Rep. Smith and Sen. Bair (Volume 69, Chapter 30, Laws of Delaware).

**HB #105 aab SA #1** - 6/1/93 - AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, BEING CHAPTER 158, VOLUME 36 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO REAL PROPERTY REASSESSMENTS. Rep. Bennett; Sen. Torbert. (Volume 69, Chapter 31, Laws of Delaware).

**HB #197** - 6/2/93 - AN ACT TO WAIVE THE STATUTORY PROVISIONS OF §107(a), TITLE 13, OF THE DELAWARE CODE RELATING TO THE MARRIAGE OF KEVIN PATRICK O'BRIEN AND MICHELLE ANN TAYLOR. Rep. Ewing and Sen. Adams. (Volume 69, Chapter 32, Laws of Delaware).

**SB #73 aab SA #1** - 6/3/93 - AN ACT TO AMEND TITLE 21, DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR MEMBERS OF DUCKS UNLIMITED. Sen. Venables (Volume 69, Chapter 33, Laws of Delaware).

**SB #114** - 6/3/93 - AN ACT TO AMEND AN ACT, BEING CHAPTER 128, VOLUME 33, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MIDDLETOWN" REGARDING THE DEBT CEILING. Sen. Vaughn; Rep. Banning (Volume 69, Chapter 34, Laws of Delaware).

**SB #25** - 6/3/93 - AN ACT TO AMEND CHAPTER 99, TITLE 16, OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE DELAWARE HEALTH CARE COMMISSION. Sens. Sharp, Holloway, Cordrey (Volume 69, Chapter 35, Laws of Delaware).

\* \* \* \* \*

At 2:05 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 35th Legislative Day.

### 35TH LEGISLATIVE DAY

June 8, 1993

The Senate convened at 2:05 p.m. with Senator Cordrey presiding.

A prayer was offered by Senator Adams.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables, Voshell - 21.

Lt. Governor Minner presiding at 2:06 p.m. during the call of the roll for attendance.

The journal of the previous day was approved as read on motion of Senator Sharp. No objection.

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

### PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

June 8, 1993

The following legislation was introduced and assigned:

**SB 164** - AN ACT TO AMEND CHAPTER 9, SUBCHAPTER III, TITLE 10, DELAWARE CODE, RELATING TO GRANDPARENTS VISITATION RIGHTS. Sponsors: Senators Vaughn, Blevins; Representative B. Ennis. To: **Children, Youth and their Families**.

**SB 166** - AN ACT TO AMEND TITLE 18, DELAWARE CODE TO BRING THE DELAWARE INSURANCE CODE INTO COMPLIANCE WITH NATIONAL SOLVENCY STANDARDS. Sponsors: Senator Vaughn; Representative D. Ennis. To: **Insurance and Elections**.

**SB 167** - AN ACT TO AMEND CHAPTER 5, TITLE 31, DELAWARE CODE, RELATING TO THE

STATE PUBLIC ASSISTANCE CODE. Sponsors: Senator Holloway; Representative Maroney. To: Health and Social Services.

**SB 168** - AN ACT TO AMEND CHAPTER 40, TITLE 14 OF THE DELAWARE CODE AND CHAPTERS 13 AND 16, TITLE 19 OF THE DELAWARE CODE RELATING TO ARBITRATION PROVISIONS IN COLLECTIVE BARGAINING AGREEMENTS. Sponsor: Senator Sharp. To: Judiciary.

**HB 49 w/HA 2** - AN ACT TO AMEND CHAPTER 98, TITLE 10 OF THE DELAWARE CODE RELATING TO INCREASING VARIOUS JUSTICE OF THE PEACE COURT COSTS. (3/5 vote) Sponsors: Representatives Amick, Lee, Ewing; Senators Adams, McDowell, Sharp, Vaughn. To: Judiciary.

**HB 185** - AN ACT TO AMEND TITLE 11, SECTION 1325 OF THE DELAWARE CODE, RELATING TO CRUELTY TO ANIMALS. Sponsors: Representative Smith and Representative Gilligan and Representative George and Representative Brady (by request). To: Judiciary.

**HB 186** - AN ACT TO AMEND CHAPTER 25 OF TITLE 29, DELAWARE CODE, RELATING TO SUPPLYING OF LEGAL ADVICE AND COUNSEL TO DELAWARE TECHNICAL AND COMMUNITY COLLEGE. Sponsors: Representative Sorenson and Senator Sokola. To: Education.

**HB 191** - AN ACT TO AMEND CHAPTER 59, VOLUME 63 LAWS OF DELAWARE, AS AMENDED, ENTITLED AN ACT TO INCORPORATE THE TOWN OF DEWEY BEACH. (2/3 vote) Sponsors: Representative Schroeder and Senator Cordrey. To: Community/County Affairs.

