

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

The roll call vote on SB 233 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Cordrey) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 159 was taken up for consideration on motion of Senator Vaughn:

SB 159 - AN ACT TO AMEND CHAPTER 18, TITLE 2 OF THE DELAWARE CODE RELATING TO RAILROAD CROSSINGS.

SA 1 to the Bill (sponsor: Senator Vaughn) was introduced and considered for adoption. The privilege of the floor was extended to Frank J. Murphy (Senate Attorney) after which the roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 159 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

SB 227 - AN ACT TO AMEND CHAPTER 65, PART VI, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A COMPREHENSIVE TRAVEL POLICY.

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

SB 167 was taken up for consideration on motion of Senator Torbert:

SB 167 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO SUSPENDING AND REVOCATION OF LICENSE FOR REFUSAL TO SUBMIT TO CHEMICAL TEST AND PERSONS QUALIFIED TO ADMINISTER TESTS.

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

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

SB 164 was taken up for consideration on motion of Senator Torbert:

SB 164 - AN ACT TO AMEND CHAPTER 82, TITLE 29 OF THE DELAWARE-CODE RELATING TO THE OFFICE OF INTERGOVERNMENTAL SERVICES WITHIN THE DEPARTMENT OF PUBLIC SAFETY.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Edward Steiner (Department of Public Safety) and Richard Dillard (Senate Attorney).

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

The roll call vote on SB 164 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

SB 163 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO 3-YEAR TAGS ON SMALL TRAILERS.

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

SCR 86 was lifted from the table for consideration on motion of Senator Marshall:

SCR 86 - REQUESTING AND URGING THE SUPERIOR COURT OF THE STATE OF DELAWARE TO ALLOCATE FURTHER RESOURCES TO THE HANDLING OF ASBESTOS LITIGATION.

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

At 6:17 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 23, 1987.

The Senate reconvened at 2:21 p.m., June 23, 1987, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 138 w HA 1; HB 230 w HA 1; HB 186; HB 166 w HA 1; HB 201; HB 246; HB 176 w HA 1; HB 165; HS 1 for HB 6 w HA 1; HB 34 w HA 3, HA 4 w HA 1, HA 6 w HA 1; HB 178; HB 327; HB 248; HB 175 and adopted HJR 13, HJR 14.

The following list of introduced legislation was supplied to each Senator:

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SB 252 - AN ACT TO AMEND CHAPTER 13, TITLE 3 OF THE DELAWARE CODE, RELATING TO NURSERIES AND NURSERY STOCK. Sponsors: Senator Adams, Representative Carey. Assigned to Agriculture Committee.

SB 253 - AN ACT TO AMEND CHAPTER 13, TITLE 3 OF THE DELAWARE CODE, RELATING TO NURSERIES AND NURSERY STOCK. Sponsors: Senator Adams, Representative Carey. Assigned to Agriculture Committee.

SB 254 - AN ACT TO AMEND CHAPTER 75, TITLE 3 OF THE DELAWARE CODE, RELATING TO BEEKEEPING. Sponsors: Senator Adams, Representative Carey. Assigned to Agriculture Committee.

SB 255 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, IN RELATION TO BICYCLE-RELATED PROVISIONS AND PENALTIES. Sponsors: Senator Torbert, Representative Buckworth. Assigned to Public Safety Committee.

SB 256 - AN ACT TO AMEND CHAPTER 11, TITLE 3 OF THE DELAWARE CODE RELATING TO PLANT DISEASES AND INSECT PESTS. Sponsors: Senator Adams, Representative Carey. Assigned to Agriculture Committee.

SB 257 - AN ACT TO AMEND CHAPTER 45, TITLE 7 OF THE DELAWARE CODE TO PROVIDE FOR REIMBURSEMENT TO THE STATE FOR COSTS AND EXPENSES INCURRED IN CONTESTING CLAIMS TO PUBLIC LANDS OF THE STATE. Sponsors: Senators Zimmerman, Martin, Minner, Knox, Berndt; Representatives Mack, Davis, Boykin, Jester, Outten, Quillen, Gilligan, Clark. Assigned to Natural Resources and Environmental Control Committee.

SB 258 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 29 OF THE DELAWARE CODE RELATING TO MEDICAL EXAMINERS. Sponsors: Senator McDowell, Representative Amick; Senators Marshall, Torbert, Bane, Still; Representatives D. Ennis, Roy, Houghton, Jonkiert. Assigned to Sunset Committee.

SB 259 - AN ACT TO AMEND CHAPTER 55, PART VI, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE GEOLOGICAL SURVEY. Sponsors: Senator McDowell, Representative Amick; Senators Marshall, Torbert, Bane, Still; Representatives D. Ennis, Roy, Houghton, Jonkiert. Assigned to Sunset Committee.

SB 260 - AN ACT TO AMEND CHAPTER 23, PART III, TITLE 30 OF THE DELAWARE CODE RELATING TO OCCUPATIONAL LICENSES AND FEES. Sponsors: Senator Cordrey; Representatives Barnes, Oberle, West, Gilligan, Bunting, B. Ennis; Senator Bane. Assigned to Revenue and Taxation Committee.

SA 1 to SB 165. Sponsor: Senator Bair. Placed with the Bill.

SA 1 to SB 210. Sponsors: Senators Holloway, Bair. Placed with the Bill.

SA 2 to SB 219. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 1 to HB 20. Sponsor: Senator Cook. Placed with the Bill.

SA 1 to HB 220. Sponsor: Senator Torbert. Placed with the Bill.

HS 1 for HB 6 w HA 1 - AN ACT TO ADD A NEW CHAPTER 105 TO TITLE 29 OF THE DELAWARE CODE RELATING TO SMALL BUSINESS LITIGATION EXPENSES. Sponsors: Representatives Boykin, Barnes, Oberle, Spence, Caulk, Carey. D. Ennis, Mack, Buckworth, Lee, Davis, Petrilli, Roy, Taylor, Campanelli, B. Ennis, Jonkiert, Wingate, Outten; Senators Bair, Neal. Assigned to Small Business Committee.

HB 34 w HA 3; HA 4 w HA 1; HA 6 w HA 1 - AN ACT TO AMEND CHAPTERS 5, 6, 7, 15, TITLE 13 OF THE DELAWARE CODE AND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO DOMESTIC RELATIONS -- SUCH AS DIVORCE, SUPPORT, ATTORNEYS' FEES, GUARDIANS, CUSTODY, ALIMONY, DIVISION OF PROPERTY AND APPEALS FROM COURT DECISIONS. Sponsors: Representatives Maroney, Jester, DiPinto, Fallon, Sills; Senators Bair, Bane, Berndt, Holloway, Knox, Minner, Vaughn. Assigned to Judiciary Committee.

HB 165 - AN ACT TO AMEND CHAPTER 51, TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR FUEL AND SPECIAL FUEL BONDING REQUIREMENTS. Sponsors: Representative Buckworth, Senator Torbert; Representatives Davis, Hebner, Plant, Houghton. Assigned to Revenue and Taxation Committee.

HB 166 w HA 1 - AN ACT TO AMEND CHAPTER 51, TITLE 30 OF THE DELAWARE CODE RELATING TO THE SPECIAL FUEL TAX LAW. Sponsors: Representative Buckworth, Senator Torbert; Representatives Davis, Hebner, Plant, Houghton. Assigned to Judiciary Committee.

HB 175 - AN ACT TO AMEND CHAPTER 31, TITLE 15 OF THE DELAWARE CODE RELATING TO NOMINATING CONVENTIONS FOR STATEWIDE ELECTIVE OFFICES, PRIMARY ELECTIONS, AND CANDIDATE FILING FEES AND NOTICES. Sponsors: Representatives Hebner, Smith, Barnes, Boykin, Carey, Buckworth, Caulk, Davis, D. Ennis, Fallon, Lee, Maroney, Oberle, Petrilli, Quillen, Spence, Brady, Bunting, Campanelli, Clark, Dixon, Houghton, Jester, Jonkiert, VanSant, West; Senators Bair, Bane, Berndt, Knox, Slatcher. Assigned to Insurance and Elections Committee.

HB 176 w HA 1 - AN ACT TO AMEND VOLUME 63, CHAPTER 272, LAWS OF DELAWARE, RELATING TO THE TOWN OF CAMDEN. Sponsors: Representative Buckworth, Senator Torbert. Assigned to Community Affairs Committee.

HB 178 - AN ACT TO AMEND CHAPTER 69 AND CHAPTER 88 OF TITLE 29 OF THE DELAWARE CODE RELATING TO CENTRALIZED PURCHASING BY THE DIVISION OF PURCHASING FOR CERTAIN COMMODITIES BY ALL DEPARTMENTS AND AGENCIES WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT. Sponsors: Representatives Boykin, Corrozi, DiPinto, Quillen, Lee, Campanelli, B. Ennis, Sills; Senators Torbert, Connor, Bane. Assigned to Executive Committee.

HB 186 - AN ACT TO AMEND CHAPTER 39, TITLE 25, DELAWARE CODE RELATING TO LIENS OF GARAGEMEN, LIVERY AND STABLE KEEPERS. Sponsor: Representative Roy. Assigned to Judiciary Committee.

HB 201 - AN ACT TO AMEND TITLE 16, DELAWARE CODE, PROVIDING FOR THE IMPOSITION OF THE COSTS OF DRUG ANALYSIS AS COURT COSTS. Sponsors: Representatives Hebner, Davis. Assigned to Judiciary Committee.

HB 230 w HA 1 - AN ACT TO AMEND TITLE 19, CHAPTER 5, DELAWARE CODE RELATING TO CHILD LABOR. Sponsors: Representative Davis, Senator Marshall; Representatives Mack, Spence, Campanelli, Jonkiert; Senators Holloway, Martin, McBride, Sharp, Knox, Neal. Assigned to Labor and Industrial Relations Committee.

HB 246 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO THE RATES OF TAX ON ALCOHOLIC LIQUOR. Sponsors: Representatives Jonkiert, Roy; Senator Marshall. Assigned to Revenue and Taxation Committee.

HB 248 - AN ACT TO AMEND DELAWARE CODE, TITLE 16, CHAPTER 68 RELATING TO EXEMPTIONS FROM CIVIL LIABILITY. Sponsors: Representatives Amick, Boykin; Senator Bair. Assigned to Judiciary Committee.

HB 327 - AN ACT TO AMEND CHAPTER 63, TITLE 7, OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION OF THE STATE'S HAZARDOUS WASTE MANAGEMENT PROGRAM. Sponsor: Representative Mack. Assigned to Natural Resources and Environmental Control Committee.

HJR 13 - ESTABLISHING AN AIDS ADVISORY TASK FORCE IN THE STATE OF DELAWARE. Sponsors: Representatives Oberle, Maroney. Assigned to Health-Social Services/Aging Committee.

HJR 14 - ESTABLISHING A STATE COMMISSION ON LOCAL GOVERNMENT FINANCING. Sponsors: Representative Oberle, Senator Bair; Representatives Lee, D. Ennis; Senator Neal. Assigned to Community Affairs Committee.

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The following legislation was introduced:

SB 261 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO THE SALE OF SCHOOL PROPERTY. Sponsors: Senators Cordrey, Minner; Representative Wingate. Laid on the table on motion of Senator Cordrey.

SB 262 - AN ACT TO AMEND SUBCHAPTER IX, CHAPTER 21, TITLE 21, DELAWARE CODE, RELATING TO CONDITIONAL LICENSES. Sponsor: Senator Vaughn. Assigned to Administrative Services/Energy Committee.

SA 1 to HB 187. Sponsor: Senator McDowell. Placed with the Bill.

HB 138 w HA 1 - AN ACT TO AMEND TITLE 22 AND TITLE 29 OF THE DELAWARE CODE RELATING TO PARKING; AND PROVIDING FOR A PARKING LOTS AND GARAGES ACT. Sponsors: Representative Jonkiert, Senator Marshall. Assigned to Community Affairs Committee.

SB 262 which had been assigned to Administrative Services/Energy Committee was reassigned to Public Safety Committee.

At 2:25 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 41st Legislative Day.

41ST LEGISLATIVE DAY
June 23, 1987

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

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

The following Committee reports were announced:

From the Community Affairs Committee: HB 190 w HA 1 - 4 Merits; HB 204 - 4 Merits; HB 228 - 4 Merits; HB 244 - 4 Merits; HB 278 - 4 Merits.

From the Administrative Services/Energy Committee: HB 78 w HA 1 w HA 1 - 5 Merits; HB 187 - 5 Merits.

Senator Bane marked PRESENT.

The following communication was read:

SENATE
STATE OF DELAWARE
DOVER, DELAWARE 19901

June 23, 1987

TO: All Members of the 134th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Bond Bill Appointments

As per the power invested in me as President Pro Tempore of the Delaware State Senate, I hereby make the following changes in the Bond Bill Committee: Senator David B. McBride will replace Senator Thomas B. Sharp.

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SR 56 was introduced and considered for adoption on motion of Senator McDowell:

SR 56 - URGING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AND THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES TO KEEP MINORS APART FROM ADULT MENTAL PATIENTS WHEN COMMITTED TO A STATE-BASED CLINIC OR HOSPITAL. Sponsor: Senator McDowell.

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

YES: Senators Bane, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn, Zimmerman - 13.

NOT VOTING: Senators Bair, Berndt, Connor, Cook, Knox, Slatcher - 6.

ABSENT: Senators Adams, Still - 2.

Therefore, the Resolution was declared adopted.

Senator Marshall marked PRESENT.

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

SR 55 - MOURNING THE PASSING ON JUNE 19, 1987, OF MR. JACOB ZIMMERMAN, FATHER OF SENATOR JACOB W. ZIMMERMAN, AT THE AGE OF NINETY-TWO. Sponsor: Senator Cordrey and all Senators.

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

Senators Adams and Zimmerman marked PRESENT.

SB 103 was taken up for consideration on motion of Senator Minner:

SB 103 - AN ACT TO AMEND CHAPTER 100, TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn, Zimmerman - 18.

NO: Senator Slatcher - 1.

ABSENT: Senators Holloway, Still - 2.

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

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

SB 230 - AN ACT TO AMEND CHAPTER 49, TITLE 18 OF THE DELAWARE CODE RELATING TO REDOMESTICATION OF INSURERS.

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

SB 232 was taken up for consideration on motion of Senator Sharp:

SB 232 - AN ACT TO AMEND TITLES 18 AND 16 OF THE DELAWARE CODE RELATING TO INSURANCE AND HEALTH AND SAFETY AND TO ALLOCATE RESPONSIBILITY FOR REGULATION OF HEALTH MAINTENANCE ORGANIZATIONS BETWEEN THE INSURANCE COMMISSIONER AND THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

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

SB 210 was taken up for consideration on motion of Senator Holloway:

AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE, RELATING TO APPEALS FROM THE FAMILY COURT OF THE STATE OF DELAWARE.

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

The privilege of the floor was extended to Franny Maguire (Family Court) after which the roll call vote on SB 210 w SA 1 was taken and revealed 20 Senators voting YES and 1 (Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 215 was taken up for consideration on motion of Senator Holloway:

SB 215 - AN ACT TO AMEND TITLE 10, SECTION 921, DELAWARE CODE RELATING TO DISPOSITION OF FORMER MARITAL PROPERTY.

The privilege of the floor was extended to Franny Maguire (Family Court).

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

SB 165 was taken up for consideration on motion of Senator Torbert:

SB 165 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO EQUIPMENT ADDED TO OR DELETED FROM MOTOR VEHICLES' ORIGINAL DESIGN.

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

The privilege of the floor was extended to Robert J. Voshell (Division of Motor Vehicles).

The roll call vote on SB 165 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Berndt, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn - 14.

NO: Senators Neal, Slatcher - 2.

NOT VOTING: Senators Bane, Connor, Knox, Zimmerman - 4.

ABSENT: Senator Still - 1.

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

HB 140 was taken up for consideration on motion of Senator Torbert:

HB 140 - AN ACT TO AMEND PART I, CHAPTER 1, TITLE 21, DELAWARE CODE, RELATING TO THE DEFINITION OF CERTAIN WORDS AND PHRASES IN THE MOTOR VEHICLE CODE.

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

At 3:22 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:41 p.m., Senator Cordrey presiding.

At 4:42 p.m., Lt. Governor Woo presiding.

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

SB 166 - AN ACT TO AMEND CHAPTER 52, TITLE 30 OF THE DELAWARE CODE RELATING TO THE MOTOR CARRIER FUEL PURCHASE LAW.

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

SB 170 was taken up for consideration on motion of Senator Torbert:

SB 170 - AN ACT TO AMEND CHAPTER 52, TITLE 30, OF THE DELAWARE CODE RELATING TO THE MOTOR CARRIER FUEL PURCHASE LAW.

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

Senator Still marked PRESENT.

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

SB 193 - AN ACT TO AMEND CHAPTER 279, VOLUME 53, LAWS OF DELAWARE, AS AMENDED ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BOWERS" RELATING TO GENERAL CORPORATE POWERS OF THE TOWN OF BOWERS.

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

The privilege of the floor was extended to William Walls (Senate Attorney) after which the roll call vote on SB 193 w SA 1 was taken and revealed:

YES: Senators: Adams, Bair, Berndt, Cook, Cordrey, Knox, Marshall, Martin, McDowell, Minner, Neal, Sharp, Still, Torbert, Vaughn - 15.

NO: Senators Bane, Holloway, McBride - 3.

NOT VOTING: Senators Connor, Zimmerman - 2.

ABSENT: Senator Slatcher - 1.

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

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

SB 180 - AN ACT TO AMEND CHAPTER 26, TITLE 9 OF THE DELAWARE CODE RELATING TO ZONING IN NEW CASTLE COUNTY.

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

YES: Senators Adams, Bane, Berndt, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 16.

NO: Senators Bair, Knox, Neal, Still - 4.

NOT VOTING: Senator Connor - 1.

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

SB 235 was taken up for consideration on motion of Senator Vaughn:

SB 235 - AN ACT TO AMEND SECTION 937, CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF JUVENILES FOLLOWING ADJUDICATION AND THE COMMITMENT OF JUVENILES TO THE CUSTODY OF THE DEPARTMENT OF CORRECTION.

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

The roll call vote on SB 235 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 5:45 p.m., Senator Sharp presiding.

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

SB 9 - AN ACT PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE II, OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE TIME AND FREQUENCY OF SESSIONS OF THE GENERAL ASSEMBLY.

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

YES: Senators Adams, Berndt, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Slatcher, Torbert, Vaughn - 14.

NO: Senators Bair, Connor, Knox, Sharp, Still - 5.

NOT VOTING: Senators Bane, Zimmerman - 2.

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

SB 207 was taken up for consideration on motion of Senator Martin:

SB 207 - AN ACT TO AMEND CHAPTER 27, TITLE 30 OF THE DELAWARE CODE RELATING TO THE LICENSE TAXES IMPOSED ON CERTAIN PERSONS ENGAGED IN THE ACTIVITY OF MANUFACTURING.

The privilege of the floor was extended to Robert Chastant (Division of Revenue).

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

SB 209 was taken up for consideration on motion of Senator McBride:

SB 209 - AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE, RELATING TO APPEALS FROM THE FAMILY COURT OF THE STATE OF DELAWARE.

The privilege of the floor was extended to Franny McGuire (Family Court) after which the Bill was laid on the table on further motion of Senator McBride.

SB 29, SB 30 and SB 38 were stricken on motion of the sponsor, Senator Torbert.

SCR 88 was introduced and considered for adoption on motion of Senator Marshall:

SCR 88 - URGENTLY REQUESTING THAT PRESIDENT REAGAN TAKE IMMEDIATE ACTION TO PREVENT THE DEPORTATION OF 10,000 POLES FROM THE UNITED STATES OF AMERICA. Sponsors: Senator Marshall, Representative Jonkiert.

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

SCR 87 was introduced:

SCR 87 - REQUESTING THE SECRETARY OF THE DEPARTMENT OF FINANCE TO STUDY THE FEASIBILITY OF A "DELAWARE EDUCATOR'S SCHOLARSHIP" TO PROVIDE COLLEGE SCHOLARSHIPS TO CHILDREN OF DELAWARE PUBLIC SCHOOL TEACHERS. Sponsors: Senators Neal, Connor, Bane, Bair; Representatives Fallon, Jester.

At 6:19 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., June 24, 1987.

The Senate reconvened at 3:15 p.m., June 24, 1987, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 205; HB 276 w HA 1; HB 229 w HA 1; HB 275 w HA 1; HB 223; HB 181; HB 255; HB 301 w HA 1; HB 179; HB 338; HB 58 w HA 1, 2; HB 80 w HA 2, HA 3 w HA 1, HA 5; SB 128 w SA 1; SB 141 w SA 1; SB 152 w SA 1; SB 161 w SA 1, 2; SB 174 and adopted SCR 80.

The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: SB 257 - 5 Merits.

From the Revenue and Taxation Committee: SB 260 - 1 Favorable, 4 Merits; SB 212 - 5 Merits.

At 3:17 p.m., Lt. Governor Woo presiding.

From the Labor and Industrial Relations Committee: HB 230 w HA 1 - 4 Merits; HB 243 - 4 Merits.

From the Revenue and Taxation Committee: HB 263 - 6 Merits; HB 264 - 5 Merits; HB 265 - 5 Merits; HB 165 - 5 Merits; HB 246 - 5 Merits; HB 266 - 5 Merits; HB 267 - 5 Merits; HB 268 - 5 Merits; HB 269 - 5 Merits.

From the Public Safety Committee: SB 231 - 5 Merits; HB 155 - 5 Merits.

From the Sunset Committee: HB 56 w HA 1 - 4 Merits; SB 258 - 4 Merits; SB 259 - 4 Merits.

From the Agriculture Committee: SB 251 - 5 Merits; SB 254 - 5 Merits; HS 2 for HB 41 w HA 1, 2 - 5 Merits; SB 252 - 5 Merits; SB 253 - 5 Merits; SB 256 - 5 Merits.

From the Executive Committee: SB 236 - 5 Merits; SB 239 - 4 Merits, 2 Unfavorable; SB 241 - 6 Merits.

From the Public Safety Committee: SB 262 - 5 Merits.

From the Health-Social Services/Aging Committee: HB 182 w HA 1 - 3 Merits, 1 Unfavorable; HJR 13 - 4 Merits; HB 92 - 4 Merits; HS 1 for HB 4 w HA 1 - 4 Merits.

From the Community Affairs Committee: HB 176 w HA 1 - 1 Favorable, 3 Merits.

At 3:22 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 42nd Legislative Day.

42ND LEGISLATIVE DAY
June 24, 1987

The Senate convened at 3:22 p.m., Lt. Governor Woo presiding.
A Prayer was offered by Senator Slatcher.
Pledge of Allegiance to the Flag.
Call of the roll revealed the following attendance:
PRESENT: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 21.

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

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SB 263 - AN ACT TO AMEND CHAPTER 7, PART I, TITLE 7 OF THE DELAWARE CODE RELATING TO PROHIBITIONS CONCERNING GAME AND FISH. Sponsors: Senators McBride, Slatcher; Representatives Dixon, Quillen. Assigned to Natural Resources and Environmental Control Committee.

SB 264 - AN ACT TO AMEND CHAPTER 9, TITLE 24 OF THE DELAWARE CODE REGARDING THE APPLICATION FEE FOR DEADLY WEAPONS DEALERS. Sponsor: Senator Minner. Assigned to Administrative Services/Energy Committee.

SB 265 - AN ACT TO AMEND CHAPTER 9, TITLE 19 OF THE DELAWARE CODE RELATING TO MINIMUM WAGE. Sponsor: Senator Bair. Laid on the table.

SB 266 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO VICTIMS OF CRIMES; AND ENSURING THAT VICTIMS ARE ENTITLED TO CERTAIN BASIC RIGHTS. Sponsor: Senator Connor. Assigned to Judiciary Committee.

SB 267 - AN ACT TO AMEND CHAPTER 56, TITLE 29 OF THE DELAWARE CODE RELATING TO PENSIONS FOR MEMBERS OF THE STATE JUDICIARY. Sponsors: Senator Adams, Representative Barnes. Assigned to Executive Committee.

SB 268 - AN ACT TO AMEND ARTICLE 4, CHAPTER 11, TITLE 12, DELAWARE CODE, RELATING TO ESCHEAT OF UNCLAIMED PROPERTY HELD BY BANKING ORGANIZATIONS. Sponsor: Senator Zimmerman. Assigned to Banking Committee.

SB 269 - AN ACT TO AMEND CHAPTER 55, TITLE 30 OF THE DELAWARE CODE, RELATING TO PUBLIC UTILITY TAXES OF DELAWARE MANUFACTURERS WHO USE ELECTRICITY IN AN ELECTROLYTIC OR ELECTROARCHTHERMAL, OR AIR SEPARATION MANUFACTURING PROCESS. Sponsors: Senators Vaughn, Sharp; Representatives Petrilli, Corrozi. Assigned to Revenue and Taxation Committee.

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

SA 1 to SB 238. Sponsor: Senator Torbert. Placed with the Bill.

SA 2 to SB 238. Sponsor: Senator Torbert. Placed with the Bill.

HB 179 - AN ACT TO AMEND PART II, CHAPTER 21, SUBCHAPTER III, TITLE 21, DELAWARE CODE, RELATING TO THE EXCEPTION OF MOTOR VEHICLES SUBJECT TO INSPECTION. Sponsor: Representative B. Ennis. Assigned to Public Safety Committee.

HB 181 - AN ACT TO AMEND CHAPTER 7, TITLE 18 OF THE DELAWARE CODE RELATING TO THE SPECIAL FUND FOR PAYMENTS TO NON-PROFIT ORGANIZATIONS THAT PROVIDE AMBULANCE OR RESCUE SERVICES. Sponsors: Representative West, Senator Adams; Representatives Boykin, Brady, Buckworth, Campanelli, Caulk, Clark, DiPinto, Dixon, B. Ennis, Jester, Jonkiert, Lee, Plant, Quillen, Spence, VanSant; Senators Berndt, Knox, Holloway, Martin, McBride, Minner, Slatcher, Still, Vaughn. Assigned to Finance Committee.

HB 205 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO CHARLES H. REID, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE; AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE MADE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsors: Representatives Hebner, George; Senator Martin. Assigned to Finance Committee.

HB 223 - AN ACT TO AMEND CHAPTERS 13 AND 49, TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE COMPANY SUBSIDIARIES. Sponsors: Representatives Dixon, Houghton, Lee, VanSant. Assigned to Insurance and Elections Committee.

HB 229 w HA 1 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE CONCERNING DECEPTIVE TRADE PRACTICES AND PARTS USED TO REPAIR DAMAGED MOTOR VEHICLES. Sponsors: Representatives Oberle, Spence, Buckworth, Amick; Senators Bane, Still. Assigned to Small Business Committee.

HB 255 - AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE, RELATING TO PUPIL UNITS. Sponsor: Representative Gilligan. Assigned to Education Committee.

HB 275 w HA 1 - AN ACT TO AMEND CHAPTER 48, TITLE 29 OF THE DELAWARE CODE TO ENABLE THE STATE OF DELAWARE TO ENTER A TRI-STATE LOTTO COMPACT AND SPECIFYING THE TERMS OF THE COMPACT. Sponsors: Representative Petrilli, Senator Holloway; Representatives D. Ennis, Lee, Dixon, VanSant. Assigned to Administrative Services/Energy Committee.

HB 276 w HA 1 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO SEPTIC TANK CONSTRUCTION PERMITS. Sponsor: Representative Quillen. Assigned to Natural Resources and Environmental Control Committee.

HB 301 w HA 1 - AN ACT TO AMEND TITLE 6, §3-504, DELAWARE CODE, RELATING TO PRESENTMENT AND PAYMENT OF CHECKS. Sponsors: Representatives Houghton, Amick, Bennett, Brady, Buckworth, Campanelli, Corrozi, Davis, DiPinto, Dixon, B. Ennis, Jonkiert, Mack, Outten, Petrilli, Plant, Spence, VanSant, West; Senators Holloway, Marshall, McDowell, Vaughn. Assigned to Banking Committee.

HB 58 w HA 1, 2 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO THE RULES OF THE ROAD AND THE USE OF CHILD RESTRAINT SYSTEMS. Sponsors: Representatives Maroney, Buckworth, D. Ennis, Corrozi, Spence, Roy, Jester, Soles; Senators Holloway, McDowell, Knox, Neal. Assigned to Public Safety Committee.

HB 80 w HA 2, HA 3 w HA 1, HA 5 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO MANDATORY OCCUPANT PROTECTION SYSTEM USAGE. Sponsors: Representatives Petrilli, Spence, Maroney, Soles; Senators Neal, Zimmerman, Holloway, Bane. Assigned to Public Safety Committee.

HB 338 - AN ACT TO AMEND CHAPTER 348, VOLUME 65, LAWS OF DELAWARE, BEING SENATE BILL NO. 560 OF THE 133RD GENERAL ASSEMBLY, AND BEING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1987; SPECIFYING CERTAIN PROCEDURES, CONDITIONS, AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BY MAKING CERTAIN ADDITIONS, DELETIONS, AND ADJUSTMENTS. Sponsors: Representative Corrozi, Senator Cook; Representatives Bennett, Davis, Quillen, Smith, Soles; Senators Berndt, Holloway, McBride, Slatcher, Vaughn. Assigned to Finance.

SB 237 was taken up for consideration on motion of Senator Marshall:

SB 237 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX.

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

The privilege of the floor was extended to Edward C. Ratledge (Director, Urban Policy Research, College of Urban Affairs, University of Delaware).

The roll call vote on SB 237 w SA 1 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Marshall.

SB 260 was taken up for consideration on motion of Senator Cordrey:

SB 260 - AN ACT TO AMEND CHAPTER 23, PART III, TITLE 30 OF THE DELAWARE CODE RELATING TO OCCUPATIONAL LICENSES AND FEES.

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

The roll call vote on SB 260 w SA 1 was then taken and revealed:

YES: Senators Adams, Bane, Berndt, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 18.

NO: Senators Bair, Neal - 2.

NOT VOTING: Senator Connor - 1.

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

Senator Still introduced to the Senate his wife, Barb, and her twin sister, Margie McLane.

SB 261 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):

SB 261 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO THE SALE OF SCHOOL PROPERTY.

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

SB 257 was taken up for consideration on motion of Senator Zimmerman:

SB 257 - AN ACT TO AMEND CHAPTER 45, TITLE 7 OF THE DELAWARE CODE TO PROVIDE FOR REIMBURSEMENT TO THE STATE FOR COSTS AND EXPENSES INCURRED IN CONTESTING CLAIMS TO PUBLIC LANDS OF THE STATE.

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

Senator Still introduced his sister, Mrs. Klein and her family to the Senate.

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

SB 252 - AN ACT TO AMEND CHAPTER 13, TITLE 3 OF THE DELAWARE CODE, RELATING TO NURSERIES AND NURSERY STOCK.

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

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

SB 253 - AN ACT TO AMEND CHAPTER 13, TITLE 3 OF THE DELAWARE CODE, RELATING TO NURSERIES AND NURSERY STOCK.

The privilege of the floor was extended to Michael R. Owens (Delaware Department of Agriculture).

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

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

SB 256 - AN ACT TO AMEND CHAPTER 11, TITLE 3 OF THE DELAWARE CODE RELATING TO PLANT DISEASES AND INSECT PESTS.

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

SB 267 was taken up for consideration on motion of Senator Adams under suspension of the necessary rules (no objection):

SB 267 - AN ACT TO AMEND CHAPTER 56, TITLE 29 OF THE DELAWARE CODE RELATING TO PENSIONS FOR MEMBERS OF THE STATE JUDICIARY.

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

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

SB 196 - AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, TO EMPOWER KENT COUNTY LEVY COURT TO EXEMPT CITIZENS OVER AGE 65 FROM TAXATION ON REAL PROPERTY.

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

The roll call vote on SB 196 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Berndt) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 238 was taken up for consideration on motion of Senator Torbert:

SB 238 - AN ACT TO AMEND TITLE 9, 10 AND 12, OF THE DELAWARE CODE RELATING TO THE SALARIES OF PARTICULAR KENT COUNTY OFFICIALS.

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

SA 2 to the Bill which had been placed with the Bill was laid on the table on motion of Senator Torbert.

At 4:35 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:15 p.m., Lt. Governor Woo presiding.

SB 238 w SA 1 was still before the Senate.

SA 2 to the Bill was lifted from the table for consideration on motion of Senator Torbert and the roll call vote taken which revealed 17 Senators voting YES and 4 (Cordrey, Holloway, Knox, Sharp) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 238 w SA 1, 2 was then taken and revealed 19 Senators voting YES and 2 (Berndt, Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 255 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

SB 255 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, IN RELATION TO BICYCLE-RELATED PROVISIONS AND PENALTIES.

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

The roll call vote on SB 255 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

SB 223 - AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE RELATING TO THE SIZE AND WEIGHT OF VEHICLES AND TO GRANT MULTI-TRIP PERMITS TO CERTAIN TYPES OF VEHICLES AND PROVIDE INCREASED PENALTIES FOR VIOLATIONS WHILE HOLDING SAME.

The privilege of the floor was extended to Mark A. McNaulty (Department of Transportation).

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

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

SB 224 - AN ACT TO AMEND CHAPTER 44, TITLE 21 OF THE DELAWARE CODE RELATING TO ABANDONED VEHICLES AND TO THE PROCEDURE FOR PROCESSING AND SELLING MOTOR VEHICLES WHICH ARE REMOVED FROM PUBLIC HIGHWAYS, DESIGNATING RESPONSIBILITY FOR THE SECTION TO ONE AGENCY, MODERNIZING THE LANGUAGE AND ADDING AUTHORITY FOR REMOVAL OF VEHICLES WHICH CREATE A SAFETY PROBLEM.

Senator Minner announced that due to a possible conflict of interest, she would not be voting on the Bill.

During discussion of the Bill and the Amendment offered to it the privilege of the floor was extended to Richard Dillard (Senate Attorney) and Mark A. McNaulty (Department of Transportation).

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

The roll call vote on SB 224 w SA 1 was then taken and revealed 19 Senators voting YES, 1 (Minner) NOT VOTING, and 1 (Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 78 w HA 1 w HA 1 was taken up for consideration on motion of Senator Minner:

HB 78 w HA 1 w HA 1 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL ENGINEERS.

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

HB 187 was taken up for consideration on motion of Senator Minner:

HB 187 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS LICENSURE.

SA 1 to the Bill (sponsor, Senator McDowell) was introduced and immediately stricken on motion of the sponsor.

SA 2 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Bair, Bane, Berndt, Connor, Cook Cordrey, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Slatcher, Still, Torbert, Vaughn - 17.

NO: Senator Adams - 1.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Sharp, Zimmerman - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 187 w SA 2 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Knox, Marshall, Martin, McBride, McDowell, Minner, Slatcher, Torbert, Vaughn - 16.

NO: Senator Neal - 1.

NOT VOTING: Senators Holloway, Sharp, Still = 3.

ABSENT: Senator Zimmerman - 1.

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

HB 190 w HA 1 was taken up for consideration on motion of Senator Minner:

HB 190 w HA 1 - AN ACT TO AMEND CHAPTER 428, VOLUME 50 AND CHAPTER 240, VOLUME 62, LAWS OF DELAWARE ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF ELSMERE" AS AMENDED RELATING TO THE FISCAL AND BUDGET YEARS OF THE TOWN AS WELL AS THE AUTHORITY OF THE TREASURER AND PRESIDENT PRO TEMPORE OF THE TOWN COUNCIL TO SIGN CHECKS ON BEHALF OF THE TOWN.

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

HB 204 was taken up for consideration on motion of Senator Minner:

HB 204 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" AS AMENDED BY CHAPTER 590, VOLUME 58, LAWS OF DELAWARE, AND CHAPTER 127, VOLUME 60, LAWS OF DELAWARE RELATING TO THE ANNUAL MUNICIPAL ELECTION.

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

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

HB 228 - AN ACT TO AMEND AN ACT BEING CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE CITY OF DOVER AND CHANGING THE NAME THEREOF" AS AMENDED BY CHAPTER 456, VOLUME 60, LAWS OF DELAWARE, AND CHAPTER 5, VOLUME 64, LAWS OF DELAWARE, AND CHAPTER 28, VOLUME 65, LAWS OF DELAWARE RELATING TO REIMBURSEMENT OF EXPENSES TO THE MAYOR, MEMBERS OF THE ELECTION BOARD, MEMBERS OF THE PLANNING COMMISSION, AND OTHER ELECTED OR APPOINTED OFFICIALS.

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

HB 244 was taken up for consideration on motion of Senator Minner:

HB 244 - AN ACT TO AMEND ARTICLE X, SECTION 1002, OF THE CHARTER OF THE CITY OF NEWARK AS ADOPTED ON APRIL 26, 1965, BY REFERENDUM PURSUANT TO CHAPTER 260, VOLUME 53, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 479, VOLUME 58, LAWS OF DELAWARE, RELATING TO ELECTION PROCEDURE.

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

HB 278 was taken up for consideration on motion of Senator Minner:

HB 278 - AN ACT TO AMEND CHAPTER 137, VOLUME 61, LAWS OF DELAWARE ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR" RELATING TO ELECTIONS AND TO THE ORGANIZATION OF THE TOWN COUNCIL.

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

On motion of Senator Marshall, the roll call vote on SB 237 w SA 1 was lifted from the table and announced:

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

NO: Senators Connor, Neal - 2.

NOT VOTING: Senators Bair, Bane, Berndt, Knox, Slatcher, Still - 6.

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

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

SB 231 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PENALTIES FOR SPEEDING OFFENSES.

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

HB 155 was taken up for consideration on motion of Senator Torbert:

HB 155 - AN ACT TO AMEND CHAPTER 47, TITLE 21, DELAWARE CODE RELATING TO MOTOR CARRIER RESPONSIBILITY.

The privilege of the floor was extended to Robert J. Voshell (Division of Motor Vehicles).

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

HB 338 was reported out of the Finance Committee: 6 Merits.

HB 338 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

HB 338 - AN ACT TO AMEND CHAPTER 348, VOLUME 65, LAWS OF DELAWARE, BEING SENATE BILL NO. 560 OF THE 133RD GENERAL ASSEMBLY, AND BEING AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1987; SPECIFYING CERTAIN PROCEDURES, CONDITIONS, AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BY MAKING CERTAIN ADDITIONS, DELETIONS, AND ADJUSTMENTS.

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

The following Committee reports were announced:

From the Finance Committee: SB 178 - 6 Merits; SB 127 - 5 Merits, 1 Unfavorable.

From the Highways and Transportation Committee: SB 218 - 6 Merits; SB 226 - 6 Merits; HB 234 - 5 Merits; HB 235 - 5 Merits; HB 236 - 5 Merits; HB 237 - 5 Merits; HB 238 - 5 Merits.

At 6:30 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 25, 1987.

The Senate reconvened at 2:40 p.m., June 25, 1987, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 287 w HA 2; HB 289 w HA 1; HB 290 w HA 1; HB 285 w HA 1, 2; HB 102 w HA 2; SB 143; HB 359; HB 296 w HA 1; HB 167; HB 164; HB 214; HB 170 w HA 1 w HA 1, HA 2; HB 297; HB 295 w HA 1; HB 302; HB 343; HB 225; HB 139 w HA 1 and adopted HCR 83, HCR 84; HCR 85; HCR 86; SCR 83; SCR 84; SCR 88.

The following Committee reports were announced:

From the Public Safety Committee: HB 179 - 4 Merits.

From the Judiciary Committee: SB 93 - 6 Merits; SB 243 - 5 Merits; SB 248 - 4 Merits; HB 300 - 5 Merits.

From the Insurance and Elections Committee: HB 231 - 4 Merits; HB 223 - 4 Merits.

From the Banking Committee: HB 301 w HA 1 - 3 Merits.

From the Administrative Services/Energy Committee: SB 264 - 3 Merits.

HCR 85 was introduced and considered for adoption on motion of Senator Minner:

HCR 85 - HONORING THE 1987 PARTICIPANTS OF THE GIRLS STATE PROGRAM SPONSORED BY THE AMERICAN LEGION, DEPARTMENT OF DELAWARE. Sponsors: Representatives Fallon, Jester; Senator Minner.

The roll call vote on the Resolution was taken and revealed 16 Senators voting YES and 5 (Adams, Berndt, Holloway, Knox, Sharp) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

Senator Minner introduced to the Senate several members of the Girls State who were present in the Chamber.

At 2:48 p.m., on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 43rd Legislative Day.

43RD LEGISLATIVE DAY

June 25, 1987

The Senate convened at 2:48 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

PRESIDENT PRO TEMPORE'S

INTRODUCTION and COMMITTEE ASSIGNMENT LIST

June 25, 1987

SB 270 - AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE CODE, RELATING TO OFFENSES CONCERNING CERTAIN PERSONS. Sponsor: Senator Holloway. Assigned to Administrative Services/Energy Committee.

SB 271 - 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 ELIMINATE THE ABATEMENT OF REAL ESTATE TAXES. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SB 272 - AN ACT TO AMEND CHAPTER 71, TITLE 3 OF THE DELAWARE CODE RELATING TO ANIMAL HEALTH AND THE POWER AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AS THEY RELATE TO POULTRY AND TO ANIMAL HEALTH. Sponsors: Senator Adams, Representative Carey. Assigned to Agriculture Committee.

SB 273 - AN ACT TO AMEND CHAPTER 51, TITLE 6 OF THE DELAWARE CODE RELATING TO SALE OF MEAT, POULTRY AND SEAFOOD PRODUCTS. Sponsors: Senator Adams, Representative Carey. Assigned to Agriculture Committee.

SB 274 - AN ACT TO AMEND CHAPTER 87, PART V, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL JUSTICE COUNCIL. Sponsors: Senator McDowell, Representative Amick; Senators Marshall, Torbert, Bane, Still; Representatives D. Ennis, Roy, Houghton, Jonkiert. Assigned to Judiciary Committee.

SB 275 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 13, TITLE 9, DELAWARE CODE, TO REQUIRE THE NEW CASTLE COUNTY DEPARTMENT OF PLANNING TO FORMULATE A NEW COMPREHENSIVE DEVELOPMENT PLAN EVERY FIVE YEARS. Sponsor: Senator Martin. Assigned to Community Affairs Committee.

SA 1 to SB 221. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 1 to HB 171. Sponsors: Senators Adams, Vaughn. Placed with the Bill.

HB 102 w HA 2 - AN ACT TO AMEND TO AMEND CHAPTER 38, TITLE 18 OF THE DELAWARE CODE, RELATING TO DENTAL SERVICE BENEFITS BY DENTAL PLAN ORGANIZATIONS, TO ASSURE FREEDOM OF CHOICE FOR DENTAL SERVICE CONSUMERS AND OPEN ENROLLMENT IN DENTAL PLANS FOR QUALIFIED DENTISTS, AND CERTAIN OTHER IMPROVEMENTS, INCLUDING AN ADVISORY COUNCIL. Sponsors: Representatives D. Ennis, Roy, Corrozi, Spence, Lee, Carey, Fallon, Outten; Senators Zimmerman, Holloway, Slatcher, Connor, Martin. Assigned to Insurance and Elections Committee.

HB 139 w HA 1 - AN ACT TO AMEND CHAPTER 68, TITLE 21, DELAWARE CODE, RELATING TO REGISTRATION OF (OHV) OFF-HIGHWAY VEHICLES. Sponsors: Representative B. Ennis, Senator Torbert. Assigned to Public Safety Committee.

HB 164 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE PERSONAL INCOME TAX OF MEMBERS OF THE ARMED FORCES ON DEATH. Sponsor: Representative Petrilli. Assigned to Revenue and Taxation Committee.

HB 167 - AN ACT TO AMEND CHAPTER 52, TITLE 30 OF THE DELAWARE CODE, RELATING TO MOTOR CARRIER REPORTING REQUIREMENTS. Sponsors: Representative Buckworth, Senator Torbert; Representatives Davis, Hebner, Plant, Houghton. Assigned to Revenue and Taxation Committee.

HB 170 w HA 1 w HA 1; HA 2 - AN ACT TO AMEND CHAPTER 85, TITLE 16 OF THE DELAWARE CODE RELATING TO BOILERS AND THE DIVISION OF BOILER SAFETY OF THE DEPARTMENT OF PUBLIC SAFETY. Sponsors: Representative Buckworth, Senator Torbert; Representatives Davis, Hebner, Plant, Houghton. Assigned to Public Safety Committee.

HB 214 - AN ACT TO AMEND CHAPTER 65, TITLE 29, DELAWARE CODE RELATING TO STATE EXPENDITURES. Sponsors: Representatives Plant, West, Dixon, Sills; Senator Holloway. Assigned to Finance Committee.

HB 225 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION. Sponsors: Representative Dixon, Senator Sharp. Assigned to Labor and Industrial Relations Committee.

HB 285 w HA 1, 2 - AN ACT TO AMEND CHAPTERS 26, 49, 69, TITLE 9, DELAWARE CODE RELATING TO ZONING. Sponsors: Representatives Taylor, Roy, Amick, Outten, Brady, Boykin, Buckworth, Carey, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Smith, Spence, Barnes, Gilligan, Dixon, VanSant, Bunting; Senators Bane, Connor, Neal, Still, Bair, Berndt, Martin, Knox. Assigned to Community Affairs Committee.

HB 287 w HA 2 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO INFORMATION CONSIDERED BY COUNTY GOVERNMENT IN THE LAND USE PROCESS. Sponsors: Representatives Amick, Roy, Taylor, Outten, Brady, Boykin, Buckworth, Carey, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Smith, Spence, Barnes, Gilligan, Dixon, VanSant, Bunting, Jester; Senators Bane, Connor, Neal, Still, Bair, Berndt, Martin, Knox. Assigned to Community Affairs Committee.

HB 289 w HA 1 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO TRAFFIC STUDIES. Sponsors: Representatives Roy, Taylor, Amick, Outten, Brady, Boykin, Buckworth, Carey, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Smith, Spence, Barnes, Gilligan, Dixon, VanSant, Bunting, Jester; Senators Bane, Connor, Neal, Still, Bair, Berndt, Martin, Knox. Assigned to Community Affairs Committee.

HB 290 w HA 1 - AN ACT TO AMEND CHAPTERS 26, 30, 48, 49, 68 AND 69, TITLE 9 OF THE DELAWARE CODE REQUIRING NOTIFICATION TO LOCAL SCHOOL DISTRICTS BEFORE APPROVAL OF ZONING CHANGES OR SUBDIVISION PLANS. Sponsors: Representatives Amick, Taylor, Roy, Outten, Brady, Boykin, Buckworth, Carey, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Smith, Spence, Barnes, Gilligan, Dixon, VanSant, Bunting, Jester; Senators Bane, Connor, Neal, Still, Bair, Berndt, Martin, Knox. Assigned to Community Affairs Committee.

HB 295 w HA 1 - AN ACT TO AMEND CHAPTER 40, TITLE 7 OF THE DELAWARE CODE, RELATING TO EROSION AND SEDIMENTATION CONTROL PENALTIES. Sponsors: Representative Taylor, Roy, Amick, Outten, Brady, Boykin, Buckworth, Carey, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Smith, Spence, Barnes, Gilligan, Dixon, VanSant, Bunting, Jester; Senators Bane, Connor, Neal, Still, Bair, Berndt, Martin, Knox. Assigned to Natural Resources and Environmental Control Committee.

HB 296 w HA 1 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LAND USE PLANNING. Sponsors: Taylor, Roy, Amick, Outten, Brady, Boykin, Buckworth, Carey, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Smith, Spence, Barnes, Gilligan, Dixon, VanSant, Bunting, Jester; Senators Bane, Connor, Neal, Still, Bair, Berndt, Martin, Knox. Assigned to Community Affairs Committee.

HB 297 - AN ACT TO AMEND CHAPTER 40, TITLE 7, OF THE DELAWARE CODE RELATING TO INSPECTION RESPONSIBILITIES IN CONTROLLING EROSION AND SEDIMENTATION. Sponsors: Taylor, Roy, Amick, Outten, Brady, Boykin, Buckworth, Carey, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Smith, Spence, Barnes, Gilligan, Dixon, VanSant, Bunting, Jester; Senators Bane, Connor, Neal, Still, Bair, Berndt, Martin, Knox. Assigned to Natural Resources and Environmental Control Committee.