**SA 1 to SB 115** - Sponsor: Senator Adams. Placed with the bill.

**SA 1 to SB 139** - Sponsor: Senator Sharp. Placed with the bill.

**SA 3 to HB 24** - Sponsor: Senator Connor. Placed with the bill.

The following nominations from the Governor were read in and placed in the Executive Committee:

STATE OF DELAWARE  
Office of the Governor  
June 3, 1993

To the Senate of the 137th General Assembly  
of the State of Delaware

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

**Robert J. Berndt**, 312 Beverly Place, Wilmington, Delaware 19809, to be re-appointed to the State Ethics Commission for a seven year term expiring June 3, 2000.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor  
\*\*\*\*\*

STATE OF DELAWARE  
Office of the Governor  
June 3, 1993

To the Senate of the 137th 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:

**Katy K. N. Woo**, 5 Farm House Road, Newark, Delaware 19711, to be appointed as Director of the Delaware Solid Waste Authority for a three year term expiring June 3, 1996, replacing Theodore W. Ryan.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor  
STATE OF DELAWARE  
Office of the Governor  
June 3, 1993

To the Senate of the 137th 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 G. Turner, Jr.**, 1601 Greenhill Avenue, Wilmington, Delaware 19806, to be appointed as Director of the Delaware Solid Waste Authority for a three year term expiring June 3, 1996, replacing Earp F. Jennings, Jr.

Your consideration of this nomination is appreciated.

(Signed) Tom Carper  
Governor

\* \* \* \* \*

**SB 115** was brought before the Senate for consideration on motion of Senator Adams.

**SB 115** - AN ACT SUPPLEMENTING THE PROVISIONS OF TITLE 26 OF THE DELAWARE CODE ANNOTATED RELATING TO THE REGULATION OF PUBLIC UTILITIES PROVIDING TELECOMMUNICATIONS SERVICES.

**SA 1 to SB 115** was stricken on motion of Senator Adams.

**SA 2 to SB 115** was introduced and brought before the Senate on motion of Senator Adams.

A roll call vote was taken and revealed 17 Senators voting YES, 4 (Cook, Marshall, Martin, Sharp)

ABSENT; therefore, **SA 2 to SB 115** was declared part of the bill.

Senators Bair, Blevins, Hauge, Knox, McDowell and Sokola marked present during the above roll call.

**SB 115 w/SA 2** was now before the Senate.

Senator Adams requested the privilege of the floor for Carolyn S. Burgan, the Chief Executive Officer of Diamond State Telephone. Several Senators entered into a rather lengthy discussion with the witness.

Senator Cordrey presiding at 3:01 p.m.

The discussion with the witness proceeded.

Lt. Governor Minner presiding at 3:14 p.m.

The discussion with the witness ensued.

At 3:53 p.m. on motion of Senator Sharp, the Senate took a brief recess for the purpose of changing the tape.

The Senate reconvened at 4:06 p.m. with Lt. Governor Minner presiding.

Carolyn Burger remained on the floor as the witness on **SB 115 w/SA 2**. Questions of the witness continued, after which the witness was excused.

Senator Adams requested privilege of the floor for James B. Ginty, representing AT & T.

Senators Still and Bair entered into a discussion with the witness.

Senator Marshall rose to point out there was not a quorum of the Senators present, however, a member of the Senate walked in, thus making a quorum present.

The witness was excused.

Senator Adams requested the privilege of the floor for Lance L. Weaver, representing MBNA America.

The witness was excused after he made his comments.

Senator Adams requested the privilege of the floor for Nancy M. Norling, representing the Delaware Public Service Commission. Several Senators questioned the witness, after which the witness was excused.

Senator Adams moved to lay the bill on the table.

Senators Marshall and Martin marked present.

Senator Torbert moved that the necessary rules be suspended in order to lift the roll call on **HB 188 w/HA 3**. No objection.

**HB 188 w/HA 3** - AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.

A roll call was retaken and revealed 11 Senators voting YES, 9 (Adams, Bair, Cook, Cordrey, Marshall, McDowell, Sharp, Venables, Voshell) NO, 1 (Still) NOT VOTING; therefore, **HB 188 w/HA 3** was declared passed the Senate and returned to the House.

At 6:03 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m. June 9, 1993.

The Senate reconvened June 9, 1993 at 3:43 p.m. with Lt. Governor Minner presiding.

The following committee reports were announced:

From Health and Social Services: **SJR 17** - 3 Merits; **SB 142** - 4 Merits.

From Banking: **SB 158** - 4 Merits.

From Insurance and Elections: **SB 160** - 4 Merits; **SB 166** - 4 Merits.

From Community/County Affairs: **HB 191** - 3 Merits.

From Judiciary: **SB 161** - 4 Merits; **SB 159** - 4 Merits; **SB 150** - 4 Merits; **SB 163** - 1 Favorable, 3 Merits;

**SB 168** - 3 Merits, 1 Unfavorable; **HB 146** - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed **HB 2 w/HA 1** and **HB 85 w/HA 1, 3, 2 w/HA 1**.

At 3:45 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 36th