HB 302 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO LEROY O'NEAL, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE; AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE MADE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsors: Representative Houghton, Senator Cook; Representatives Brady, Mack, Spence, VanSant, Petrilli, Campanelli; Senator McBride. Assigned to Finance Committee.

HB 343 - AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO THE CRIMINAL JURISDICTION OF THE FAMILY COURT OF THE STATE OF DELAWARE. Sponsors: Representatives Jonkiert, DiPinto; Senators Marshall, McDowell. Assigned to Judiciary Committee.

HB 359 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COMPREHENSIVE PLAN REQUIREMENTS. Sponsors: Representatives Amick, Taylor, Roy, Outten, Brady; Senators Bane, Still, Martin. Assigned to Community Affairs Committee.

LEGISLATIVE ADVISORIES #20 and 21 were read:

LEGISLATIVE ADVISORY #20: The Governor signed the following legislation on the dates indicated: HB 123 (6-18-87) (Volume 66, Chapter 44, Laws of Delaware); SB 65 (6-18-87) (Volume 66, Chapter 45, Laws of Delaware); SB 133 (6-18-87) (Volume 66, Chapter 46, Laws of Delaware); SB 134 (6-19-87) (Volume 66, Chapter 47, Laws of Delaware); SB 135 (6-19-87) (Volume 66, Chapter 48, Laws of Delaware); SB 136 (6-18-87) (Volume 66, Chapter 49, Laws of Delaware); SB 153 (6-19-87) (Volume 66, Chapter 50, Laws of Delaware).

LEGISLATIVE ADVISORY #21: The Governor signed the following legislation on the dates indicated: SB 28 w SA 1 (6-24-87) (Volume 66, Chapter 51, Laws of Delaware); SB 43 (6-24-87) (Volume 66, Chapter 52, Laws of Delaware); SB 102 w SA 1 (6-24-87) (Volume 66, Chapter 53, Laws of Delaware); SB 149 (6-24-87) (Volume 66, Chapter 54, Laws of Delaware).

The following House Bills were reassigned to the Highways and Transportation Committee: HB 285 w HA 1, 2; HB 287 w HA 2; HB 289 w HA 1; HB 290 w HA 1; HB 296 w HA 1; HB 359.

Lt. Governor Woo introduced Eva Morgan, Lt. Governor of the Girls State, who joined him on the podium.

SB 44 was taken up for consideration on motion of Senator Torbert:

SB 44 - AN ACT TO AMEND TITLE 29 AND TITLE 31 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES; AND PROVIDING FOR A PARAMEDIC SERVICES PROGRAM.

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

SA 3 to the Bill (Sponsors: Senator Torbert, Representative B. Ennis) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Berndt, Cook, Knox) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Dr. Charles Allen (Emergency Unit, Kent General Hospital) and Representative Bruce Ennis.

The roll call vote on SB 44 w SA 3 was then taken and revealed:

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

NO: Senators Bair, Berndt, Connor, Cordrey, Knox, Minner, Neal, Slatcher, Still - 9.

NOT VOTING: Senator Bane - 1.

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

Senator Marshall moved that SB 265 which had been laid on the table, be assigned to Labor and Industrial Relations Committee. The roll call vote on the motion was taken and revealed:

YES; Senators Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn - 10.

NO: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Knox, Neal, Still, Zimmerman - 11.

Therefore, the motion was defeated.

Senator Bair moved that the necessary rules be suspended for consideration of SB 265. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Knox, Neal, Slatcher, Still, Zimmerman - 12.

NO: Senators Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn - 9.

Therefore, the motion carried and the Bill was before the Senate for consideration:

SB 265 - AN ACT TO AMEND CHAPTER 9, TITLE 19 OF THE DELAWARE CODE RELATING TO MINIMUM WAGE.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Knox, Neal, Slatcher, Still, Zimmerman - 12.

NO: Senators Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn - 9.

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

SB 184 was taken up for consideration on motion of Senator Marshall:

SB 184 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

SB 192 was taken up for consideration on motion of Senator Marshall:

SB 192 - AN ACT TO AMEND CHAPTER 5, TITLE 19 OF THE DELAWARE CODE RELATING TO CHILD LABOR.

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

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

SB 200 was taken up for consideration on motion of Senator Marshall:

SB 200 - AN ACT TO AMEND CHAPTER 19, TITLE 30 OF THE DELAWARE CODE RELATING TO THE CORPORATION INCOME TAX.

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

The privilege of the floor was extended to Robert Chastant (Division of Revenue).

The roll call vote on SB 200 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Bair, Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

SB 201 - AN ACT TO AMEND CHAPTER 55, TITLE 30, DELAWARE CODE, RELATING TO PUBLIC UTILITY TAXES.

At 4:47 p.m., Senator Sharp presiding.

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

The privilege of the floor was extended to Robert Chastant (Division of Revenue).

The roll call vote on SB 201 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 202 was taken up for consideration on motion of Senator Marshall:

SB 202 - AN ACT TO AMEND CHAPTERS 3, 11, 15, 19, 21, 53, 54 AND 61 OF TITLE 30 OF THE DELAWARE CODE RELATING TO ADMINISTRATIVE PROCEDURES IN REGARD TO TAX AND REFUND DETERMINATIONS AND THEIR APPEAL.

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

The privilege of the floor was extended to Robert Chastant (Division of Revenue).

The roll call vote on SB 202 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 203 was taken up for consideration on motion of Senator Marshall:

SB 203 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO SET OFF BETWEEN REFUNDS AND DEBTS TO CLAIMANT AGENCIES.

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

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

SB 204 - AN ACT TO AMEND CHAPTERS 3 AND 11, TITLE 30, DELAWARE CODE, RELATING TO STATE TAXES, THE MAKING OF FALSE STATEMENTS IN CONNECTION WITH STATE TAXES, AND FURTHER RELATING TO THE POWERS AND DUTIES OF THE SECRETARY OF FINANCE WITH REGARD TO TAX RETURNS AND OTHER DOCUMENTS.

At 4:56 p.m., Lt. Governor Woo presiding.

The privilege of the floor was extended to Robert Chastant (Division of Revenue).

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

SB 205 was taken up for consideration on motion of Senator Marshall:

SB 205 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO WITHHOLDING TAXES.

The privilege of the floor was extended to Robert Chastant (Division of Revenue).

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

SB 127 was taken up for consideration on motion of Senator McDowell:

SB 127 - AN ACT TO AMEND TITLE 14, DELAWARE CODE RELATING TO PARTICULAR REIMBURSEMENTS ON LOCAL SCHOOL TAXES PAID BY PERSONS 65 YEARS OF AGE OR OLDER.

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

The roll call vote on SB 127 w SA 1 was then taken and revealed:

YES: Senators Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Torbert, Vaughn, Zimmerman - 12.

NO: Senators Adams, Bair, Bane, Berndt, Connor, Knox, Slatcher, Still - 8.

ABSENT: Senator Sharp - 1.

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

SB 259 was taken up for consideration on motion of Senator McDowell:

SB 259 - AN ACT TO AMEND CHAPTER 55, PART VI, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE GEOLOGICAL SURVEY.

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

SB 258 was taken up for consideration on motion of Senator McDowell:

SB 258 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 29 OF THE DELAWARE CODE RELATING TO MEDICAL EXAMINERS.

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

SB 278 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Vaughn (no objection):

SB 278 - AN ACT TO AMEND SUBCHAPTER IX, CHAPTER 41 TITLE 21, DELAWARE CODE RELATING TO CONDITIONAL LICENSES. Sponsor: Senator Vaughn.

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

The roll call vote on SB 278 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McDowell, Minner, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 18.

NO: Senator Neal - 1.

NOT VOTING: Senators Bane, McBride - 2.

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

SB 262 was stricken at the request of the sponsor, Senator Vaughn.

SB 178 was taken up for consideration on motion of Senator Berndt:

SB 178 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO MARGARET ANSTINE; APPROPRIATING MONIES INTO THE SPECIAL FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29 OF THE DELAWARE CODE.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Holloway, Knox, Marshall, Martin, McDowell, Minner, Neal, Slatcher, Still, Torbert, Vaughn - 17.

NOT VOTING: Senators McBride, Sharp, Zimmerman - 3.

ABSENT: Senator Cordrey - 1.

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

SB 240 was reported out of the Natural Resources and Environmental Control Committee: 5 Merits.

SB 240 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules (no objection):

SB 240 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE RELATING TO THE ASSESSING OF CIVIL AND ADMINISTRATIVE PENALTIES.

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

SB 244 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules (no objection):

SB 244 - AN ACT TO AMEND TITLE 7, CHAPTER 40, OF THE DELAWARE CODE, RELATING TO ENFORCEMENT BY CRIMINAL PENALTY, ADDING A LESSER CRIMINAL PENALTY, AND CONCILIATION.

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

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

SB 258 was lifted from the table for consideration on motion of Senator McDowell.

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

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

SB 254 - AN ACT TO AMEND CHAPTER 75, TITLE 3 OF THE DELAWARE CODE, RELATING TO BEEKEEPING.

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

At 6:10 p.m. Lt. Governor Woo called a standing recess for change of tape.

The Senate reconvened at 6:12 p.m., Lt. Governor Woo presiding.

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

SB 251 - AN ACT TO AMEND CHAPTER 29, TITLE 7 OF THE DELAWARE CODE, RELATING TO STATE FORESTRY.

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

SB 226 was taken up for consideration on motion of Senator Martin:

SB 226 - AN ACT TO AMEND CHAPTER 18, TITLE 2 OF THE DELAWARE CODE, RELATING TO PUBLIC CARRIERS.

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

The privilege of the floor was extended to Mark McNaulty (Department of Transportation).

The roll call vote on SB 226 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SENATE CONSENT CALENDAR #18 was introduced and considered for adoption on motion of Senator Minner:

The Calendar consisted of the following:

SR 58 - COMMENDING FRANCIS EDWARD "ED" MELVIN OF DOVER FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE DELAWARE STATE POLICE AND AS A MEMBER OF THE SENATE STAFF AND WISHING HIM A SPEEDY RECOVERY FROM HIS ILLNESS. Sponsors: Senator Zimmerman, all Senators.

SR 59 - EXTENDING CONGRATULATIONS AND BEST WISHES TO MR. LARRY H. CONNER, PRINCIPAL OF CENTRAL MIDDLE SCHOOL, CAPITAL SCHOOL DISTRICT, DOVER, WHO IS RETIRING FROM THE PRINCIPALSHIP OF CENTRAL MIDDLE AFTER SERVING SEVENTEEN YEARS OF DISTINGUISHED SERVICE. Sponsor: Senator Zimmerman.

SCR 89 - DECLARING NOVEMBER AS WORKPLACE WELLNESS MONTH IN DELAWARE. Sponsors: Senator Marshall, Representative Davis.

SCR 92 - URGING DELAWARE PUBLIC SCHOOL DISTRICTS TO INCLUDE TRAINING IN CARDIO-PULMONARY RESUSCITATION AS A PART OF REQUIRED CURRICULA AND REQUESTING THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE SCHOOL HEALTH ADVISORY COUNCIL TO ASSIST IN THIS EFFORT. Sponsors: Senators Bane, Holloway; Representatives Oberle, VanSant.

SCR 93 - CONGRATULATING AGNES ELIZABETH HEWLETT MEGGINSON OF NEW CASTLE AS SHE CELEBRATES HER 100TH BIRTHDAY ON JULY 10, 1987. Sponsors: Senator Connor, Representative Mack.

SCR 94 - COMMENDING THE NEWARK HIGH SCHOOL BAND ON ITS NUMEROUS AWARD-WINNING PERFORMANCES THIS YEAR AND ON EARNING INVITATIONS TO PARTICIPATE IN THE "WE THE PEOPLE --200" BICENTENNIAL CELEBRATION AT INDEPENDENCE MALL IN PHILADELPHIA AND TO PERFORM AT THE 1987 MISS AMERICA PAGEANT. Sponsors: Senators Neal, Bane, Martin; Representatives Soles, Amick.

SCR 80 - RECOGNIZING THE WEEK OF OCTOBER 4, 1987, AS MENTAL HEALTH AWARENESS WEEK. Sponsors: Representative Maroney, Senator Berndt; Representatives George, Gilligan, Clark, Jester, West, VanSant, Wingate, Bunting, Brady, Sills, Soles, Campanelli, Dixon, Houghton, Plant, Jonkiert, Outten, Bennett, B. Ennis, Boykin; Senators Holloway, Minner, Bair, Bane.

SCR 83 - WISHING A SPEEDY RETURN TO GOOD HEALTH FOR STATE TROOPER RANDALL P. ARMISTEAD, OF NEWARK, CRITICALLY INJURED TUESDAY WHEN HIS CRUISER COLLIDED WITH AN ESCAPE CAR ON INTERSTATE 95 NORTH OF WILMINGTON. Sponsors: Representative Buckworth, Senator Torbert; all Representatives, all Senators.

SCR 84 - THANKING ITALO-AMERICANS UNITED FOR THEIR LONG LIST OF COMMUNITY CONTRIBUTIONS AND ASKING THEM TO KEEP UP THE GOOD WORK. Sponsors: Representatives DiPinto, Petrilli, Corrozi, George; Senators Marshall, Still.

SCR 86 - URGING THE VARIOUS STATE AND COUNTY AGENCIES TO FORMALLY AND OFFICIALLY GET TOGETHER FOR THE PURPOSE OF DEFINING A CLEAR LINE OF AUTHORITY AND RESPONSIBILITY AS TO WHO IS RESPONSIBLE FOR THE ABOLITION OR REMOVAL OF CERTAIN UNPLEASANT AND OFFENSIVE TRASH SITS THROUGHOUT VARIOUS PARTS OF THE STATE OF DELAWARE. Sponsors: Representatives Clark, Amick, Campanelli, Jonkiert, West, Houghton, Bunting, Wingate, Jester, Brady, Dixon, VanSant, Sills, Fallon, Lee, Plant, B. Ennis, Outten, Carey, Boykin, Mack, Davis, Taylor, Quillen; Senators Cook, Adams, Holloway, Vaughn, Knox, Minner, Bane, Slatcher, McBride, Neal.

SR 60 - EXTENDING BELATED BIRTHDAY GREETINGS TO SENATOR DAVID B. MCBRIDE AND WISHING HIM MANY MORE HAPPY BIRTHDAYS TO COME. Sponsors: Senator Holloway, all Senators.

SR 62 - CONGRATULATING THE DOVER HIGH SCHOOL CLASS OF 1962 AND ITS ILLUSTRIOUS MEMBER, SECRETARY OF THE SENATE B. J. PLEASANTON CANIFORD, AS THE CLASS CELEBRATES ITS 25TH CLASS REUNION. Sponsor: Senator Zimmerman.

The roll call vote on CONSENT CALENDAR #18 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

SCR 95 was introduced and considered for adoption on motion of Senator Neal:

SCR 95 - EXPRESSING SUPPORT FOR THE UNIVERSITY OF DELAWARE CHORALE AS IT EMBARKS ON A TOUR OF THE EASTERN SEABOARD OF THE UNITED STATES AND IN EUROPE AND PARTICIPATES IN A CELEBRATION OF DELAWARE'S CONTINUED CONTRIBUTIONS TO FINNS IN THE UNITED STATES. Sponsors: Senator Neal, Representative Soles; Representatives Amick, Jester; Senators Knox, Martin.

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

SB 245 was reported out of the Natural Resources and Environmental Control Committee: 5 Merits.

At 6:36 p.m. on motion of Senator Sharp, the Senate recessed until June 29, 1987 at 2:00 p.m.

The Senate reconvened at 2:29 p.m., June 29, 1987, Lt. Governor Woo presiding.

The following Committee reports were announced:

From the Agriculture Committee: SB 272 - 5 Merits; SB 273 - 5 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 240 w HA 1; HB 280; HB 354 w HA 1, 2; HB 252; HB 259 w HA 1; HB 336; HB 357 w HA 1; HB 326; SB 230; SB 169 w SA 1, HA 1; SB 155 and adopted HCR 20 w HA 1.

The following legislation was introduced:

SB 286 - AN ACT TO AMEND CHAPTER 39 OF TITLE 18 AND CHAPTER 21 OF TITLE 21 OF THE DELAWARE CODE RELATING TO CERTAIN DAMAGED VEHICLES. Sponsors: Senators Neal, Martin; Representatives B. Ennis, Petrilli. Assigned to Insurance and Elections Committee.

SB 287 - AN ACT TO AMEND CHAPTER 42, TITLE 21 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR CERTAIN INNOCENT VICTIMS. Sponsor: Senators Neal. Assigned to Public Safety Committee.

SA 1 and SA 2 to HS 1 for HB 100. Sponsors: Senators Knox, Adams. Placed with the Bill.

SA 2 to HB 56. Sponsor: Senator McDowell. Placed with the Bill.

At 2:33 p.m. on motion of Senator Sharp, the senate adjourned to immediately convene for the 44th Legislative Day.

44TH LEGISLATIVE DAY June 29, 1987

The Senate convened at 2:33 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

Each Senator was presented with a President Pro Tempore's Introduction and Committee Assignment List:

PRESIDENT PRO TEMPORE'S INTRODUCTION AND COMMITTEE ASSIGNMENT LIST June 29, 1987

SB 276 - AN ACT TO AMEND TITLE 19, SECTION 2363 OF THE DELAWARE CODE RELATING TO EXPENSES OF RECOVERY IN THIRD PARTY ACTIONS ARISING OUT OF WORKER'S COMPENSATION CASES. Sponsor: Senator Zimmerman. Assigned to Judiciary Committee.

SB 277 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO WORKMAN'S COMPENSATION. Sponsor: Senator Zimmerman. Assigned to Judiciary Committee.

SB 279 - AN ACT TO AMEND CHAPTER 1, TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE BOARD OF EDUCATION. Sponsor: Senator McDowell. Assigned to Education Committee.

SB 280 - AN ACT TO AMEND CHAPTER 251, VOLUME 61, LAWS OF DELAWARE, BEING "AN ACT TO REINCORPORATE THE CITY OF DELAWARE CITY" RELATING TO APPEALS FROM THE ASSESSMENT BOARD OF APPEALS TO THE SUPERIOR COURT AND RELATING TO THE SALE OF BONDS AT PRIVATE SALE. Sponsors: Senator Vaughn, Representative Mack. Assigned to Community Affairs Committee.

SB 281 - AN ACT TO AMEND CHAPTER 385, VOLUME 63, LAWS OF DELAWARE, AS AMENDED, AND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO BEVERAGE CONTAINERS. Sponsors: Senators Marshall, Bair; Representatives Roy, Spence, Bennett, Dixon. Assigned to Labor and Industrial Relations Committee.

SB 282 - AN ACT TO AMEND CHAPTER 215, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, BEING AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE CITY OF HARRINGTON," RELATING TO CHARTER CHANGES FOR THE CITY OF HARRINGTON. Sponsors: Senator Minner, Representative Quillen. Assigned to Community Affairs Committee.

SB 283 - AN ACT TO AMEND CHAPTER 5, TITLE 29, DELAWARE CODE RELATING TO DELAWARE PUBLIC RECORDS LAW. Sponsors: Senators Martin, Neal; Representatives Wingate, Amick, Barnes. Assigned Community Affairs Committee.

SB 284 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS. Sponsors: Senators McDowell, Cordrey. Assigned to Insurance and Elections Committee.

SB 285 - AN ACT TO AMEND CHAPTER 1, TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS AND PROVIDING FOR A NEW SUBSECTION GRANTING LOCAL AUTHORITIES POWER TO CREATE "HISTORIC DISTRICTS" AND AUTHORIZING THE ALTERATION OF TRAFFIC SIGNS AND MARKINGS IN SUCH DISTRICTS WITH THE APPROVAL OF THE DEPARTMENT OF TRANSPORTATION. Sponsors: Senator Martin, Representative Roy. Assigned to Highways and Transportation Committee.

HB 240 w HA 1 - AN ACT TO PROVIDE THE DEPARTMENT OF TRANSPORTATION THE AUTHORITY TO UPGRADE DIRT ROADS. Sponsors: Representative Lee, Senator Adams; Representatives Barnes, Buckworth, Carey, Caulk, Fallon, Quillen, Roy. Assigned to Highways and Transportation Committee.

HB 252 - AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE ESTABLISHING THE DELAWARE NURSING INCENTIVE PROGRAM. Sponsors: Representatives Davis, Soles, Corrozi, Smith, Quillen, Bennett; Senators McBride, Holloway, Berndt, Cook, Vaughn, Slatcher. Assigned to Education Committee.

HB 259 w HA 1 - AN ACT TO AMEND CHAPTER 47, TITLE 6 OF THE DELAWARE CODE RELATING TO TRANSIENT RETAILERS. Sponsors: Representative Petrilli, Senator Marshall; Representatives D. Ennis, Lee, Maroney, Dixon, VanSant. Assigned to Small Business Committee.

HB 280 - AN ACT TO AMEND CHAPTER 29, TITLE 10 OF THE DELAWARE CODE RELATING TO POWERS OF CODE ENFORCEMENT CONSTABLES. Sponsors: Representative B. Ennis, Senator Torbert; Representatives Bennett, Buckworth, Caulk, Clark, Dixon, Houghton, Outten, Quillen; Senators Cook, Minner, Vaughn, Zimmerman. Assigned to Judiciary Committee.

HB 326 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LEGISLATIVE CONFLICTS OF INTEREST AND ESTABLISHING HOUSE AND SENATE ETHICS COMMITTEES. Sponsors: Representatives Oberle, Senator Minner; Representatives Barnes, Spence, George, Gilligan, Roy, Hebner, Corrozi, Buckworth, Fallon, Carey, Smith, Davis, Amick, DiPinto, Taylor, Mack, Boykin, Quillen, Petrilli, Maroney, Lee, D. Ennis, Caulk, Brady, Bunting, Campanelli, Dixon, B. Ennis, Jester, Outten, Plant, Sillis, Soles, VanSant, West, Wingate; Senators Cordrey, Bair, Connor, Still, Slatcher, Bane, Berndt, Neal. Assigned to Administrative Services/Energy Committee.

HB 336 - AN ACT TO AMEND CHAPTERS 11, 14, 19 AND 23 OF TITLE 30 OF THE DELAWARE CODE RELATING TO VARIOUS REFERENCES TO THE FEDERAL INTERNAL REVENUE CODE. Sponsor: Representative Petrilli. Assigned to Revenue and Taxation Committee.

HB 354 w HA 1, 2 - AN ACT ENTITLED "THE DELAWARE STATE HOUSING AUTHORITY REORGANIZATION ACT OF 1987", AMENDING TITLES 29 AND 31 OF THE DELAWARE CODE TO TRANSFER THE DELAWARE STATE HOUSING AUTHORITY FROM THE DEPARTMENT OF COMMUNITY AFFAIRS TO THE DELAWARE DEVELOPMENT OFFICE AND TRANSFERRING THE FUNCTIONS OF THE DIVISION OF HOUSING TO THE DELAWARE STATE HOUSING AUTHORITY AND TRANSFERRING SUPERVISION OF THE DELAWARE STATE HOUSING AUTHORITY FROM THE SECRETARY OF COMMUNITY AFFAIRS TO THE DIRECTOR OF THE DELAWARE STATE HOUSING AUTHORITY, AND RELATING TO THE BOND-ISSUING POWER OF THE DELAWARE STATE HOUSING AUTHORITY AND TO THE FUNDS AND ACCOUNTS OF THE STATE HOUSING AUTHORITY. Sponsors: Representatives Sillis, DiPinto, Barnes, Oberle, Spence, Amick, Carey, Corrozi, Boykin, Davis, Fallon, Maroney, Lee, Quillen, Taylor, Bennett, B. Ennis, Bunting, Wingate, VanSant, George, Outten, Plant; Senators Holloway, Minner, Cook, Bair. Assigned to Community Affairs Committee.

HB 357 w HA 1 - AN ACT TO AMEND CHAPTER 3, TITLE 9 OF THE DELAWARE CODE RELATING TO THE CAPITATION TAX IN KENT COUNTY. Sponsors: Representative Bennett, Senator Minner; Representatives Barnes, Buckworth, Caulk, Clark, B. Ennis, Outten, Quillen; Senators Cook, Torbert, Vaughn, Zimmerman. Assigned to Small Business Committee.

SA 3 to SB 219. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 1 to SB 236. Sponsor: Senator Martin. Placed with the Bill.

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

SA 1 to SB 262. Sponsor: Senator Vaughn. Stricken.

SA 1 to HB 56. Sponsor: Senator McDowell. Placed with the Bill.

SB 169 w SA 1, HA 1 - AN ACT TO AMEND CHAPTER 19, TITLE 11 OF THE DELAWARE CODE RELATING TO POLICE MUTUAL AID AGREEMENTS. Sponsors: Senators Adams, Vaughn, Sharp, Cordrey, Slatcher, Knox, Representatives Spence, Oberle, Hebner, Lee, Buckworth, B. Ennis, VanSant, Barnes. Laid on the table.

Senator Bane marked PRESENT.

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

SB 239 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 58, TITLE 29, DELAWARE CODE, RELATING TO COMPENSATION POLICY FOR SIMULTANEOUS EMPLOYMENT.

Senators Cook, Martin, McBride, Minner, Still, Neal marked PRESENT.

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

SB 169 w SA 1 which had previously passed the Senate, was lifted from the table for consideration as now further amended by HA 1. The roll call vote on SB 169 w SA 1, HA 1 was then taken and revealed 20 Senators voting YES and 1 (Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for consideration.

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

SB 272 - AN ACT TO AMEND CHAPTER 71, TITLE 3 OF THE DELAWARE CODE RELATING TO ANIMAL HEALTH AND THE POWER AND DUTIES OF THE DEPARTMENT OF AGRICULTURE AS THEY RELATE TO POULTRY AND TO ANIMAL HEALTH.

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

SB 273 was taken up for consideration on motion of Senator Adams:

SB 273 - AN ACT TO AMEND CHAPTER 51, TITLE 6 OF THE DELAWARE CODE RELATING TO SALE OF MEAT, POULTRY AND SEAFOOD PRODUCTS.

Senators Zimmerman and Marshall marked PRESENT.

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

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

SB 243 - AN ACT TO AMEND CHAPTER 40, TITLE 10, OF THE DELAWARE CODE RELATING TO THE TORT CLAIMS ACT.

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

SB 221 was stricken at the request of the sponsor, Senator Zimmerman.

SB 271 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):

SB 271 - 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 ELIMINATE THE ABATEMENT OF REAL ESTATE TAXES.

The following communication was read and made part of this Journal on motion of Senator Cordrey:

Law Offices
TUNNELL & RAYSOR
Race and Pine Streets
P. O. Box 151
GEORGETOWN, DELAWARE 19947

June 23, 1987

Senator Richard S. Cordrey
Senate of the State of Delaware
Legislative Hall
Dover, DE 19901

RE: Town of Millsboro

Dear Senator Cordrey:

The Town Council of Millsboro, in an effort to increase its revenue necessitated by the loss of revenue sharing funds and the increase in its expenses has requested that the General Assembly authorize the elimination of any abatement in the payment of real estate taxes. This measure will greatly assist in balancing the budget of the Town. Without it, it is doubtful that the budget can be balanced without an increase in taxes. Moreover, similar provisions in other municipalities have been eliminated in recent years.

It is the sincere desire of the Town Council that this be accomplished in 1987; however, both the Town Council and I recognize the severe time constraints. Whatever action you might take to promote its passage would be greatly appreciated.

Sincerely yours,
TUNNELL & RAYSOR
(Signed) John E. Messick

cc: Honorable Thelma Monroe

* * * * *

The privilege of the floor was extended to Gary Dalton, Senate Attorney after which the Bill was laid on the table on further motion of Senator Cordrey.

SB 282 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):

SB 282 - AN ACT TO AMEND CHAPTER 215, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, BEING AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE CITY OF HARRINGTON," RELATING TO CHARTER CHANGES FOR THE CITY OF HARRINGTON.

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

SB 280 was taken up for consideration on motion of Senator Vaughn under suspension of the necessary rules (no objection):

SB 280 - AN ACT TO AMEND CHAPTER 251, VOLUME 61, LAWS OF DELAWARE, BEING "AN ACT TO REINCORPORATE THE CITY OF DELAWARE CITY" RELATING TO APPEALS FROM THE ASSESSMENT BOARD OF APPEALS TO THE SUPERIOR COURT AND RELATING TO THE SALE OF BONDS AT PRIVATE SALE.

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

On motion of Senator Cordrey and without objection, SB 271 was lifted from the table for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Minner) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 274 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules (no objection):

SB 274 - AN ACT TO AMEND CHAPTER 87, PART V, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMINAL JUSTICE COUNCIL.

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

At 3:26 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:24 p.m., Lt. Governor Woo presiding.

SCR 90 was introduced and considered for adoption on motion of Senator McDowell:

SCR 90 - REQUESTING THE SECRETARY OF THE DEPARTMENT OF FINANCE TO STUDY THE FEASIBILITY OF A "DELAWARE PUBLIC EMPLOYEE'S SCHOLARSHIP PROGRAM" TO PROVIDE COLLEGE SCHOLARSHIPS TO CHILDREN OF DELAWARE STATE EMPLOYEES. Sponsors: Senator McDowell, Representative Campanelli; Senators Vaughn, McBride, Holloway, Marshall.

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

SCR 96 was introduced and considered for adoption on motion of Senator Cordrey:

SCR 96 - HONORING DR. E. ARTHUR TRABANT FOR HIS NINETEEN YEARS OF EXEMPLARY SERVICE AS PRESIDENT OF THE UNIVERSITY OF DELAWARE, UPON THE OCCASION OF HIS RETIREMENT. Sponsors Senator Cordrey, Representative Barnes.

All the Senators were added as co-sponsors of the Resolution.

The privilege of the floor was extended to Dr. Trabant.

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

SB 93 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

SB 93 - AN ACT TO AMEND TITLE 8, DELAWARE CODE, RELATING TO THE GENERAL CORPORATION LAW OF THE STATE OF DELAWARE.

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

The roll call vote on SB 93 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 219 w SA 1 was lifted from the table for consideration on motion of Senator Zimmerman.

During discussion of the Bill and the Amendments offered to it, the privilege of the floor was extended to Gary Dalton (Senate Attorney) and Clifford B. Hearn, Jr. (American Insurance Association).

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Zimmerman and the roll call vote taken which revealed 18 Senators voting YES and 3 (Marshall, McDowell, Sharp) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Zimmerman and the roll call vote taken; however, the roll call vote on the Amendment was laid on the table before being announced on motion of Senator Zimmerman.

Senator Cordrey requested that his name be removed as a co-sponsor of SB 219.

The roll call vote on SB 219 w SA 1, 2 was then taken and revealed:

YES: Senators Adams, Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman - 12.

NO: Senators Bair, Bane, Berndt, Connor, Cordrey, Knox, Neal, Slatcher, Still - 9.

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

SB 185 was taken up for consideration on motion of Senator Marshall:

SB 185 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

SA 1 to the Bill (sponsor: Senator Marshall) was introduced and considered for adoption.

The privilege of the floor was extended to Mathias J. Fallis (Department of Labor) after which the roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 185 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 230 w HA 1 - AN ACT TO AMEND TITLE 19, CHAPTER 5, DELAWARE CODE RELATING TO CHILD LABOR.

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

HB 243 - AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO MINIMUM WAGE.

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

HB 215 was taken up for consideration on motion of Senator Marshall:

HB 215 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

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

HB 217 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

HB 218 was taken up for consideration on motion of Senator Marshall:

HB 218 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

HB 263 was taken up for consideration on motion of Senator Marshall:

HB 263 - AN ACT TO AMEND CHAPTERS 3 AND 11 OF TITLE 30 OF THE DELAWARE CODE RELATING TO CERTAIN ASSESSMENTS OCCASIONED BY TAXPAYER POSITIONS OR STATEMENTS THAT ARE FRIVOLOUS OR WITHOUT REASONABLE BASIS OR ARISE OUT OF A DESIRE TO DELAY OR IMPEDE THE ADMINISTRATION OF TAX LAWS.

The privilege of the floor was extended to Robert Chastant (Director, Division of Revenue).

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, Sharp, Slatcher, Still, Torbert - 16.

NO: Senators McDowell, Minner, Neal, Vaughn, Zimmerman - 5.

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

HB 264 was taken up for consideration on motion of Senator Marshall:

HB 264 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO INSPECTION OF RETURNS.

The privilege of the floor was extended to Robert Chastant (Director, Division of Revenue).

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

HB 165 was taken up for consideration on motion of Senator Marshall:

HB 165 - AN ACT TO AMEND CHAPTER 51, TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR FUEL AND SPECIAL FUEL BONDING REQUIREMENTS.

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

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

HB 265 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO PERSONAL INCOME TAX CREDITS FOR SOLAR ENERGY DEVICES.

The privilege of the floor was extended to Robert Chastant (Director, Division of Revenue).

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

YES: Senators Adams, Bane, Berndt, Connor, Cook, Holloway, Knox, Marshall, Martin, Sharp, Still, Torbert, Vaughn, Zimmerman - 14.

NO: Senators Bair, Cordrey, McBride, McDowell, Minner, Neal, Slatcher - 7.

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

HB 266 - AN ACT TO AMEND CHAPTERS 11, 53, 54, AND 55 OF TITLE 30 OF THE DELAWARE CODE RELATING TO STATE TAXES AND TO CERTAIN CIVIL PENALTIES AND RELATED PROCEDURES.

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

YES: Senators Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, Minner, Sharp, Still, Torbert - 15.

NO: Senators Adams, McDowell, Neal, Slatcher, Vaughn, Zimmerman - 6.

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

HB 267 was taken up for consideration on motion of Senator Marshall:

HB 267 - AN ACT TO AMEND CHAPTERS 21, 54, 61 AND 63 OF TITLE 30 OF THE DELAWARE CODE RELATING TO EXTENSIONS OF PERIODS OF LIMITATION WITH RESPECT TO BUSINESS AND OCCUPATIONAL LICENSE FEES AND TAXES, REALTY TRANSFER TAX, PUBLIC ACCOMMODATION TAXES, AND AFFILIATED FINANCE COMPANY TAXES.

The privilege of the floor was extended to Robert Chastant (Director, Division of Revenue).

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

HB 268 was taken up for consideration on motion of Senator Marshall:

HB 268 - AN ACT TO AMEND CHAPTER 29, TITLE 30, DELAWARE CODE, RELATING TO RETAIL MERCHANTS' LICENSE REQUIREMENTS AND TAXES.

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

HB 269 - AN ACT TO AMEND CHAPTER 30, TITLE 30, DELAWARE CODE, RELATING TO MOTOR VEHICLE DOCUMENTS FEES.

The privilege of the floor was extended to Robert Chastant (Director, Division of Revenue) after which the Bill was laid on the table on further motion of Senator Marshall.

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

HB 246 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO THE RATES OF TAX ON ALCOHOLIC LIQUOR.

The privilege of the floor was extended to Henry T. Gage (Attorney and specialist on Alcohol Beverage Tax Laws).

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

YES: Senators Adams, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Martin, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn - 16.

NO: Senators Bair, Marshall, McDowell - 3.

NOT VOTING: Senators McBride, Zimmerman - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 246 w SA 1 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Marshall.

HB 56 w HA 1 was taken up for consideration on motion of Senator McDowell:

HB 56 w HA 1 - AN ACT TO AMEND TITLES 24, 29 AND 30, OF THE DELAWARE CODE TO PROVIDE FOR THE LICENSING AND REGULATION OF PROFESSIONAL COUNSELORS.

SA 1 and SA 2 to the Bill which had been placed with the Bill were laid on the table on motion of Senator McDowell.

The roll call vote on HB 56 w HA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

SA 1 and SA 2 to HB 56 w HA 1 were stricken at the request of the sponsor, Senator McDowell.

At 6:56 p.m. on motion of Senator Sharp, the Senate recessed until 1:30 p.m., June 30, 1987.

The Senate reconvened at 2:05 p.m., June 30, 1987, Lt. Governor Woo presiding.

The following Committee reports were announced:

From the Small Business Committee: HS 1 for HB 6 w HA 1 - 5 Merits; HB 229 w HA 1 - 5 Merits; HB 357 w HA 1 - 5 Merits.

From the Natural Resources and Environmental Control Committee: HB 270 6 Merits; HB 327 - 6 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 96 and passed HB 330; HB 142 w HA 1; HB 325; HB 322; HB 279 w HA 1; SB 191; SB 194; SB 228; HB 364 w HA 1; HB 331 w HA 2; HB 361 w HA 1; HB 16 w HA 1; HB 19 w HA 1; HB 328 w HA 1; SB 235 w SA 1; SB 132 w SA 1; SB 232 w HA 1; HB 358 w HA 1.

Each Senator was presented with a President Pro Tempore's Introduction and Committee Assignment List:

PRESIDENT PRO TEMPORE'S
INTRODUCTION and COMMITTEE ASSIGNMENT LIST
June 30, 1987

SB 288 - AN ACT TO AMEND TITLE 19, CHAPTER 21, SECTION 2127 OF THE DELAWARE CODE, RELATING TO WORKMEN'S COMPENSATION. Sponsor: Senator Zimmerman. Assigned to Insurance and Elections Committee.

SB 289 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE, RELATING TO POST-RETIREMENT LUMP SUM DEATH BENEFITS. Sponsors: Senators Cook, Berndt, Holloway, McBride, Slatcher, Vaughn; Representatives Corrozi, Bennett, Davis, Quillen, Smith, Soles. Laid on the table.

SB 290 - AN ACT TO AMEND CHAPTER 35, TITLE 24, DELAWARE CODE RELATING TO STATE EMPLOYED PSYCHOLOGISTS. Sponsor: Senator McDowell. Laid on the table.

SA 1 to SB 284. Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to HB 275. Sponsor: Senator Vaughn. Placed with the Bill.

HB 142 w HA 1 - AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC CRIMINAL OFFENSES; AND PROVIDING FOR PROHIBITIONS AGAINST TICKET SCALPING. Sponsor: Representative Campanelli. Assigned to Judiciary Committee.

HB 279 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 24 OF THE DELAWARE CODE RELATING TO DEADLY WEAPONS DEALERS. Sponsors: Representatives VanSant, Davis, Brady, Bunting, Dixon, Houghton, Spence, West; Senators Adams, Connor, Minner, Neal. Assigned to Sunset Committee.

HB 322 - AN ACT TO AMEND CHAPTER 5, AND CHAPTER 65, TITLE 11 OF THE DELAWARE CODE RELATING TO FURNISHING AND PROMOTING CONTRABAND TO PERSONS COMMITTED TO THE JURISDICTION OF THE DEPARTMENT OF CORRECTION. Sponsor: Representative Davis. Assigned to Corrections Committee.

HB 325 - AN ACT TO AMEND CHAPTER 66, TITLE 18 OF THE DELAWARE CODE RELATING TO LINE-OF-DUTY BENEFITS. Sponsors: Representative B. Ennis, Senator Vaughn. Assigned to Insurance and Elections Committee.

HB 330 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE RELATING TO THE REPORTING OF A DISCHARGE OF A POLLUTANT OR AN AIR CONTAMINANT AND PROVIDING FOR CRIMINAL SANCTION AND JURISDICTION FOR DISCHARGE OF POLLUTANT. Sponsor: Representative Mack. Assigned to Natural Resources and Environmental Control Committee.

HB 358 w HA 1 - AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE DELAWARE CODE RELATING TO THE ELIGIBILITY FOR PENSIONS OF MEMBERS OF THE DELAWARE STATE POLICE, MANDATORY RETIREMENT, AND A CAREER DEVELOPMENT PROGRAM FOR THE MEMBERS OF THE DELAWARE STATE POLICE. Sponsors: Representative Hebner, Senator Sharp; Representatives Barnes, Spence; Senator Berndt. Assigned to Executive Committee.

HB 16 w HA 1 - AN ACT AMENDING CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO STATE PURCHASES OF VEHICLES. Sponsors Representative Davis, Amick. Assigned to Administrative Services Committee.

HB 19 w HA 1 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO MANDATORY RETIREMENT. Sponsors: Representative Bennett, Barnes, Senators Adams, Cordrey, Cook, Berndt. Assigned to Executive Committee.

HB 328 w HA 1 - AN ACT TO AMEND CHAPTER 63, TITLE 7, DELAWARE CODE RELATING TO HAZARDOUS WASTE MANAGEMENT. Sponsors: Representative Mack. Assigned to Natural Resources and Environmental Control Committee.

HB 331 w HA 2 - AN ACT TO AMEND CHAPTER 74, TITLE 7 OF THE DELAWARE CODE RELATING TO DELAWARE UNDERGROUND STORAGE TANK ACT. Sponsors: Representative Mack, Barnes and Senator Adams, Representatives Carey, Clark, Caulk, D. Ennis, Corrozi. Assigned to Natural Resources and Environmental Control Committee.

HB 361 w HA 1 - AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE REALTING TO THE EDUCATION REFINEMENT PROGRAM AND CRISIS COUNSELORS. Sponsor: Representative Buckworth. Assigned to Education Committee.

HB 364 w HA 1 - AN ACT TO AMEND CHAPTERS 5, 35, 42, 43, 83, AND 90, TITLE 11 OF THE DELAWARE CODE, CHAPTER 9, TITLE 10 OF THE DELAWARE CODE AND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO SEXUAL OFFENSES. Sponsor: Representative Maroney. Assigned to Judicial Committee.

SB 232 w HA 1 - AN ACT TO AMEND TITLES 18 AND 16 OF THE DELAWARE CODE RELATING TO INSURANCE AND HEALTH AND SAFETY AND TO ALLOCATE RESPONSIBILITY FOR REGULATION OF HEALTH MAINTENANCE ORGANIZATIONS BETWEEN THE INSURANCE COMMISSIONER AND THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsor: Senator Sharp. Laid on the Table.

* * * * *

At 2:08 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 45th Legislative Day.

45TH LEGISLATIVE DAY
June 30, 1987

The Senate convened at 2:08 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

HS 2 for HB 41 w HA 1, 2 was taken up for consideration on motion of Senator Adams:

HS 2 for HB 41 w HA 1, 2 - AN ACT TO AMEND CHAPTER 27, TITLE 6, DELAWARE CODE RELATING TO EQUIPMENT DEALER CONTRACTS.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cordrey, Knox, Marshall, McDowell, Sharp, Slatcher, Torbert, Vaughn - 13.

ABSENT: Senators Cook, Holloway, Martin, McBride, Minner, Neal, Still, Zimmerman - 8.

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

Senators Berndt and Vaughn marked PRESENT.

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

HB 179 - AN ACT TO AMEND PART II, CHAPTER 21, SUBCHAPTER III, TITLE 21, DELAWARE CODE, RELATING TO THE EXCEPTION OF MOTOR VEHICLES SUBJECT TO INSPECTION.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cordrey, Holloway, Knox, McDowell, Sharp, Slatcher, Torbert, Vaughn - 13.

ABSENT: Senators Cook, Marshall, Martin, McBride, Minner, Neal, Still, Zimmerman - 8.

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

A messenger from the Governor was announced and admitted.

HJR 13 was taken up for consideration on motion of Senator Holloway:

HJR 13 - ESTABLISHING AN AIDS ADVISORY TASK FORCE IN THE STATE OF DELAWARE.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cordrey, Holloway, Knox, Marshall, McDowell, Sharp, Slatcher, Torbert, Vaughn - 13.

NOT VOTING: Senator Vaughn - 1.

ABSENT: Senators Cook, Martin, McBride, Minner, Neal, Still, Zimmerman - 7.

Therefore, the Resolution was declared adopted by the Senate and returned to the House.

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

SB 248 - AN ACT TO AMEND CHAPTER 5, TITLE 10 OF THE DELAWARE CODE TO AUTHORIZE THE SUPERIOR COURT TO APPOINT MASTERS.

Senator McBride marked PRESENT.

The roll call vote on the Bill was taken and revealed 16 Senators voting YES and 5 (Cook, Martin, Minner, Neal, Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senators Still and Neal marked PRESENT.

SB 281 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

SB 281 - AN ACT TO AMEND CHAPTER 385, VOLUME 63, LAWS OF DELAWARE, AS AMENDED, AND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO BEVERAGE CONTAINERS.

A communication from Dale E. Wolf (Director, Delaware Development Office) was read.

Senators Cook, Zimmerman, Martin, Minner marked PRESENT.

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

SB 232 which had previously passed the Senate, was taken up for reconsideration as further amended by HA 1 on motion of Senator Sharp under suspension of the necessary rules (no objection). The roll call vote on SB 232 w HA 1 was therefore taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the Governor for consideration.

HB 176 w HA 1 was taken up for consideration on motion of Senator Minner:

HB 176 w HA 1 - AN ACT TO AMEND VOLUME 63, CHAPTER 272, LAWS OF DELAWARE, RELATING TO THE TOWN OF CAMDEN.

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

HB 357 w HA 1 was taken up for consideration on motion of Senator Zimmerman:

HB 357 w HA 1 - AN ACT TO AMEND CHAPTER 3, TITLE 9 OF THE DELAWARE CODE RELATING TO THE CAPITATION TAX IN KENT COUNTY.

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

HB 302 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

HB 302 - AN ACT ANARDING SPECIAL PENSION BENEFITS TO LEROY O'NEAL, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE; AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE MADE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

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

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

NO: Senator Cordrey - 1.

ABSENT: Senators Berndt, Sharp, Zimmerman - 3.

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

HB 357 w HA 1 was lifted from the table for consideration on motion of Senator Zimmerman and the roll call vote taken which revealed 20 Senators voting YES and 1 (Berndt) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 20 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

HB 20 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO THE AMOUNT OF A STATE SERVICE PENSION.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Cook and the roll call vote taken which revealed 18 Senators voting YES and 3 (Bair, Berndt, Knox) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator Connor) was introduced and considered for adoption. The roll call vote on the Amendment was taken; however, the roll call was laid on the table before being announced on motion of Senator Connor.

HB 20 w SA 1 was then laid on the table on motion of Senator Cook.

HB 25 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

HB 25 - AN ACT TO AMEND CHAPTER 13, TITLE 14 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF UNUSED SICK LEAVE TIME ACCRUED TO THE BENEFIT OF A DECEASED SCHOOL EMPLOYEE.

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

SB 283 was taken up for consideration on motion of Senator Martin under suspension of the necessary rules (no objection):

SB 283 - AN ACT TO AMEND CHAPTER 5, TITLE 29, DELAWARE CODE RELATING TO DELAWARE PUBLIC RECORDS LAW.

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

SB 285 was taken up for consideration on motion of Senator Martin under suspension of the necessary rules (no objection):

SB 285 - AN ACT TO AMEND CHAPTER 1, TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS AND PROVIDING FOR A NEW SUBSECTION GRANTING LOCAL AUTHORITIES POWER TO CREATE "HISTORIC DISTRICTS" AND AUTHORIZING THE ALTERATION OF TRAFFIC SIGNS AND MARKINGS IN SUCH DISTRICTS WITH THE APPROVAL OF THE DEPARTMENT OF TRANSPORTATION.

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

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

A messenger from the Governor was announced and admitted.

Senator McBride requested that the Secretary of the Senate return HB 255 to the House as per a request from the Chief Clerk of the House since the Bill had been delivered to the Senate in error.

SR 63 was introduced and considered for adoption on motion of Senator Bair:

SR 63 - COMMENDING PEGGY ANSTINE FOR HER YEARS OF DEDICATED SERVICE TO THE DELAWARE STATE SENATE AS SHE PLANS TO RETIRE ON JULY 1, 1987. Sponsors: Senators Bair, Connor, Cordrey, Sharp, McDowell, Adams, Bane, Berndt, Cook, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Slatcher, Still, Torbert, Vaughn, Zimmerman.

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

Pursuant to the above Resolution, Senator Bair requested the privilege of the floor for Betty Jean Caniford, Secretary of the Senate, who presented Peg Anstine with a dozen roses and a cake from the Senate Staff.

Senator Sharp recognized and introduced to the Senate, former State Senator Everett Hale.

SR 57 was introduced and considered for adoption on motion of Senator Holloway:
SR 57 - AUTHORIZING AND DIRECTING THE SENATE PRESIDENT PRO TEM TO APPOINT A SPECIAL COMMITTEE TO STUDY THE COST OF LEGAL SERVICES BEING PASSED ON TO UTILITY CUSTOMERS AND TO RECOMMEND WAYS TO REDUCE SUCH COSTS. Sponsor: Senator Holloway.

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

HB 358 w HA 1 was taken up for consideration on motion of Senator Adams under suspension of the necessary rules (no objection):

HB 358 w HA 1 - AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE DELAWARE CODE RELATING TO THE ELIGIBILITY FOR PENSIONS OF MEMBERS OF THE DELAWARE STATE POLICE, MANDATORY RETIREMENT, AND A CAREER DEVELOPMENT PROGRAM FOR THE MEMBERS OF THE DELAWARE STATE POLICE.

The following communication was read and is made part of this Journal at the request of Senator Adams:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
PHILADELPHIA DISTRICT OFFICE
127 N. FOURTH STREET
Philadelphia, Pennsylvania 19103

June 12, 1987

Colonel Clifford M. Graviet, Superintendent
Delaware State Police
P. O. Box 320
Dover, Delaware 19903

Re: EEOC v. Delaware State Police
Commission Charge No. 031840303

Dear Colonel Graviet:

This letter is in response to your recent inquiry pertaining to the question of whether the above-captioned charge is a cause of action under Section 7 of the 1986 ADEA amendments arising under the Age Discrimination in Employment Act of 1967 as in effect January 1, 1987, as to which the ADEA amendments of Section 3 and 4 shall not apply.

It is the opinion of the EEOC, Philadelphia District Office, that the above-captioned charge is such a cause of action arising under the ADEA of 1967 as in effect before January 1, 1987 and therefore the 1986 amendments shall not apply with respect to this charge. The reasons for this opinion are the following. First, the charge arose in 1984, before the effective date of the 1986 ADEA amendments. Second, a Letter of Violation was issued by this office on November 19, 1985, finding that the Delaware State Police discriminated against individuals who were mandatorily retired at the age of fifty-five (55) or after twenty (20) years of service. This letter was also issued prior to the effective date of the 1986 ADEA amendments. Third, the EEOC and the Delaware State Police have been involved and continue to be involved in efforts to achieve voluntary compliance with the ADEA, pursuant to Section 7(b).

This office recognizes that the issue has not been addressed by the courts. Nevertheless, this office takes this position due to the facts of this case as outlined above.

This office also encourages that Delaware State Police voluntarily comply with the ADEA to resolve this matter amicably and without court involvement.

If you have further questions regarding this matter please call Mrs. Matos at (215) 597-0881.

Very truly yours,
Spencer H. Lewis, Jr.
Regional Attorney

The privilege of the floor was extended to Colonel Clifford M. Graviet (Superintendent of Delaware State Police), Fred S. Silverman (Attorney General's Office) and Lawrence M. Talley (F.O.P.).

The roll call vote on HB 358 w HA 1 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Adams.

HB 80 w HA 2, 3 w HA 1, HA 5 was taken up for consideration on motion of Senator Torbett under suspension of the necessary rules (no objection):

HB 80 w HA 2, 3 w HA 1, HA 5 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO MANDATORY OCCUPANT PROTECTION SYSTEM USAGE.

SA 1 to the Bill (sponsor: Senator Torbert) was introduced and considered for adoption. The privilege of the floor was extended to Gary Dalton (Senate Attorney) after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn - 12.

NO: Senators Bair, Bane, Berndt, Connor, Holloway, Knox, Neal, Still, Zimmerman - 9.
Therefore, the Amendment was declared adopted.

The roll call vote on HB 80 w HA 2, 3 w HA 1, HA 5, SA 1 was then taken and revealed:

YES: Senators Adams, Bane, Berndt, Holloway, Knox, McDowell, Neal, Still, Zimmerman - 9.

NO: Senators Bair, Connor, Cook, Cordrey, Marshall, Martin, McBride, Minner, Sharp, Slatcher, Torbert, Vaughn - 12.

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

At 5:58 p.m. on motion of Senator Sharp, the Senate recessed for dinner break and reconvened at 9:25 p.m., Lt. Governor Moo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 200 w SA 1; SB 201 w SA 1; SB 202 w SA 1; SB 203; SB 205; SB 207; HB 339 w HA 1; SB 185 w SA 1 and adopted SCR 89; SCR 92; SCR 93; SCR 94; SCR 95.

LEGISLATIVE ADVISORY #22 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed the following legislation on the dates indicated: HB 71 w HA 1, 2 (6-29-87) (Volume 66, Chapter 55, Laws of Delaware); HB 78 w HA 1 w HA 1 (6-29-87) (Volume 66, Chapter 56, Laws of Delaware); HB 96 w HA 1, 2, SA 1 (6-29-87) (Volume 66, Chapter 57, Laws of Delaware); HB 140 (6-29-87) (Volume 66, Chapter 58, Laws of Delaware); HB 172 (6-29-87) (Volume 66, Chapter 59, Laws of Delaware); HB 173 (6-29-87) (Volume 66, Chapter 60, Laws of Delaware); HB 190 w HA 1 (6-29-87) (Volume 66, Chapter 61, Laws of Delaware); HB 204 (6-29-87) (Volume 66, Chapter 62, Laws of Delaware); HB 228 (6-29-87) (Volume 66, Chapter 63, Laws of Delaware); HB 244 (6-29-87) (Volume 66, Chapter 64, Laws of Delaware); HB 338 (6-25-87) (Volume 66, Chapter 65, Laws of Delaware); SB 128 w SA 1 (6-29-87) (Volume 66, Chapter 66, Laws of Delaware); SB 141 w SA 1 (6-29-87) (Volume 66, Chapter 67, Laws of Delaware); SB 143 (6-29-87) (Volume 66, Chapter 68, Laws of Delaware); SB 152 w SA 1 (6-29-87) (Volume 66, Chapter 69, Laws of Delaware); SB 161 w SA 1, 2 (6-29-87) (Volume 66, Chapter 70, Laws of Delaware); SB 174 (6-29-87) (Volume 66, Chapter 71, Laws of Delaware).

* * * * *

SB 290 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules (no objection):

SB 290 - AN ACT TO AMEND CHAPTER 35, TITLE 24, DELAWARE CODE RELATING TO STATE EMPLOYED PSYCHOLOGISTS.

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

SB 264 was taken up for consideration on motion of Senator Minner:

SB 264 - AN ACT TO AMEND CHAPTER 9, TITLE 24 OF THE DELAWARE CODE REGARDING THE APPLICATION FEE FOR DEADLY WEAPONS DEALERS.

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

SB 289 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

SB 289 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE, RELATING TO POST-RETIREMENT LUMP SUM DEATH BENEFITS.

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

The following communication from the Governor was read:

STATE OF DELAWARE
Office of the Governor
June 30, 1987

To the Senate of the 134th General Assembly of the State of Delaware:

I regret to inform you that I must withdraw the nomination of William E. Bazzelle Sr. to serve as a member of the Delaware State Board of Education.

As Senators Adams and Sharp pointed out in a meeting with me earlier today, the law clearly requires nominees to the State Board to have resided in Delaware for 5 years immediately preceding their nomination. Mr. Bazzelle, while having resided in Delaware a total of 8 years, most recently returned to Delaware only 3 years ago.

Unfortunately, the residency qualification is absolute; and, therefore, I must withdraw his nomination.

I'm sure that, after Mr. Bazzelle's recent hearing before the Executive Committee, the Senate shares my belief that he is well-qualified and would have served the State well.

Please be assured that I will submit a new nominee to you as soon as possible.

Respectfully submitted,
Michael N. Castle

* * * * *

The following letter of nomination for appointment from the Governor was read:

STATE OF DELAWARE
Office of the Governor
June 29, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

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

J. Bruce Bredin, P. O. Box 87, Wilmington, DE 19899, to be reappointed as a member of the Board of Trustees of the University of Delaware to serve a six year term to expire on June 1, 1993.

E. Norman Veasey, Esq., P. O. Box 551, Wilmington, DE 19899, to be reappointed as a member of the Board of Trustees of the University of Delaware to serve a six year term to expire on May 31, 1993.

Charles C. Allen, III, P. O. Box 240, Seaford, DE 19973, to be appointed as a member of the Board of Trustees of the University of Delaware to serve a six year term to expire May 20, 1993, to fill a vacancy created by the resignation of Dr. Samuel Lenher as Trustee Emeritus of the Board.

Yolanda D. Jones, P. O. Box 600, Dover, DE 19903, to be appointed as a member of the Board of Trustees of the University of Delaware to serve a one year term commencing July 1, 1987, to fill the vacancy created by the expiration of the term of G. David Bolen.

The above appointees are not a gubernatorial appointments.

Your consideration of these nominations will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

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

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

The following letter of nomination for appointment from the Governor was read:

STATE OF DELAWARE
Office of the Governor
June 30, 1987

To the Senate of the 134th 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: Alfred A. Stango, 48 De Vries Circle, Lewes, DE 19958, to be reappointed to the Commission on Adult Entertainment Establishments to serve as Chairman of the Commission for a term during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

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

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

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

The following letter of nomination for appointment from the Governor was read:
STATE OF DELAWARE
Office of the Governor
June 30, 1987

To the Senate of the 134th 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 J. Coyle, 2233 E. Huntington Drive, Wilmington, DE 19808, to be reappointed as a member of the Alcoholic Beverage Control Commission to serve a three year term expiring January 26, 1990.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

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

The following letter of nomination for appointment from the Governor was read:
STATE OF DELAWARE
Office of the Governor
June 29, 1987

To the Senate of the 134th 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 W. Hutson, Jr., Box P - 231, Millsboro, DE 19966, to be reappointed as a Justice of the Peace of the State of Delaware, in and for Sussex County, to serve a four year term expiring June 27, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

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

The following letter of nomination for appointment from the Governor was read:

STATE OF DELAWARE
Office of the Governor
June 29, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John H. Wilding, 216 Llangollen Boulevard, New Castle, DE 19720, to be reappointed as a Justice of the Peace of the State of Delaware, in and for New Castle County, to serve a four year term expiring September 29, 1988.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

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

The following letters of nomination for appointment from the Governor were read and laid on the table:

STATE OF DELAWARE
Office of the Governor
June 29, 1987

To the Senate of the 134th 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: Anna A. Lewis, 3912 Golfview Drive, Newark, DE 19702, to be reappointed as a Justice of the Peace of the State of Delaware, in and for New Castle County, to serve a four year term expiring May 10, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
June 30, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Ruth L. Oates-Graham, 95 West 23rd Street, Wilmington, DE 19802, to be reappointed as a member of the Board of Trustees of the University of Delaware to serve a six year term expiring June 30, 1993.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

The following letter of nomination for appointment from the Governor was read and considered for confirmation under suspension of the necessary rules on motion of Senator Adams:

STATE OF DELAWARE
Office of the Governor
June 29, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Vicky K. Kleinman, 703 Fiske Lane, Newark, DE 19711, to be reappointed as a Justice of the Peace of the State of Delaware, in and for New Castle County, to serve a four year term expiring May 31, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

The roll call vote on the appointment of Vicky K. Kleinman was then taken and revealed:
YES: Senators Bair, Bane, Berndt, Connor, Knox, Neal, Still - 7.
NO: Senators Adams, Cook, Cordrey, Minner, Sharp, Torbert, Vaughn, Zimmerman - 8.
NOT VOTING: Senators Martin, Slatcher - 2.
ABSENT: Senators Holloway, Marshall, McBride, McDowell - 4.
Therefore, the nomination was not confirmed.

On motion of Senator Marshall and without objection, the necessary rules were suspended for lifting the roll call vote on HB 246 w SA 1. The roll call was then announced:

YES: Senators Bair, Cook, Knox, Marshall, McBride, McDowell, Minner, Sharp, Slatcher, Still, Torbert - 11.

NO: Senators Adams, Cordrey, Martin, Neal, Vaughn - 5.
NOT VOTING: Senators Bane, Berndt, Connor, Holloway, Zimmerman - 5.
Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

Senator Still moved that the necessary rules be suspended to lift the roll call vote on SB 104. The roll call vote on the motion was taken and revealed:

YES: Senators Bair, Bane, Berndt, Connor, Knox, Neal, Still, Zimmerman - 8.
NO: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McDowell, Minner, Sharp, Torbert, Vaughn - 11.

NOT VOTING: Senators McBride, Slatcher - 2.
Therefore the motion, was declared defeated.
HB 102 w HA 2 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 102 w HA 2 - AN ACT TO AMEND TO AMEND CHAPTER 38, TITLE 18 OF THE DELAWARE CODE, RELATING TO DENTAL SERVICE BENEFITS BY DENTAL PLAN ORGANIZATIONS, TO ASSURE FREEDOM OF CHOICE FOR DENTAL SERVICE CONSUMERS AND OPEN ENROLLMENT IN DENTAL PLANS FOR QUALIFIED DENTISTS, AND CERTAIN OTHER IMPROVEMENTS, INCLUDING AN ADVISORY COUNCIL.

The roll call vote on the Bill was taken and revealed:
YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 18.
NO: Senator Neal - 1.

NOT VOTING: Senators Berndt, Knox - 2.
Therefore, the Bill was declared passed by the Senate and returned to the House.
HB 231 was taken up for consideration on motion of Senator Zimmerman:

HB 231 - AN ACT TO AMEND CHAPTER 158, VOLUME 34, LAWS OF DELAWARE, BEING "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR", AS AMENDED BY CHAPTER 219, VOLUME 47, LAWS OF DELAWARE, AND CHAPTER 98, VOLUME 59, LAWS OF DELAWARE, AND CHAPTER 147, VOLUME 61, LAWS OF DELAWARE, AND CHAPTER 5, VOLUME 64, RELATING TO A COUNCILMAN RUNNING FOR THE OFFICE OF MAYOR AND TO NOMINATION OF CANDIDATES FOR THE OFFICES OF MAYOR AND COUNCIL.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Berndt) NOT VOTING, and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

On motion of Senator Torbert, and without objection, the necessary rules were suspended to lift the roll call vote on HB 155. The roll call was then announced:
YES: Senators Adams, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Slatcher, Torbert, Vaughn, Zimmerman - 12.

NO: Senators Bair, Bane, Berndt, Connor, Holloway, Knox, Neal, Sharp, Still - 9.
Therefore, the Bill was declared passed by the Senate and returned to the House.

At 10:16 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 11:50 p.m., Lt. Governor Woo presiding.

The following communication was read:

SENATE
STATE OF DELAWARE
DOVER, DELAWARE 19901

June 30, 1987

TO: ALL MEMBERS OF THE 134TH GENERAL ASSEMBLY
FROM: Richard S. Cordrey, President Pro Tempore
SUBJECT: House Resolution NO. 132

As per the power invested in me, with the passage of House Resolution No. 132, of the 134th General Assembly, I hereby appoint the following to serve as members of the Land Use Task Force to study and receive input relating to land use legislation: Senator Robert I. Marshall, Senator Ruth Ann Minner, Senator Jacob W. Zimmerman.

* * * * *

The Secretary announced that a message from the House informed the Senate that it had passed HB 350; HB 371 w HA 1; HB 320; HB 318; HB 317; HB 316; HB 315; HB 313; HB 311; HB 309; HB 365; HB 180; HB 304 w HA 1; HB 319 w HA 1; HB 314; HB 307; HB 306; HB 305; HB 370; SB 105; SB 97 w SA 1, 2; SB 267; SB 184; SB 185 w SA 1; SB 192; SB 220; SB 190; SB 93 w SA 1; SB 101 w SA 1; SB 186; SB 261; SB 273; SB 48; SB 49 w SA 1; SB 272; SB 98; SB 163; SB 181 w SA 1, 2; SB 172; SB 86; SB 39; SB 178; SB 156; SB 125; SB 171 and adopted HJR 18; HJR 19.

HJR 18 was introduced and considered for adoption under suspension of the necessary rules (no objection) on motion of Senator Cordrey:

HJR 18 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1987. Sponsors: Representative Petrilli, Senator Cordrey; Representatives Corrozi, George, Bennett; Senators Berndt, Cook, Neal.

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

HJR 19 was introduced and considered for adoption under suspension of the necessary rules (no objection) on motion of Senator Cordrey:

HJR 19 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1988. Sponsors: Representative Petrilli, Senator Cordrey; Representatives Corrozi, George, Bennett; Senators Berndt, Cook, Neal.

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

HB 350 was introduced and taken up for consideration under suspension of the necessary rules (no objection) on motion of Senator Cook:

HB 350 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1988; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Representative Corrozi, Senator Cook; Representatives Bennett, Davis, Quillen, Smith, Soles; Senators Berndt, Holloway, McBride, Slatcher, Vaughn.

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

At midnight on motion of Senator Sharp, the 1st Session of the 134th General Assembly adjourned on motion of Senator Sharp.

SPECIAL SESSION
July 1, 1987

Lieutenant Governor
S. B. WOO
State of Delaware

TO: Members of the 134th General Assembly of the State of Delaware
FROM: S. B. Woo, Lt. Governor, State of Delaware
B. Bradford Barnes, Speaker of the House of Representatives
SUBJECT: Special Session
DATE: June 30, 1987 12 o'clock

Pursuant to the provisions of Article II, Section 4 of the Constitution of the State of Delaware of 1897, we hereby declare the 134th General Assembly of the State of Delaware in Special Session.

S. B. Woo, Lt. Governor, State of Delaware
B. Bradford Barnes, Speaker of the House of Representatives
* * * * *

Pursuant to the above declaration, the Senate convened at 12 midnight, Lt. Governor WOO presiding.

A Prayer was offered by Senator Martin.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

The Chair appointed Senators Slatcher and Martin as a Committee to inform the House that the Senate was in Special Session.

The roll call vote on SB 150 was lifted on motion of Senator McDowell under suspension of the necessary rules (no objection) and announced:

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

NO: Senators Bair, Bane, Connor, Knox, Neal - 5.

NOT VOTING: Senators Berndt, Still - 2.

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

SB 292 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Marshall (no objection):

SB 292 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX. Sponsors: Senator Marshall, Representative Petrilli; Senators Adams, Bair, Connor, Cook, Holloway, Knox, Martin, McBride, Minner, Neal, Slatcher, Still, Torbert, Vaughn; Representatives Amick, Barnes, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Clark, Corrozi, Davis, DiPinto, Dixon, B. Ennis, D. Ennis, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack Maroney, Oberle, Outten, Plant, Quillen, Roy, Sills, Smith, Soles, Spence, Taylor, VanSant, West, Wingate.

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

HB 370 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 370 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX. Sponsors: Representative Petrilli, Senator Marshall; Representatives Amick, Barnes, Boykin, Buckworth, Carey, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Quillen, Roy, Smith, Spence, Taylor, Bennett, Brady, Bunting, Campanelli, Clark, Dixon, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, VanSant, West, Wingate; Senators Adams, Bair, Connor, Cook, Holloway, Knox, Martin, McBride, Minner, Neal, Slatcher, Still, Torbert, Vaughn.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Holloway, Knox, Marshall, McBride, Minner, Neal, Still, Torbert, Vaughn - 15.

NO: Senators Cordrey, McDowell, Sharp, Zimmerman - 4.

ABSENT: Senators Martin, Slatcher - 2.

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

HB 275 w HA 1 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):

HB 275 w HA 1 - AN ACT TO AMEND CHAPTER 48, TITLE 29 OF THE DELAWARE CODE TO ENABLE THE STATE OF DELAWARE TO ENTER A TRI-STATE LOTTO COMPACT AND SPECIFYING THE TERMS OF THE COMPACT.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Vaughn.

Representatives Buckworth and Jonkiert were admitted and they informed the Senate that the House was in Special Session.

SA 2 to the Bill (sponsor: Senator Vaughn) was introduced and considered for adoption.

The privilege of the floor was extended to Otho R. Brown (Delaware State Lottery) after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Cordrey, Marshall, Martin, McBride, McDowell, Sharp, Vaughn, Zimmerman - 9.

NO: Senators Bair, Connor, Knox, Minner, Neal, Still - 6.

NOT VOTING: Senators Bane, Torbert - 2.

ABSENT: Senators Berndt, Cook, Holloway, Slatcher - 4.

Therefore, the Amendment was declared defeated.

The roll call vote on HB 275 w HA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert - 18.

NO: Senators Vaughn, Zimmerman - 2.

ABSENT: Senator Cook - 1.

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

HB 248 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection);

HB 248 - AN ACT TO AMEND DELAWARE CODE, TITLE 16, CHAPTER 68 RELATING TO EXEMPTIONS FROM CIVIL LIABILITY.

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

HB 300 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 300 - AN ACT TO AMEND CHAPTER 81, TITLE 10, DELAWARE CODE RELATING TO LIMITING CIVIL LIABILITY FOR CERTAIN NON-PROFIT ORGANIZATION VOLUNTEERS.

Senator Still announced that he will be voting NOT VOTING on the Bill due to possible conflict of interest.

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

A note was read from Senator Zimmerman thanking his fellow Senators for their expressions of sympathy and flowers upon the passing of his father.

HB 5 w HA 1, 2, 3 was taken up for consideration on motion of Senator Zimmerman:

HB 5 w HA 1, 2, 3 - AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE BY CREATING A NEW CHAPTER 22 RELATING TO BOATING SAFETY.

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

HB 331 w HA 2 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules (no objection):

HB 331 w HA 2 - AN ACT TO AMEND CHAPTER 74, TITLE 7 OF THE DELAWARE CODE RELATING TO DELAWARE UNDERGROUND STORAGE TANK ACT.

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

HB 63 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 63 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 11, DELAWARE CODE RELATING TO RESTITUTION.

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

HB 50 was taken up for consideration on motion of Senator Adams under suspension of the necessary rules (no objection):

HB 50 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO THE OATH OF OFFICE FOR MEMBERS OF THE GENERAL ASSEMBLY AND PUBLIC OFFICERS.

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

HB 178 was taken up for consideration on motion of Senator Adams under suspension of the necessary rules (no objection):

HB 178 - AN ACT TO AMEND CHAPTER 69 AND CHAPTER 88 OF TITLE 29 OF THE DELAWARE CODE RELATING TO CENTRALIZED PURCHASING BY THE DIVISION OF PURCHASING FOR CERTAIN COMMODITIES BY ALL DEPARTMENTS AND AGENCIES WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

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

HB 343 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 343 - AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO THE CRIMINAL JURISDICTION OF THE FAMILY COURT OF THE STATE OF DELAWARE.

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

HB 354 w HA 1, 2 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):

HB 354 w HA 1, 2 - AN ACT ENTITLED "THE DELAWARE STATE HOUSING AUTHORITY REORGANIZATION ACT OF 1987", AMENDING TITLES 29 AND 31 OF THE DELAWARE CODE TO TRANSFER THE DELAWARE STATE HOUSING AUTHORITY FROM THE DEPARTMENT OF COMMUNITY AFFAIRS TO THE DELAWARE DEVELOPMENT OFFICE AND TRANSFERRING THE FUNCTIONS OF THE DIVISION OF HOUSING TO THE DELAWARE STATE HOUSING AUTHORITY AND TRANSFERRING SUPERVISION OF THE DELAWARE STATE HOUSING AUTHORITY FROM THE SECRETARY OF COMMUNITY AFFAIRS TO THE DIRECTOR OF THE DELAWARE STATE HOUSING AUTHORITY, AND RELATING TO THE BOND-ISSUING POWER OF THE DELAWARE STATE HOUSING AUTHORITY AND TO THE FUNDS AND ACCOUNTS OF THE STATE HOUSING AUTHORITY.

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

HB 64 was taken up for consideration on motion of Senator Sharp:
HB 64 - AN ACT TO AMEND CHAPTER 35 OF TITLE 18 OF THE DELAWARE CODE RELATING TO GROUP AND BLANKET HEALTH INSURANCE.

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

Senator Still announced that he would be NOT VOTING due to a conflict of interest.

The roll call vote on HB 64 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 18.

NOT VOTING: Senator Still - 1.

ABSENT: Senators Holloway, Neal - 2.

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

HB 223 was taken up for consideration on motion of Senator Sharp:

HB 223 - AN ACT TO AMEND CHAPTERS 13 AND 49, TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE COMPANY SUBSIDIARIES.

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

HB 279 w HA 1 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):

HB 279 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 24 OF THE DELAWARE CODE RELATING TO DEADLY WEAPONS DEALERS.

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

At 1:05 a.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 1:30 a.m., Senator Cordrey presiding.

HB 371 w HA 1 was taken up for consideration on motion of Senator Martin under suspension of the necessary rules (no objection):

HB 371 w HA 1 - AN ACT TO AMEND TITLE 2, TITLE 29 AND TITLE 30 OF THE DELAWARE CODE RELATING TO THE CREATION OF A TRANSPORTATION TRUST FUND IN THE DELAWARE TRANSPORTATION AUTHORITY, AUTHORIZING THE ISSUANCE OF BONDS SUPPORTED BY AND THE EXPENDITURE OF RECEIPTS IN THE TRANSPORTATION AUTHORITY, GRANTING CERTAIN OTHER POWERS TO THE DELAWARE TRANSPORTATION AUTHORITY, AUTHORIZING AN INCREASE IN THE MOTOR FUEL TAX, TRANSFERRING MONEY TO THE TRANSPORTATION TRUST FUND, AUTHORIZING TRANSFERS FROM THE TRANSPORTATION TRUST FUND INCLUDING MONEY FOR MUNICIPAL STREET AID AND MAKING RELATED AMENDMENTS. Sponsors: Representatives Roy, Oberle; Senators Martin, Zimmerman, Torbert; Representatives Amick, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Clark, Corrozi, Davis, DiPinto, Dixon, D. Ennis, Fallon, George, Gilligan, Jester, Lee, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Sills, Smith, Soles, Spence, Taylor, VanSant, Hebner, Houghton, West, Wingate, Barnes; Senators Knox, Bair, Neal, Still, Berndt, Bane.

At 1:31 a.m., Lt. Governor Moo presiding.

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

Senator Martin then moved that the roll call vote on HB 371 w HA 1 be lifted under suspension of the necessary rules (no objection). Therefore, the roll call was lifted and announced:

YES: Senators Bair, Bane, Berndt, Connor, Holloway, Knox, Martin, Neal, Sharp, Slatcher, Still, Torbert, Zimmerman - 13.

NO: Senators Cook, Cordrey, Marshall, McDowell, Minner, Vaughn - 6.

NOT VOTING: Senators Adams, McBride - 2.

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

HB 331 w HA 2 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules (no objection):

HB 331 w HA 2 - AN ACT TO AMEND CHAPTER 74, TITLE 7 OF THE DELAWARE CODE RELATING TO DELAWARE UNDERGROUND STORAGE TANK ACT.

The privilege of the floor was extended to James T. Crosby (Supervisor, Underground Storage Tank Group, D.N.R.E.C.)

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Martin) NOT VOTING and 1 (Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HCR 89 was introduced and considered for adoption on motion of Senator McDowell:

HCR 89 - URGING THE UNITED STATES BANKRUPTCY JUDGE TO GIVE EVERY CONSIDERATION TO MAINTAINING THE PHOENIX STEEL MILL IN CLAYMONT, DELAWARE AS AN OPERATING STEEL PRODUCTION AND ROLLING FACILITY. Sponsors: Representatives Hebner, Oberle, Brady; Senators McDowell, McBride, Bair.

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

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

The Calendar consisted of the following:

SR 64 - EXTENDING CONGRATULATIONS TO STATE SOLICITOR FRED S. SILVERMAN ON BEING APPOINTED CHIEF DEPUTY ATTORNEY GENERAL AND WISHING HIM WELL AS HE ASSUMES HIS NEW DUTIES. Sponsor: Senator Sharp.

SCR 97 - URGING THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO CONDUCT INSPECTIONS OF ALL INDUSTRIAL SITES ALONG WATERWAYS USED FOR DRINKING WATER AND TO REQUIRE SAID INDUSTRIAL SITES TO CONFORM TO ENVIRONMENTAL LAWS AND REGULATIONS. Sponsors: Senator Martin, Representative Amick; Senators Marshall, McDowell, Vaughn, Bane, Neal; Representatives Soles, Davis, Mack, Oberle, Smith.

HCR 20 w HA 1 - REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO INVESTIGATE THE POSSIBILITY OF PROVIDING LIABILITY COVERAGE TO INDIVIDUALS PROVIDING CONTRACTUAL SNOW REMOVAL ASSISTANCE TO THE STATE. Sponsors: Representatives Clark, Plant, B. Ennis, Jonkiert, Caulk, Carey, West, Wingate, Brady, Bunting; Senator Minner.

The roll call vote on SENATE CONSENT CALENDAR was then taken and revealed 19 Senators voting YES and 2 (Bane, Sharp) ABSENT; therefore, the Resolutions were declared adopted. The House Concurrent Resolution was returned to the House and the Senate Concurrent Resolution was sent to the House for consideration.

A messenger from the Governor was announced and admitted.

HCR 82 was introduced and considered for adoption on motion of Senator Marshall:

HCR 82 - DIRECTING THE SECRETARY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AND THE DIRECTOR OF THE DIVISION OF AGING TO UTILIZE ALL AVAILABLE RESOURCES AT THEIR COMMAND TO ASSURE BETTER QUALITY OF FOOD SERVICE THROUGH "PREPARATION ON SITE" AT THE TEN SENIOR CENTERS IN THE GREATER WILMINGTON AREA. Sponsors: Representatives Jonkiert, Corrozi; Senators Holloway, Marshall.

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

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Slatcher, Torbert, Vaughn, Zimmerman - 14.

NOT VOTING: Senators Bair, Bane, Berndt, Connor, Knox, Still - 6.

ABSENT: Senator Sharp - 1.

Therefore, the Resolution was declared adopted by the Senate and returned to the House.

SR 61 was introduced and considered for adoption on motion of Senator Holloway:

SR 61 - CREATING A SENATE TASK FORCE TO STUDY THE USE OF TEMPORARY EMPLOYEES BY SOME DELAWARE AND OUT-OF-STATE EMPLOYERS TO AVOID PAYMENT OF HEALTH CARE INSURANCE AND OTHER FRINGE BENEFITS USUALLY ENJOYED BY FULL-TIME EMPLOYEES. Sponsors: Senators Holloway, Martin, McDowell.

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

HB 20 w SA 1 was lifted from the table for consideration on motion of Senator Cook under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 234 was taken up for consideration on motion of Senator Martin:

HB 234 - AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE, RELATING TO GOVERNING THE USE OF OR CONDUCT ON STATE LANDS OWNED, CONTROLLED OR IN THE CUSTODY OF THE DEPARTMENT OF TRANSPORTATION.

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

HB 336 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection);

HB 336 - AN ACT TO AMEND CHAPTERS 11, 14, 19, AND 23 OF TITLE 30 OF THE DELAWARE CODE RELATING TO VARIOUS REFERENCES TO THE FEDERAL INTERNAL REVENUE CODE.

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

HB 14 w HA 1 was taken up for consideration on motion of Senator Adams under suspension of the necessary rules (no objection):

HB 14 w HA 1 - AN ACT TO AMEND CHAPTERS 3 AND 5, TITLE 28 OF THE DELAWARE CODE RELATING TO THE DELAWARE THOROUGHBRED RACING COMMISSION AND THE DELAWARE HARNESS RACING COMMISSION.

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

YES; Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Slatcher, Still, Torbert, Vaughn - 18.

NOT VOTING: Senators Holloway, Zimmerman - 2.

ABSENT: Senator Sharp - 1.

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

HB 270 was taken up for consideration on motion of Senator Zimmerman:

HB 270 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO THE HIRING PRACTICES OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

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

HB 205 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

HB 205 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO CHARLES H. REID, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE; AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE MADE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Holloway, Knox, Marshall, Martin, Minner, Slatcher, Still, Torbert - 14.

NO: Senators Cordrey, McBride, McDowell, Neal, Zimmerman - 5.

NOT VOTING: Senator Vaughn - 1.

ABSENT: Senator Sharp - 1.

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

HB 339 w HA 1 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):

HB 339 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 14 OF THE DELAWARE CODE RELATING TO CIVIL AND CRIMINAL LIABILITY OF SCHOOL EMPLOYEES OR SUPERINTENDENTS FOR PROVIDING INFORMATION TO CERTAIN AUTHORITIES CONCERNING STUDENT VIOLENCE AND STUDENT POSSESSION OF WEAPONS AND UNLAWFUL DRUGS. Sponsors: Representatives Buckworth, Fallon; Senator Minner; Representatives Quillen, Jester, Wingate, Smith, Spence, Carey, Hebner.

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

HB 282 w HA 1, 2, 3 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

HB 282 w HA 1, 2, 3 - AN ACT TO AMEND TITLES 9, 10, AND 29 OF THE DELAWARE CODE RELATING TO THE PROTHONOTARY OFFICES, TRANSFERRING RESPONSIBILITY AND AUTHORITY FOR PROTHONOTARY OFFICES FROM COUNTY GOVERNMENT TO THE STATE OF DELAWARE.

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

The roll call vote on HB 282 w HA 1, 2, 3, SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Holloway, Knox, Marshall, Martin, Neal, Still, Torbert, Vaughn, Zimmerman - 15.

NO: Senators Cordrey, McBride, McDowell, Minner - 4.

NOT VOTING: Senator Slatcher - 1.

ABSENT: Senator Sharp - 1.

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

On motion of Senator Adams, the roll call vote on HB 358 w HA 1 was lifted; however, before the roll call vote was announced, it was again laid on the table on further motion of the Senator.

HB 185 w HA 1 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules (no objection):

HB 185 w HA 1 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, TO ESTABLISH THE DELAWARE INSURANCE AUTHORITY AUTHORIZING THE AUTHORITY TO ISSUE REVENUE BONDS NOT PLEDGING THE FULL FAITH AND CREDIT OF THE STATE OF DELAWARE AND TO PLEDGE ANY ASSETS OF THE AUTHORITY AS COLLATERAL SECURITY THEREFOR; AND AUTHORIZING THE FORMATION OF JOINT INSURANCE FUNDS AND AN EXCESS INSURANCE POOL. Sponsors: Representatives Petrilli, D. Ennis, Lee, Buckworth, Boykin, VanSant, Dixon, B. Ennis, West, Mack, Brady, Taylor; Senators Marshall, McDowell, Minner, Torbert, Zimmerman, Bair, Bane, Berndt, Connor, Knox, Slatcher.

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

SR 66 was introduced and considered for adoption on motion of Senator Cordrey, acting on behalf of Senator Sharp:

SR 66 - REQUESTING THE SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE TO RECEIVE INPUT ON LAND USE LEGISLATION, AND ESTABLISHING A PROCEDURE TO FACILITATE PUBLIC INPUT. Sponsors: Senators Sharp and Martin.

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

YES: Senators Adams, Cook, Cordrey, Holloway, Martin, McBride, McDowell, Minner, Neal, Still, Torbert, Vaughn, Zimmerman - 13.

NOT VOTING: Senators Bair, Bane, Connor, Knox, Slatcher - 5.

ABSENT: Senators Berndt, Marshall, Sharp - 3.

Therefore, the Resolution was declared adopted.

At 3:00 a.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 3:34 a.m., Lt. Governor Woo presiding.

SB 294 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

SB 294 - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE AND HIGHWAY REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING FUNDS FROM THE FIRST STATE IMPROVEMENT FUND; DEAUTHORIZING CERTAIN GENERAL OBLIGATION BONDS OF THE STATE AND CERTAIN AUTHORITY FOR GUARANTEED INDUSTRIAL REVENUE BONDS; REVERTING AND REPROGRAMMING CERTAIN SURPLUS FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING CERTAIN GENERAL AND SPECIAL FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY; AUTHORIZING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO ALLOCATE STRIPPER WELL FUNDS TO CERTAIN ELIGIBLE CAPITAL IMPROVEMENTS AUTHORIZED IN THIS ACT; TO AMEND SUBCHAPTER VII OF CHAPTER 50 OF TITLE 29 OF THE DELAWARE CODE, RELATING TO ALLOCATION OF STATE PRIVATE ACTIVITY BOND CEILING TO GOVERNMENTAL UNITS, ESTABLISHMENT OF INDUSTRIAL REVENUE BOND COMMITTEE AND REPORTING REQUIREMENTS AND TO AMEND SUBCHAPTER IV OF CHAPTER 50 OF TITLE 20 OF THE DELAWARE CODE TO CLARIFY THE POWER OF THE DELAWARE ECONOMIC DEVELOPMENT AUTHORITY TO ISSUE AND REFUND BONDS AND TO MAKE CERTAIN TECHNICAL CORRECTIONS THERETO; AMENDS THE DELAWARE HEALTH AUTHORITY STATUTES; ALLOWS FOR THE ISSUANCE OF VARIOUS DEBT INSTRUMENTS REGARDLESS OF THE TREATMENT OF INTEREST THEREON FOR FEDERAL TAX PURPOSES; ALLOWS FOR THE ADVANCE FUNDING OF CAPITAL PROJECTS; OTHER RELATED CHANGES; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Senator Cook, Representative Roy; Senators McBride, Still, Minner, Martin, Neal; Representatives B. Ennis, Petrilli, Corrozi, Carey, Jonkiert.

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

The Secretary announced that a message from the House informed the Senate that it had passed HB 373; SB 204; SB 165 w SA 1; SB 255 w SA 1; SB 254; SB 249 w HA 1; SB 292; SB 280; SB 259; SB 256; SS 1 for SB 90 w SA 1; HB 146 w HA 1 and adopted HCR 88; HCR 89; HCR 90; HCR 82; SCR 90; SCR 85 w SA 1.

HB 373 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

HB 373 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID. Sponsors: Representative Corrozi, Senator Cook; Representatives Davis, Quillen Smith, Soles; Senators Berndt, Holloway, McBride, Slatcher, Vaughn.

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

At 3:45 a.m. on motion of Senator Cordrey, the Senate took a short recess and reconvened at 3:50 a.m., Lt. Governor Woo presiding.

SB 249 which had previously passed the Senate, was taken up for reconsideration as further amended by HA 1 under suspension of the necessary rules (no objection) on motion of Senator Holloway.

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

YES: Senators Adams, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Still, Torbert, Vaughn, Zimmerman - 17.

NO: Senators Neal, Slatcher - 2.

ABSENT: Senators Bair, Sharp - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 249 w HA 1, SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Still, Torbert, Vaughn, Zimmerman - 18.

NO: Senators Neal, Slatcher - 2.

ABSENT: Senator Sharp - 1.

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

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

STATE OF DELAWARE
Office of the Governor
June 30, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William B. Mitten, III, 14 Willard Circle, Dover, DE 19901, to be appointed as a member of the Delaware Alcoholic Beverage Control Commission to serve a three year term to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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At 3:55 a.m., July 1, on motion of Senator McDowell, the Senate recessed to the call of the President pro Tempore.

EXTRAORDINARY SESSION
July 2, 1987

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, MICHAEL N. CASTLE, Governor of the State of Delaware, in accordance with the powers granted to me by Article III, §16 of the Constitution of 1897, do hereby call the Senate of the 134th General Assembly of the State of Delaware to convene in Extraordinary Session on Thursday, July 2, 1987, at 2:00 p.m. for the purpose of acting on legislation establishing a statewide revenue sharing program, legislation enabling the modernization of fees for State services, such nominations as may be pending before the Senate or may properly come before it, and such other business as the Senate lawfully may consider.

IN WITNESS WHEREOF, I, MICHAEL N. CASTLE, Governor of the State of Delaware, have hereunto set my Hand and caused the Great Seal of the State of Delaware to be hereunto affixed at Dover this 1st day of July, in the Year of Our Lord the One Thousand Nine Hundred Eighty-Seventh, and of the Independence of the United States of America the Two Hundred Eleventh.

(Signed) Michael N. Castle, Governor.
(Attest) Michael E. Harkins, Secretary of State

* * * * *

Pursuant to the above Proclamation, the Senate convened at 5:25 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.
Pledge of Allegiance to the Flag.
Call of the roll revealed the following attendance:
PRESENT: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 21.

Senator Martin introduced Lt. Governor Woo's wife to the Senate.
HB 305 was introduced and taken up for consideration on motion of Senator Adams under suspension of the necessary rules (no objection):

HB 305 - AN ACT TO AMEND CHAPTER 3, TITLE 3 OF THE DELAWARE CODE RELATING TO MARKETING. Sponsor: Representative Petrilli.
Senators Bair, McBride, Still marked PRESENT.

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

HB 306 was introduced and taken up for consideration on motion of Senator Adams under suspension of the necessary rules (no objection):

HB 306 - AN ACT TO AMEND CHAPTER 87, TITLE 3 OF THE DELAWARE CODE RELATING TO MEAT AND POULTRY INSPECTION LICENSING FEES. Sponsor: Representative Petrilli.
The roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Slatcher, Still, Torbert - 17.

NO: Senators McDowell, Sharp, Vaughn, Zimmerman - 4.

Therefore, the Bill was declared passed by the Senate and returned to the House.
HB 307 was introduced and taken up for consideration on motion of Senator Adams under suspension of the necessary rules (no objection):

HB 307 - AN ACT TO AMEND CHAPTER 51, TITLE 6 OF THE DELAWARE CODE RELATING TO WEIGHMASTER LICENSE FEES. Sponsor: Representative Petrilli.

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

HB 311 was introduced and taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 311 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE FEE ASSESSED FOR DRIVER RECORDS AND VEHICLE RECORDS. Sponsor: Representative Petrilli.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Minner, Zimmerman) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 309 was introduced and taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 309 - AN ACT TO AMEND SECTION 9801, CHAPTER 98 TITLE 10 OF THE DELAWARE CODE RELATING TO JUSTICE OF THE PEACE COURT COSTS. Sponsor: Representative Petrilli.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, Neal, Slatcher, Still - 14.

NO: Senators McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman - 7.

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

HB 313 was introduced and taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 313 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE FEE ASSESSED FOR RETAINING A REGISTRATION PLATE. Sponsor: Representative Petrilli.

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

YES: Senators Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, Neal, Slatcher, Still - 13.

NO: Senators Adams, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman - 8.

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

HB 318 was introduced and taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 318 - AN ACT TO AMEND CHAPTER 83, TITLE 21 OF THE DELAWARE CODE RELATING TO THE INCREASE IN LICENSE FEE FOR A COMMERCIAL DRIVER TRAINING SCHOOL INSTRUCTOR. Sponsor: Representative Petrilli.

The privilege of the floor was extended to Derek L. Crawford (Assistant Secretary of Finance) after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, Minner, Neal, Sharp, Slatcher, Still, Torbert - 17.

NO: Senators McBride, McDowell, Vaughn, Zimmerman - 4.

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

HB 319 w HA 1 was introduced and taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 319 w HA 1 - AN ACT TO AMEND CHAPTER 43, TITLE 29 OF THE DELAWARE CODE RELATING TO NOTARY PUBLIC FEES. Sponsor: Representative Petrilli.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Richard Dillard (Senate Attorney) and Michael Harkins (Secretary of State).

SA 1 to the Bill (sponsor: Senator Bair) was introduced and considered for adoption.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert - 18.

NO: Senators McBride, Vaughn, Zimmerman - 3.

Therefore, the Amendment was declared adopted.

The roll call vote on HB 319 w HA 1, SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert - 18.

NO: Senators McBride, Vaughn, Zimmerman - 3.

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

SB 296 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Sharp (no objection):

SB 296 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX. Sponsors: Senator Sharp, Representative Petrilli; Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Torbert, Vaughn, Zimmerman, Bair, Bane, Berndt, Connor, Knox, Neal, Slatcher, Still; Representatives Amick, Barnes, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, DiPinto, Ennis, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Quillen, Roy, Smith, Spence, Taylor, Bennett, Brady, Bunting, Campanelli, Clark, Dixon, Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, VanSant, West, Wingate.

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

At 6:02 p.m. on motion of Senator Sharp, the Senate recessed for a short period and reconvened at 6:15 p.m., Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 383.

HB 383 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Martin (no objection):

HB 383 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND TITLE 2, TITLE 29 AND TITLE 30 OF THE DELAWARE CODE RELATING TO THE CREATION OF A TRANSPORTATION TRUST FUND IN THE DELAWARE TRANSPORTATION AUTHORITY, AUTHORIZING THE ISSUANCE OF BONDS SUPPORTED BY AND THE EXPENDITURE OF RECEIPTS IN THE TRANSPORTATION TRUST FUND, GRANTING CERTAIN OTHER POWERS TO THE DELAWARE TRANSPORTATION AUTHORITY, AUTHORIZING AN INCREASE IN THE MOTOR FUEL TAX, TRANSFERRING MONEY TO THE TRANSPORTATION TRUST FUND, AUTHORIZING TRANSFERS FROM THE TRANSPORTATION TRUST FUND INCLUDING MONEY FOR MUNICIPAL STREET AID AND MAKING RELATED AMENDMENTS." ALSO BEING KNOWN AS HOUSE BILL NO. 371 AS AMENDED BY HOUSE AMENDMENT NO. 1 AND PASSED BY THE 134TH GENERAL ASSEMBLY TO CLARIFY THE EFFECTIVE DATE THEREOF. Sponsors: Representatives Roy, Oberle; Senators Martin, Zimmerman, Torbert; Representatives Amick, Bennett, Boykin, Brady, Buckworth, Campanelli, Carey, Clark, Corrozi, Davis, DiPinto, Dixon, D. Ennis, Fallon, George, Gilligan, Jester, Lee,, Mack, Maroney, Outten, Petrilli, Plant, Quillen, Sills, Smith, Soles, Spence, Taylor, VanSant, Hebner, Houghton, West, Wingate, Barnes; Senators Knox, Bair, Neal, Still, Berndt, Bane.

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

SB 298 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Holloway (no objection):

SB 298 - AN ACT TO ESTABLISH A MECHANISM AND FORMULA FOR THE SHARING OF STATE REVENUE WITH COUNTIES AND MUNICIPALITIES, AMENDING TITLE 30 OF THE DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX. Sponsors: Senator Holloway, Representative Oberle.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, Minner, Neal, Slatcher, Still, Torbert, Vaughn, Zimmerman - 18.

NO: Senators McBride, McDowell, Sharp - 3.

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

On motion of Senator Adams, the roll call vote on HB 358 w HA 1 was lifted from the table and announced:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Holloway, Knox, Neal, Sharp, Slatcher, Still - 11.

NO: Senators Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Torbert, Vaughn, Zimmerman - 10.

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

SB 297 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Adams (no objection):

SB 297 - AN ACT TO AMEND TITLE 11, CHAPTER 83, SECTION 8322, DELAWARE CODE RELATING TO STATE POLICE PENSION BENEFITS. Sponsors: Senators Adams, Still, Sharp; Representatives Spence, Davis.

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

SB 299 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Adams (no objection):

SB 299 - AN ACT TO AMEND TITLE 11, CHAPTER 83, SECTION 8323, DELAWARE CODE RELATING TO STATE POLICE PENSION BENEFITS. Sponsors: Senators Adams, Still, Sharp; Representatives Spence, Davis.

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

SR 68 was introduced and considered for adoption on motion of Senator Bair:

SR 68 - FORGETTING THE SOUND AND FURY LONG ENOUGH TO WISH OUR GOVERNOR, MICHAEL N. CASTLE, A HAPPY BIRTHDAY AS HE REACHES AGE 48. Sponsors: Senators Bair, Connor, Cordrey, Sharp, McDowell.

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

Senator Bair moved that HB 80 be restored to the Calendar. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Holloway, Knox, Neal, Still, Zimmerman - 10.

NO: Senators Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn - 11.

Therefore, the motion was declared defeated.

At 6:58 p.m. on motion of Senator Sharp, the Extraordinary Session called by the Governor adjourned.

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EXTRAORDINARY SESSION
December 8, 1987

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, MICHAEL N. CASTLE, Governor of the State of Delaware, pursuant to Article III, Section 16 of the Constitution of 1897, do hereby call the 134th General Assembly to convene in Extraordinary Session on Tuesday, December 8, 1987, at 1:00 p.m., for the purpose of considering and acting upon the Quality of Life legislation and such other business as may lawfully come before it, and, with respect to the Delaware State Senate, for the purpose of considering and confirming executive appointments.

IN WITNESS WHEREOF, I, MICHAEL N. CASTLE, Governor of the State of Delaware, have hereunto set my Hand and caused the Great Seal of said State to be hereunto affixed at Wilmington, this 8th day of November, in the year of Our Lord the one thousand nine hundred and eighty-seventh, and of the Independence of the United State of America the two hundred and twelfth.

Michael N. Castle, Governor

ATTEST: Michael N. Harkins, Secretary of State

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Pursuant to the above Proclamation, the Senate convened at 4:21 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Marshall.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

Senator Adams moved that the following 7 letters of nomination from the Governor be read and laid on the table (no objection):

STATE OF DELAWARE
Office of the Governor
June 29, 1987

To the Senate of the 134th 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: Steven Dale Bennett, R.D. 1, Box 232, Milford, DE 19963, to be appointed as a member of the Advisory Council on Tidal Finfisheries to serve a term expiring June 30, 1988, to replace Jonathan P. Mick, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 30, 1987

To the Senate of the 134th 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: Gerard A. Cain, 5401 Lancaster Pike, Wilmington, DE 19807, to be reappointed as a member of the Delaware Technical and Community College Board of Trustees to serve a three year term to expire June 30, 1990.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 29, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Francis A. DiMondi, R.D. 1, Box 254C, Dover, DE 19901, to be appointed as a member of the Delaware River, and Bay Authority to serve a term expiring July 1, 1988, to fill the unexpired term of Ernest Killen.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 29, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Harry M. Fisher, III, P.O. Box 392, Felton, DE 19943, to be reappointed as a member of the State Coastal Zone Industrial Control Board to serve a five year term expiring June 29, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 29, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Donald D. Phillips, 33 North Shore Drive, Seaford, DE 19973, to be appointed as a member of the Public Service Commission to serve a term expiring May 1, 1991, to replace Donald B. Jacobs, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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Office of the Governor
June 30, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Paul R. Stoffer, 80 West 5th Street, New Castle, DE 19720, to be appointed as a member of the State Personnel Commission to serve a three year term to replace W. H. McFadden, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 29, 1987

To the Senate of the 134th 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 D. Super, 307 Center Meeting Road, Wilmington, DE 19807, to be appointed as a member of the State Coastal Zone Industrial Control Board to serve a five year term to replace Lynn W. Williams, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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Senator Adams withdrew his motion to lay the above letters of nomination on the table and moved that they be assigned to the Executive Committee (no objection).

Senator Sharp introduced to the Senate Ron Aiello and Mike Purczyk (New Castle County Councilmen).

Senator Holloway marked PRESENT.

A messenger from the Governor was announced and admitted.

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

STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th 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: Ray K. Woodward, Box 165, Middletown, DE 19709, to be reappointed as a member of the Environmental Appeals Board to serve a three year term to expire June 30, 1990.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th 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: Alfred Leo Donnelly, Post Office Box 91, Seaford, DE 19973, to be reappointed as a member of the Delaware River and Bay Authority to serve a five year term expiring July 1, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th 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: Remsen C. Barnard, III, Post Office Box 179, Milford, DE 19963, to be reappointed as a member of the Delaware River and Bay Authority to serve a five year term expiring July 1, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th 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: Lewis Trivits, 525c Colonial Gardens, Seaford, DE 19973, to be appointed as a member of the Sussex County Board of Elections to serve a term expiring January 31, 1988, to replace Elwood S. Jones, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th 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 D. Elliott, P.O. Box 212, Delmar, DE 19940, to be reappointed as a member of the Sussex County Board of Elections to serve a four year term expiring April 10, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Edward S. Stansky, 420 Delaware Street, New Castle, DE 19720, to be reappointed as a member of the Violent Crimes Compensation Board to serve a three year term to expire June 30, 1990.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Leah W. Betts, 113 Magnolia Street, Milton, DE 19968, to be reappointed as a member of the Violent Crimes Compensation Board to serve a three year term expiring August 5, 1989.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th 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: Abigail E. Truitt, 24 Clayton Street, Dewey Beach, DE 19971, to be reappointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term expiring July 2, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Howard W. Mulvaney, III, 740 Rosetree Lane, Seaford, DE 19973, to be reappointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term expiring July 7, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Gerald W. Pepper, Route 1, Box 301-C, Selbyville, DE 19975, to be reappointed as a member of the Sussex County Board of Elections to serve a four year term expiring April 10, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Edward G. Davis, 205 8th Street, Laurel, DE 19956, to be reappointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term expiring July 2, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th 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: Agnes E. Pennella, 101 Candlewicke Drive, Dover, DE 19901, to be reappointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term expiring July 7, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th 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: Rosalind Toulson, 2503 Washington Street, Wilmington, DE 19802, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term expiring July 2, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th 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: Dr. Timothy E. Targett, 39 Sussex Drive, Lewes, DE 19958, to be appointed as a Commissioner of the Atlantic States Marine Fisheries Commission to serve a three year term to replace Kent S. Price, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th 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: Sheila Blakely, 301 Kings Highway, Milford, DE 19963, to be reappointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term expiring July 7, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Arthur W. Boswell, 4302 Marlow Road, Wilmington, DE 19802, to be appointed as a member of the State Board of Education to serve a term expiring July 1, 1988, to replace Kenneth Hilton, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Harry Dale Parsons, 7 Vermont Avenue, Lewes, DE 19958, to be appointed as a member of the Advisory Council on Tidal Finfisheries to serve a five year term to replace Lloyd Cochran, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
December 8, 1987

To the Senate of the 134th 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 H. Poullin, R.D. 1, Box 176, Frederica, DE 19946, to be appointed as a member of the Advisory Council on Tidal Finfisheries to serve a five year term to replace Benjamin B. Betts, Jr., whose term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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

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

On motion of Senator Adams, the Governor's nomination for appointment of Garrett B. Lyons, D.D.S. was taken up for consideration under suspension of the necessary rules and the roll call vote taken which revealed 20 Senators voting YES and 1 (Sharp) NOT VOTING; therefore, the appointment was declared confirmed.

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

On motion of Senator Adams, the Governor's nomination for appointment of Jerome O. Herlihy was taken up for consideration under suspension of the necessary rules and the roll call vote taken.

Senator Knox moved that the roll call be tabled before being announced. Senator Sharp objected. The roll call vote on the tabling motion was then taken and revealed:

YES: Senators Bair, Bane, Berndt, Connor, Holloway, Knox, Neal, Slatcher, Still - 9.

NO: Senators Adams, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn - 11.

NOT VOTING: Senator Zimmerman - 1.

Therefore, the motion was defeated and the roll call vote on the nomination for appointment of Jerome O. Herlihy was announced:

YES: Senators Bair, Bane, Berndt, Connor, Knox, Martin, Neal, Still - 8.

NO: Senators Cordrey, Holloway, Sharp, Vaughn, Zimmerman - 5.

NOT VOTING: Senators Adams, Cook, Marshall, McBride, McDowell, Minner, Slatcher, Torbert - 8.

Therefore, the nomination was defeated.

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

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

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

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

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

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

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

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

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

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

The Sergeant-at-Arms announced a delegation from the House (Representatives Smith and Jonkier). They approach the lectern and informed the Senate that the House was re-organized under the new speaker, Representative Terry Spence.

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

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

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

SENATE CONSENT CALENDAR #20 was introduced and considered for adoption on motion of Senator Minner. The Calendar consisted of the following:

SR 64 - EXTENDING CONGRATULATIONS TO STATE SOLICITOR FRED S. SILVERMAN ON BEING APPOINTED CHIEF DEPUTY ATTORNEY GENERAL AND WISHING HIM WELL AS HE ASSUMES HIS NEW DUTIES. Sponsor: Senator Sharp.

SCR 98 - EXPRESSING CONGRATULATIONS AND BEST WISHES TO ROBERT H. AND VIVIAN REED OF DOVER AS THEY CELEBRATE THEIR GOLDEN WEDDING ANNIVERSARY. Sponsors: Senators Zimmerman, Torbert, Cook, Minner, Vaughn; Representatives B. Ennis, Clark, Bennett, Outten.

SCR 99 - EXPRESSING CONDOLENCES TO THE FAMILY OF HELEN E. BAYNARD, FORMER MANAGER OF THE CAFETERIA, LEGISLATIVE HALL, WHO DIED FRIDAY, NOVEMBER 27, 1987. Sponsors Zimmerman, Holloway and all Senators; Representative Plant.

SCR 100 - EXPRESSING DEEP REGRET AT THE UNTIMELY PASSING OF MR. BRUCE E. HARRIS OF DOVER AND EXTENDING HEARTFELT CONDOLENCES TO HIS FAMILY AND HIS FIANCE. Sponsors: Senator Zimmerman; Representatives Bennett, Outten.

SCR 101 - HONORING THE MEMORY OF THOSE WHO GAVE THEIR LIVES FOR THEIR COUNTRY IN THE ATTACK ON PEARL HARBOR ON DECEMBER 7, 1941. Sponsors: Senator Zimmerman; Representative Outten.

SCR 102 - CONGRATULATING THE REVEREND ROBERT .S AND CAROLYN STARRETT OF FAIRFIELD FARMS ON THEIR SILVER WEDDING ANNIVERSARY. Sponsors: Senator Torbert, Representative Buckworth.

SCR 103 - CONGRATULATING PENNY T. SHOCKLEY, A FOURTH GRADE TEACHER AT MILFORD'S LAKEVIEW ELEMENTARY SCHOOL, ON HER SELECTION AS 1988 DELAWARE TEACHER OF THE YEAR. Sponsors: Senator Minner, Representative Caulk.

SCR 104 - MOURNING THE DEATH OF PAYNTER I, REYNOLDS OF MILFORD, A FORMER EMPLOYEE OF THE STATE HIGHWAY DIVISION. Sponsors: Senators Torbert, Minner; Representative Caulk.

SCR 105 - MOURNING THE DEATH OF G. LESTER CLEAVER OF MIDDLETOWN, A FORMER NEW CASTLE COUNTY SHERIFF, LEVY COURT COMMISSIONER, AND MEMBER OF THE HOUSE OF REPRESENTATIVES. Sponsors: Senator Vaughn, Representative Jester.

SCR 106 - HONORING THE GEORGETOWN BIG LEAGUE ALL-STAR BASEBALL TEAM ON ITS VICTORY IN THE REGIONAL CHAMPIONSHIP AND ITS FINE SHOWING IN THE BIG LEAGUE WORLD SERIES. Sponsors: Senator Adams, Representative West.

SCR 107 - HONORING THE TOWN OF BRIDGEVILLE ON THE OCCASION OF ITS OBSERVANCE OF THE BICENTENNIAL OF DELAWARE'S RATIFICATION OF THE CONSTITUTION. Sponsors: Senator Adams, Representative Ewing.

SCR 108 - EXPRESSING CONDOLENCES UPON LEARNING OF THE DEATH OF DR. RUTH E. CORNELL, FORMER SUPERVISOR OF SCIENCE EDUCATION IN THE WILMINGTON PUBLIC SCHOOL SYSTEM. Sponsors: Senators Bair, Holloway, Neal, McDowell, Berndt, Knox, McBride; Representatives George, Sills, Jester, Fallon, Smith, DiPinto.

SCR 109 - MOURNING THE UNTIMELY DEATH OF DAVID L. WELCH SR. OF HARRINGTON AND ROBIN (ROB) SCOTT FULMER OF DOVER, MEMBERS OF A STATE HIGHWAY DIVISION SURVEY CREW KILLED IN A TRAFFIC ACCIDENT JULY 31, 1987. Sponsors: Senators Cook, Zimmerman; Representatives Quillen, Bennett.

SR 70 - RECOGNIZING THE WEEK OF NOVEMBER 22ND THROUGH THE 28TH AS "ADOPTION WEEK IN DELAWARE". Sponsors: Senators Bair, Holloway, Bane, Neal, McDowell.

SR 71 - HATS OFF TO THE BRANDYWINE HIGH SCHOOL FIELD HOCKEY TEAM AS IT WINS ITS FIRST STATE CHAMPIONSHIP TOURNAMENT. Sponsors: Senators Bair, Berndt, Knox.

HCR 88 - CONGRATULATING CORPORAL ROBERT J. DURMAN OF THE DELAWARE STATE POLICE UPON BEING RECOGNIZED BY NEWSWEEK MAGAZINE AS ONE OF 51 UNSUNG HEROES IN AMERICA. Sponsors: Representatives VanSant, B. Ennis; Senator Vaughn.

HCR 90 - COMMENDING THE PRINT SHOP STAFF OF LEGISLATIVE COUNCIL'S RESEARCH DIVISION FOR AN OUTSTANDING PERFORMANCE ON THE 198 PAGE BUDGET BILL. Sponsors: Representative Corrozi, Senator Cook; Representatives Smith, Davis, Quillen, Soles, Bennett; Senators Holloway, McBride, Vaughn, Slatcher, Berndt on behalf of all members.

The roll call vote on SENATE CONSENT CALENDAR #20 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 91 and HJR 20.

HJR 20 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Sharp:

HJR 20 - IN REFERENCE TO ELECTION OF OFFICERS. Sponsors: Representatives Petrilli, Buckworth, Spence.

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

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

HCR 91 - MOURNING THE DEATH OF B. BRADFORD BARNES, SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE 134TH GENERAL ASSEMBLY OF DELAWARE. Sponsors: Representative Spence, Senator Adams and all members of both houses.

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

SB 303 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Minner:

SB 303 - AN ACT TO AMEND CHAPTERS 26, 49, AND 69 OF TITLE 9 OF THE DELAWARE CODE RELATING TO ZONING AND SUBDIVISION IN SUSSEX, KENT, AND NEW CASTLE COUNTIES; AND PROVIDING A LIMITATION ON THE LIABILITY OF CERTAIN PARTIES SEEKING JUDICIAL REVIEW OF ZONING, SUBDIVISION, AND LAND USE DECISION. Sponsors: Senators Minner, Martin; Representative Taylor; Senator Cook; Representatives Amick, Brady, Roy.

The following Senators requested that they be added as co-sponsors of the Bill also: Torbert, McDowell, Sharp, Marshall, McBride.

The privilege of the floor was extended to Francis J. Murphy (Senate Attorney) after which the roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 6:00 p.m. on motion of Senator Sharp, the Senate recessed for dinner and reconvened at 8:12 p.m., Senator Cordrey presiding.

SB 302 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Sharp (no objection):

SB 302 - AN ACT TO AMEND CHAPTER 26, TITLE 9 OF THE DELAWARE CODE RELATING TO ZONING IN NEW CASTLE COUNTY. Sponsors: Senator Sharp, Representative Taylor; Senator Martin; Representatives Amick, Roy, Brady.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Karen Peterson (President, New Castle County Council) and Francis J. Murphy (Senate Attorney).

SA 1 to the Bill (sponsor: Senator Marshall) was introduced and laid on the table on the sponsor's motion.

The roll call vote on SB 302 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 301 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Martin (no objection):

SB 301 - AN ACT TO AMEND CHAPTERS 26, 49, AND 69 OF TITLE 9 AND CHAPTER 92 OF TITLE 29 OF THE DELAWARE CODE RELATING TO INFORMATION CONSIDERED BY THE SUSSEX, KENT, AND NEW CASTLE COUNTY GOVERNMENTS IN THE ZONING, SUBDIVISION, AND LAND USE PROCESS; AND THE PROCESS FOR INTERGOVERNMENT COORDINATION IN LAND USE PLANNING. Sponsors: Senator Martin, Representative Taylor; Senators Cook, Minner, Bair, Berndt, Knox, Still, Bane, Neal, Connor, Slatcher; Representatives Amick, Roy, Brady, Outten.

The privilege of the floor was extended to Francis J. Murphy (Senate Attorney) after which the roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 304 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Martin (no objection):

SB 304 - AN ACT TO AMEND CHAPTERS 26 AND 49 OF TITLE 9 OF THE DELAWARE CODE RELATING TO ZONING IN NEW CASTLE AND KENT COUNTIES. Sponsors: Senator Martin, Representative Taylor; Representatives Amick, Roy, Brady.

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

SB 305 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Martin (no objection):

SB 305 - AN ACT TO AMEND CHAPTER 40, TITLE 7 OF THE DELAWARE CODE RELATING TO INSPECTION RESPONSIBILITIES IN CONTROLLING EROSION AND SEDIMENTATION. Sponsors: Senator Martin, Representative Taylor; Senators Cook, Minner, Bair, Bane, Berndt, Connor, Knox, Neal, Slatcher, Still; Representatives Amick, Roy, Brady, Outten.

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

SB 300 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Martin (no objection):

SB 300 - AN ACT TO AMEND CHAPTERS 26, 49, AND 69 OF TITLE 9 OF THE DELAWARE CODE RELATING TO ZONING AND SUBDIVISION IN NEW CASTLE, KENT AND SUSSEX COUNTIES. Sponsors: Senators Martin, Sharp; Representatives Roy, Amick, Taylor.

During discussion of the Bill and the various Amendments offered to it, the privilege of the floor was extended to Francis J. Murphy (Senate Attorney), Robert W. O'Brien (Administrator, Kent County Government), Ronald J. Aiello (New Castle County Government) and Edmond M. Ianni (New Castle County Government).

SA 1 to the Bill (sponsors: Senators Martin, Sharp) was introduced and considered for adoption on motion of Senator Martin.

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

YES: Senators Bane, Marshall, Martin, McDowell, Neal, Sharp - 6.

NO: Senators Adams, Berndt, Connor, Cook, Cordrey, Holloway, Knox, McBride, Minner, Slatcher, Still, Torbert, Vaughn - 13.

NOT VOTING: Senator Bair - 1.

ABSENT: Senator Zimmerman - 1.

Therefore, the Amendment was declared defeated.

SA 2 to the Bill (sponsor: Senators McDowell, Minner) was introduced and considered for adoption on motion of Senator McDowell.

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

YES: Senators Cook, Marshall, McDowell, Minner, Sharp, Torbert, Zimmerman - 7.

NO: Senators Adams, Bair, Bane, Berndt, Connor, Cordrey, Holloway, Knox, Martin, Neal, Slatcher, Still, Vaughn - 13.

NOT VOTING: Senator McBride - 1.

Therefore, the Amendment was declared defeated.

The roll call vote on SB 300 was then taken; however, the roll call vote on the Bill was laid on the table before being announced on motion of Senator Martin.

The Secretary announced that a message from the House informed the Senate that it had passed HB 389, HB 390, HB 392.

HB 389 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Martin (no objection):

HB 389 - AN ACT TO AMEND CHAPTERS 26, 30, 48, 49, 68 AND 69, TITLE 9 OF THE DELAWARE CODE REQUIRING NOTICE TO LOCAL SCHOOL DISTRICTS BEFORE APPROVAL OF ZONING CHANGES OR SUBDIVISION PLANS. Sponsors: Representative Amick, Senator Martin; Representatives Carey, DiPinto, D. Ennis, Buckworth, Petrilli, Roy, Gilligan, VanSant, Outten, Wingate, Brady, Bennett.

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

HB 392 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Martin (no objection):

HB 392 - AN ACT TO AMEND CHAPTER 13, TITLE 9 OF THE DELAWARE CODE RELATING TO THE JURISDICTION OF THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT; APPROVAL BY COUNTY COUNCIL OF USE VARIANCES REQUIRED. Sponsors: Representative Roy, Senator Martin; Representatives Amick, DiPinto, D. Ennis, Petrilli, Buckworth, Taylor, Gilligan, Brady.

The following Senators were added as co-sponsors of the Bill at their request: Bair, Berndt, Connor, Knox, Neal, Still.

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

HB 390 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Martin (no objection):

HB 390 - AN ACT TO AMEND TITLE 7, CHAPTER 40, OF THE DELAWARE CODE, RELATING TO ENFORCEMENT BY CRIMINAL PENALTY, ADDING A LESSER CRIMINAL PENALTY, AND CONCILIATION. Sponsors: Representative Outten, Senator Martin; Representatives Amick, Taylor, Petrilli, Buckworth, Carey, DiPinto, D. Ennis, Roy, Gilligan, VanSant, Wingate, Bennett.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Sharp, Slatcher, Still, Torbert - 17.

NO: Senators Cordrey, McDowell, Zimmerman - 3.

NOT VOTING: Senator Vaughn - 1.

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

The following legislation was introduced:

SB 306 - AN ACT TO AMEND CHAPTER 40, TITLE 7 OF THE DELAWARE CODE RELATING TO INSPECTION RESPONSIBILITIES IN CONTROLLING EROSION AND SEDIMENTATION. Sponsors: Senator Martin, Representative Taylor; Senators Cook, Minner, Bair, Bane, Berndt, Connor, Knox, Neal, Slatcher, Still; Representatives Amick, Roy, Brady, Outten. Immediately stricken at the request of the prime sponsor.

SB 307 - AN ACT TO RETROACTIVELY EXTEND COVERAGE OF LINE-OF-DUTY DEATH BENEFITS UNDER THE PROVISIONS OF CHAPTER 66, TITLE 18 OF THE DELAWARE CODE, TO SURVIVORS OF DAVID L. WELCH, SR. AND ROBIN S. FULMER. Sponsors: Senators Cook, Minner, Torbert, Zimmerman, Vaughn, Adams; Representatives Quillen, Bennett, Outten, Clark, Caulk, Buckworth, Ewing. Laid on the table on motion of Senator Cook.

SB 308 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS. Sponsors: Senator McDowell; Representative D. Ennis; Senators Berndt, Vaughn. Assigned to Natural Resources and Environmental Control Committee.

SB 309 - AN ACT TO AMEND CHAPTER 2, PART II, TITLE 12 OF THE DELAWARE CODE RELATING TO DECEDENTS' ESTATES AND FIDUCIARY RELATIONS; AND PROVIDING FOR A UNIFORM TESTAMENTARY ADDITIONS TO TRUST ACT. Sponsor: Senator McBride. Assigned to Judiciary Committee.

SCR 110 was introduced and considered for adoption on motion of Senator McBride:

SCR 110 - COMMENDING THE WILMINGTON MANOR VOLUNTEER FIRE COMPANY FOR ANOTHER YEAR OF DEDICATED COMMUNITY SERVICE AND RECOGNIZING SUCH SERVICE AT ITS ANNUAL BANQUET CELEBRATION, DECEMBER 12, 1987. Sponsors: Senators McBride, Connor; Representatives Dixon, Houghton, Mack, Spence.

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

On motion of Senator Connor, the Senate rose for a moment of silent prayer for World Peace.

At 10:20 p.m. on motion of Senator Sharp, the Extraordinary Session called by the Governor adjourned.

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The Special Session which convened on July 1, 1987 reconvened at 2:41 p.m., January 12, 1988, Lt. Governor Woo presiding.

The following legislation was introduced:

SB 291 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY AND TO MENTAL HEALTH SERVICES FOR CHILDREN. Sponsor: Senator McDowell. Assigned to Children, Youth and Families Committee.

SB 293 - AN ACT TO AMEND DELAWARE CODE, TITLE 10, AS IT RELATES TO PROCEDURE IN THE SUPERIOR COURT. Sponsor: Senator McDowell. Assigned to Judiciary Committee.

SB 295 - AN ACT TO AMEND CHAPTER 13, TITLE 14, OF THE DELAWARE CODE RELATING TO SC. CUSTODIANS AND MAINTENANCE MECHANICS. Sponsor: Senator Neal. Assigned to Judiciary Committee.

SB 310 - AN ACT TO AMEND PART VII, TITLE 7 OF THE DELAWARE CODE RELATING TO HAZARDOUS WASTE MANAGEMENT; AND PROVIDING FOR REGULATION AND RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP. Sponsors: Senator McDowell, Representative Hebner. Assigned to Natural Resources and Environmental Control Committee.

SJR 10 - DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO NAME THE TRACT OF LAND ADJACENT TO BARKER'S LANDING OF THE ST. JONES RIVER THE PAUL E. SCOTTON TRACT, IN HONOR OF PAUL E. SCOTTON'S DEVOTED WORK FOR THE ST. JONES RIVER PROJECT. Sponsors: Senator Torbert, Representative Caulk. Assigned to Executive Committee.

SA 1 to SB 239. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to HS 1 for HB 6. Sponsor: Senator Bair. Placed with the Bill.

SA 1 to HB 169. Sponsor: Senator Bair. Placed with the Bill.

SA 1 to HB 229. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 1 to HB 328. Sponsor: Senator McBride. Placed with the Bill.

SA 2 to HB 328. Sponsor: Senator Zimmerman. Placed with the Bill.

SB 311 - AN ACT TO AMEND CHAPTER 1, TITLE 8, DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW. Sponsor: Senator Sharp. Assigned to Judiciary Committee.

HB 146 - AN ACT TO AMEND CHAPTER 68, TITLE 16, DELAWARE CODE RELATING TO EXEMPTIONS FROM CIVIL LIABILITY. Sponsors: Representatives Quillen, B. Ennis; Senator Vaughn. Assigned to Health-Social Services/Aging Committee.

HB 180 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE AUTHORIZATION OF COMPENSATORY PAYMENTS TO INCORPORATED AREAS OR TO THE COUNTY GOVERNMENT FOR CERTAIN EXEMPT PROPERTIES OWNED BY THE STATE OF DELAWARE AND LOCATED WITHIN THE BOUNDARIES OF KENT COUNTY. Sponsors: Representatives Outten, Bennett, Clark, Quillen. Assigned to Judiciary Committee.

HB 304 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 24 OF THE DELAWARE CODE RELATING TO MALPRACTICE INSURANCE FOR PODIATRISTS. Sponsors: Representatives Amick, VanSant; Senator McDowell. Assigned to Administrative Services Committee.

HB 314 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE FEE FOR A TEMPORARY REGISTRATION PLATE. Sponsor: Representative Petrilli. Assigned to Public Safety Committee.

HB 315 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO AN INCREASE IN THE FEE IF A VEHICLE'S REGISTRATION IS RENEWED FOR LESS THAN ONE YEAR. Sponsor: Representative Petrilli. Assigned to Public Safety Committee.

HB 316 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE INCREASE OF REINSTATEMENT FEES FOR DRIVERS WHOSE LICENSES HAVE BEEN SUSPENDED. Sponsor: Representative Petrilli. Assigned to Public Safety Committee.

HB 317 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ESTABLISHING OF A FEE FOR THE ISSUANCE OF A CONDITIONAL OR OCCUPATIONAL DRIVER LICENSE. Sponsor: Representative Petrilli. Assigned to Public Safety Committee.

HB 320 - AN ACT TO AMEND CHAPTER 90, TITLE 29 OF THE DELAWARE CODE RELATING TO THE PAYMENT FOR SERVICES PROVIDED BY THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES. Sponsor: Representative Petrilli. Assigned to Children, Youth and Families Committee.

HB 365 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT. Sponsor: Representative Maroney. Assigned to Judiciary Committee.

At 2:54 p.m. on motion of Senator Sharp, the Special Session adjourned until Tuesday, January 12, 1988, at 2:54 p.m..

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134TH GENERAL ASSEMBLY
SECOND SESSION
1ST LEGISLATIVE DAY
JANUARY 12, 1988

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

A Prayer was offered by Senator Cordrey.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 301; SB 302; SB 303; SB 304; SB 305; SB 249 w SA 1, HA 1, 2; SB 296; SB 298; SB 294; SB 289; SB 240; SB 137; SB 170; SB 210 w SA 1; SB 167; SB 196 w SA 1; SB 195; SB 164 w SA 1; SB 252; SB 251; SB 285; SB 290; SS 1 for SB 96 and adopted SCR 86; HCR 92; HCR 93; HCR 94; HCR 95; HCR 96; HCR 97; HCR 98; SCR 98; SCR 99; SCR 100; SCR 101; SCR 102; SCR 103; SCR 104; SCR 105; SCR 106; SCR 107; SCR 108; SCR 109.

LEGISLATIVE ADVISORIES #23 through #28 were read:

LEGISLATIVE ADVISORY #23: The Governor signed the following legislation on June 30, 1987: HB 215 (Volume 66, Chapter 72, Laws of Delaware); HB 217 (Volume 66, Chapter 73, Laws of Delaware); HB 218 (Volume 66, Chapter 74, Laws of Delaware); HB 243 (Volume 66, Chapter 75, Laws of Delaware); HB 278 (Volume 66, Chapter 76, Laws of Delaware); SB 230 (Volume 66, Chapter 77, Laws of Delaware).

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LEGISLATIVE ADVISORY #24: The Governor signed the following legislation on July 2, 1987: HB 305 (Volume 66, Chapter 78, Laws of Delaware); HB 306 (Volume 66, Chapter 79, Laws of Delaware); HB 307 (Volume 66, Chapter 80, Laws of Delaware); HB 309 (Volume 66, Chapter 81, Laws of Delaware); HB 311 (Volume 66, Chapter 82, Laws of Delaware); HB 313 (Volume 66, Chapter 83, Laws of Delaware); HB 318 (Volume 66, Chapter 84, Laws of Delaware); HB 350 (Volume 66, Chapter 85, Laws of Delaware); HB 370 (Volume 66, Chapter 86, Laws of Delaware); HB 371 w HA 1 (Volume 66, Chapter 87, Laws of Delaware); HB 373 (Volume 66, Chapter 88, Laws of Delaware); HB 383 (Volume 66, Chapter 89, Laws of Delaware); HJR 18; HJR 19; SB 132 w SA 1 (Volume 66, Chapter 90, Laws of Delaware); SB 163 (Volume 66, Chapter 91, Laws of Delaware); SB 294 (Volume 66, Chapter 92, Laws of Delaware); SB 296 (Volume 66, Chapter 93, Laws of Delaware); SB 298 (Volume 66, Chapter 94, Laws of Delaware); SB 292 (Volume 66, Chapter 95, Laws of Delaware).

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LEGISLATIVE ADVISORY #25: The Governor signed the following legislation on July 8, 1987: HB 25 (Volume 66, Chapter 96, Laws of Delaware); HB 165 (Volume 66, Chapter 97, Laws of Delaware); HB 179 (Volume 66, Chapter 98, Laws of Delaware); HB 205 (Volume 66, Chapter 99, Laws of Delaware); HB 230 w HA 1 (Volume 66, Chapter 100, Laws of Delaware); HB 263 (Volume 66, Chapter 101, Laws of Delaware); HB 264 (Volume 66, Chapter 102, Laws of Delaware); HB 267 (Volume 66, Chapter 103, Laws of Delaware); HB 268 (Volume 66, Chapter 104, Laws of Delaware); SB 48 (Volume 66, Chapter 105, Laws of Delaware); SB 125 (Volume 66, Chapter 106, Laws of Delaware); SB 155 (Volume 66, Chapter 107, Laws of Delaware); SB 164 w SA 1 (Volume 66, Chapter 108, Laws of Delaware); SB 165 w SA 1 (Volume 66, Chapter 109, Laws of Delaware); SB 169 w SA 1, HA 1 (Volume 66, Chapter 110, Laws of Delaware); SB 170 (Volume 66, Chapter 111, Laws of Delaware); SB 171 (Volume 66, Chapter 112, Laws of Delaware); SB 178 (Volume 66, Chapter 113, Laws of Delaware); SB 181 w SA 1, 2 (Volume 66, Chapter 114, Laws of Delaware); SB 184 (Volume 66, Chapter 115, Laws of Delaware); SB 191 (Volume 66, Chapter 116, Laws of Delaware); SB 192 (Volume 66, Chapter 117, Laws of Delaware); SB 200 w SA 1 (Volume 66, Chapter 118, Laws of Delaware); SB 201 w SA 1 (Volume 66, Chapter 119, Laws of Delaware); SB 202 w SA 1 (Volume 66, Chapter 120, Laws of Delaware); SB 203 (Volume 66, Chapter 121, Laws of Delaware); SB 205 (Volume 66, Chapter 122, Laws of Delaware); SB 228 (Volume 66, Chapter 123, Laws of Delaware); SB 232 w HA 1 (Volume 66, Chapter 124, Laws of Delaware); SB 235 w SA 1 (Volume 66, Chapter 125, Laws of Delaware); SB 254 (Volume 66, Chapter 126, Laws of Delaware); SB 285 (Volume 66, Chapter 127, Laws of Delaware).

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LEGISLATIVE ADVISORY #26 - The Governor signed the following legislation on the dates indicated: HB 56 w HA 1 (7-9-87) (Volume 66, Chapter 128, Laws of Delaware); HB 265 (7-10-87) (Volume 66, Chapter 129, Laws of Delaware); HB 266 (7-10-87) (Volume 66, Chapter 130, Laws of Delaware); SB 39 (7-10-87) (Volume 66, Chapter 131, Laws of Delaware); SB 49 w SA 1 (7-10-87) (Volume 66, Chapter 132, Laws of Delaware); SB 69 w SA 1 (7-1-87) (Volume 66, Chapter 133, Laws of Delaware); SB 71 w SA 1 (7-10-87) (Volume 66, Chapter 134, Laws of Delaware); SB 86 (7-9-87) (Volume 66, Chapter 135, Laws of Delaware); SB 93 w SA 1 (7-9-87) (Volume 66, Chapter 136, Laws of Delaware); SS 1 for SB 96 (7-10-87) (Volume 66, Chapter 137, Laws of Delaware); SB 97 w SA 1, 2 (7-10-87)

(Volume 66, Chapter 138, Laws of Delaware); SB 98 (7-10-87) (Volume 66, Chapter 139, Laws of Delaware); SB 101 w SA 1 (7-9-87) (Volume 66, Chapter 140, Laws of Delaware); SB 105 (7-9-87) (Volume 66, Chapter 141, Laws of Delaware); SB 156 (7-10-87) (Volume 66, Chapter 142, Laws of Delaware); SB 172 (7-9-87) (Volume 66, Chapter 143, Laws of Delaware); SB 186 (7-10-87) (Volume 66, Chapter 144, Laws of Delaware); SB 190 (7-10-87) (Volume 66, Chapter 145, Laws of Delaware); SB 194 (7-10-87) (Volume 66, Chapter 146, Laws of Delaware); SB 195 (7-10-87) (Volume 66, Chapter 147, Laws of Delaware); SB 196 w SA 1 (7-10-87) (Volume 66, Chapter 148, Laws of Delaware); SB 207 (7-9-87) (Volume 66, Chapter 149, Laws of Delaware); SB 220 (7-10-87) (Volume 66, Chapter 150, Laws of Delaware); SB 251 (7-10-87) (Volume 66, Chapter 151, Laws of Delaware); SB 252 (7-10-87) (Volume 66, Chapter 152, Laws of Delaware); SB 256 (7-10-87) (Volume 66, Chapter 153, Laws of Delaware); SB 259 (7-9-87) (Volume 66, Chapter 154, Laws of Delaware); SB 261 (7-9-87) (Volume 66, Chapter 155, Laws of Delaware); SB 267 (7-9-87) (Volume 66, Chapter 156, Laws of Delaware); SB 272 (7-10-87) (Volume 66, Chapter 157, Laws of Delaware); SB 290 (7-9-87) (Volume 66, Chapter 158, Laws of Delaware); HJR 13 (7-10-87).
LEGISLATIVE ADVISORY #26 (supplement): On July 10, 1987, the Governor vetoed SB 185 w SA 1; HB 302.

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LEGISLATIVE ADVISORY #27: The Governor signed the following legislation on the dates indicated: SS 1 to SB 90 w SA 1 (7-13-87) (Volume 66, Chapter 159, Laws of Delaware); SB 167 (7-13-87) (Volume 66, Chapter 160, Laws of Delaware); SB 204 (7-13-87) (Volume 66, Chapter 161, Laws of Delaware); SB 210 w SA 1 (7-13-87) (Volume 66, Chapter 162, Laws of Delaware); SB 240 (7-13-87) (Volume 66, Chapter 163, Laws of Delaware); SB 273 (7-13-87) (Volume 66, Chapter 164, Laws of Delaware); SB 280 (7-13-87) (Volume 66, Chapter 165, Laws of Delaware); SB 137 (7-14-87) (Volume 66, Chapter 166, Laws of Delaware); SB 255 w SA 1 (7-14-87) (Volume 66, Chapter 167, Laws of Delaware); SB 289 (7-14-87) (Volume 66, Chapter 168, Laws of Delaware); HB 248 (7-14-87) (Volume 66, Chapter 169, Laws of Delaware); HB 300 (7-14-87) (Volume 66, Chapter 170, Laws of Delaware); HB 14 w HA 1 (7-16-87) (Volume 66, Chapter 171, Laws of Delaware); HB 20 w SA 1 (7-16-87) (Volume 66, Chapter 172, Laws of Delaware); HS 2 for HB 41 w HA 1, 2 (7-16-87) (Volume 66, Chapter 173, Laws of Delaware); HB 63 w HA 1 (7-16-87) (Volume 66, Chapter 174, Laws of Delaware); HB 64 w SA 1 (7-16-87) (Volume 66, Chapter 175, Laws of Delaware); HB 102 w HA 2 (7-16-87) (Volume 66, Chapter 176, Laws of Delaware); HB 176 w HA 1 (7-16-87) (Volume 66, Chapter 177, Laws of Delaware); HB 187 w SA 2 (7-16-87) (Volume 66, Chapter 178, Laws of Delaware); HB 223 (7-16-87) (Volume 66, Chapter 179, Laws of Delaware); HB 231 (7-16-87) (Volume 66, Chapter 180, Laws of Delaware); HB 234 (7-16-87) (Volume 66, Chapter 181, Laws of Delaware); HB 270 (7-16-87) (Volume 66, Chapter 182, Laws of Delaware); HB 275 w HA 1 (7-16-87) (Volume 66, Chapter 183, Laws of Delaware); HB 279 w HA 1 (7-16-87) (Volume 66, Chapter 184, Laws of Delaware); HB 282 w HA 1, 2, 3, SA 1 (7-16-87) (Volume 66, Chapter 185, Laws of Delaware); HB 319 w HA 1, SA 1 (7-16-87) (Volume 66, Chapter 186, Laws of Delaware); HB 331 w HA 2 (7-16-87) (Volume 66, Chapter 187, Laws of Delaware); HB 339 w HA 1 (7-16-87) (Volume 66, Chapter 188, Laws of Delaware); HB 343 (7-16-87) (Volume 66, Chapter 189, Laws of Delaware); HB 354 w HA 1, 2 (7-16-87) (Volume 66, Chapter 190, Laws of Delaware); HB 357 w HA 1 (7-16-87) (Volume 66, Chapter 191, Laws of Delaware); HB 358 w HA 1 (7-16-87) (Volume 66, Chapter 192, Laws of Delaware); HB 5 w HA 1, 2, 3 (7-17-87) (Volume 66, Chapter 193, Laws of Delaware). The following is a Constitutional Amendment and does not require the Governor to sign: HB 50 (Volume 66, Chapter 194, Laws of Delaware). The Governor vetoed the following bills on the dates indicated: HB 155 (7-16-87); HB 178 (7-16-87); HB 246 w SA 1 (7-16-87); HB 185 w HA 1 (7-17-87).

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LEGISLATIVE ADVISORY #28: The Governor signed the following legislation on December 17, 1987: HB 389 (Volume 66, Chapter 195, Laws of Delaware); HB 390 (Volume 66, Chapter 196, Laws of Delaware); HB 392 (Volume 66, Chapter 197, Laws of Delaware); HJR 20; SB 301 (Volume 66, Chapter 198, Laws of Delaware); SB 302 (Volume 66, Chapter 199, Laws of Delaware); SB 303 (Volume 66, Chapter 200, Laws of Delaware); SB 304 (Volume 66, Chapter 201, Laws of Delaware); SB 305 (Volume 66, Chapter 202, Laws of Delaware).

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The following veto message from the Governor was read:

STATE OF DELAWARE
Office of the Governor
July 10, 1987

To the Delaware State Senate of the 134 General Assembly
of the State of Delaware

I am returning Senate Bill No. 185 as amended by Senate Amendment No. 1, which I received on July 1, 1987, and which is entitled: AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

This Bill originated from the Department of Labor and was intended to clarify whether individuals who engaged in employment of a specific, limited duration would be eligible for unemployment compensation benefits when their term of employment was completed. The clarification would make it clear that those individuals would be excluded from unemployment benefits. However, due to an unintended inclusion of the word "not" within the legislation, the intent of this legislation has been thwarted.

Under current law, an individual who leaves work voluntarily without good cause is ineligible for unemployment compensation. As stated above, the intent of this legislation was to preclude unemployment benefits for people who were employed on a limited duration. An exception to that preclusion would be where an individual was collecting unemployment benefits immediately prior to accepting the employment of limited duration. Unfortunately, the bill reads that such an individual who accepts limited duration employment will be deemed to have left work voluntarily without good cause, but that that individual would not be subject to the provisions which would preclude unemployment benefits for voluntarily leaving work. Obviously, the word "not" should not have been included inasmuch as it has the effect of creating a law which is contrary to the original intent of the legislation. With the inclusion of that qualifier, the bill could easily be interpreted to read that while the employee left work voluntarily he would not be subject to the provisions of the unemployment compensation laws which preclude payment of benefits under that circumstance.

I support the concept of the original intent of Senate Bill No. 185 as amended by Senate Amendment No. 1. However, due to the technical flaw cited above, I hereby return Senate Bill No. 185 as amended by Senate amendment No. 1, without my signature.

Respectfully submitted,
Michael N. Castle, Governor

* * * * *

At 3:00 p.m., the Senate recessed for Party Caucus and reconvened at 4:31 p.m., Lt. Governor Woo presiding.

The following communications were read:

THE WHITE HOUSE
WASHINGTON
July 7, 1987

Dear Ms. Caniford:

On behalf of the President, I would like to thank you for forwarding Resolution number 88 requesting immediate action to prevent the deportation of 10,000 Poles from the United States.

Please be advised that I will share this resolution with the appropriate agency officials in the U.S. Department of State for their review.

If I can be of further assistance on this or any other matter, please feel free to contact me.

Sincerely,
K. Kae Rairdin
Special Assistant to the President for Intergovernmental Affairs

Ms. Betty Jean Caniford
Secretary of the Senate
State of Delaware
117 Legislative Hall
Dover, DE 19901

SENATE
CALIFORNIA LEGISLATURE
SACRAMENTO 95814

October 21, 1987

Presiding Officers of the Legislative Houses

Dear Members:

By direction of the Senate I am transmitting herewith copies of Senate Concurrent Resolution No. 6 which was adopted by both Houses of the California Legislature.

Sincerely,

Darryl R. White,
Secretary of the Senate

* * * * *

U. S. DEPARTMENT of JUSTICE
Immigration and Naturalization Service
425 Eye Street N. W.
Washington, D. C. 20536

Betty Jean Caniford
Secretary of the Senate
State of Delaware
117 Legislative Hall
Dover, Delaware 19901

Dear Ms. Caniford:

This is in reference to your recent correspondence to President Reagan, forwarding Senate Concurrent Resolution No. 88, Dated June 23, 1987 regarding deferred departure for Polish nationals. Your correspondence has been referred to this Service since an immigration matter is involved.

You will be pleased to know that the present policy of deferring enforced departure for Polish nationals has been extended until December 31, 1987.

Thank you for your concern in this matter.

Sincerely,
Joan C. Higgins
Assistant Commissioner
Detention and Deportation

* * * * *

THOMAS T. MELVIN
Assembly Chief Clerk
8 West, State Capitol
Madison, WI 53708

July 22, 1987

Betty Jean Caniford
Secretary of the Senate
Legislative Hall
Dover, DE 19901

Dear Secretary of the Senate:

Enclosed is a copy of Wisconsin Assembly Joint Resolution 27, ratifying an amendment to the constitution of the United States pertaining to the effective date for congressional pay changes.

The amendment drafted by James Madison in 1789, was one of the original 12 amendments of which 10 were ratified in the 18th century as the Bill of Rights.

If your state is one of the 30 states that have not yet ratified the congressional pay change amendment we hope you will soon join Wisconsin in the effort of returning responsibility and accountability to the method by which the United States Congress obtains its pay increases.

Please present this copy to the presiding officer of your body.

Sincerely,
THOMAS T. MELVIN,
Chief Clerk

* * * * *

CONGRESS of the UNITED STATES
House of Representatives
Washington, D. C. 20515

August 3, 1987

Ms. Betty Jean Caniford
Secretary of the Senate
State of Delaware
Legislative Hall
Dover, DE 19901

Dear B. J.

Thank you for sending to me a copy of Senate Concurrent Resolution No. 95, expressing support for the University of Delaware Chorale.

I am pleased that the Senate and the House of Representatives of the 134th General Assembly passed this resolution in honor of the University of Delaware Chorale as it embarks on a tour of the Eastern Seaboard of the United States and in Europe to celebrate Delaware's contributions to Finns in our country as part of the 1988 "National Year of Friendship with Finland" activities. I, too, am strongly supportive and proud of the University of Delaware Chorale.

Thank you again for taking the time to contact me about this matter.

Sincerely,
Tom Carper
Member of Congress

* * * * *

CONGRESS of the UNITED STATES
House of Representatives
Washington, D. C. 20515

July 14, 1987

Ms. Betty Jean Caniford
Secretary of the Senate
State of Delaware
Legislative Hall
Dover, DE 19901

Dear Ms. Caniford:

Thank you for sending me a copy of Senate Concurrent Resolution No. 88 of the 134th General Assembly, concerning a State Department recommendation to discontinue Extended Voluntary Departure (EVD) for the 7,000 to 10,000 Polish nationals who have resided in the United States since martial law was declared in Poland in 1981.

As you may know, the decision whether to continue the special immigrant status for the Polish nationals is reviewed every six months. The State Department recently recommended that EVD be revoked June 30, which would result in mass deportation of the Polish nationals if approved. This recommendation apparently was based on a desire by the State Department to normalize relations with the Polish government.

While the State Department makes recommendations based on foreign policy grounds, the decision to extend EVD ultimately rests with the Department of Justice. You should be pleased to hear that the Attorney General Edwin Meese announced on June 18 that the special immigrant status will be extended for the Polish nationals through December, 1987. Legislation was also recently introduced into Congress which would give permanent resident status to the Polish nationals who arrived in the United States before July 21, 1984, but no action has been taken to date.

Thank you again for taking the time to contact me. Please continue to do so about matters of concern to you.

Sincerely,
Tom Carper,
Member of Congress

* * * * *

UNITED STATES SENATE
Committee on the Judiciary
WASHINGTON, D. C. 20510
October 26, 1987

Ms. Betty Jean Caniford
Secretary of the Senate
Legislative Hall
Dover, DE 19901

Dear Ms. Caniford:

Thank you for bringing the Delaware General Assembly's resolution regarding Polish refugees (S.Con.Res. No. 88) to my attention. I'd like to take the opportunity to share my views with the Senate on this issue.

As you know, Poles residing in the U.S. without visas have been granted a temporary stay of deportation since 1981 under the classification known as Extended Voluntary Departure. That status was due to expire on June 30, but Attorney General Meese chose to extend it until December 31 for the 7,000 to 10,000 Poles that have been in this country since July 21, 1984.

While I am pleased that the fears of many Polish refugees have been allayed for the time being, my sentiments are tempered by the knowledge that significant problems still exist in our nation's refugee policies. Too often in the past, political expediency, not humanitarian considerations, has become the guiding factor in our national approach to refugee issues. It is my hope that Congress can work with the President to establish a more objective asylum process, one based on actual conditions around the globe.

Again, thank you for making the Senate's views known to me.

Sincerely,
Joe Biden
Chairman, Committee on the Judiciary

* * * * *

MILFORD SCHOOL DISTRICT
906 Lakeview Avenue
Milford, Delaware 19963-1799

August 3, 1987

SECRETARY OF THE SENATE
SECRETARY OF THE HOUSE OF REPRESENTATIVES
MR. SIDNEY COLLISON, Assistant Superintendent of Education
MS. EDITH VINCENT, State Supervisor of Health Education/Health Services

RE: IN RESPONSE TO SENATE CONCURRENT RESOLUTION #92
OF THE 134TH GENERAL ASSEMBLY

Dear Sir or Madam:

Please be advised that the Milford School District instituted cardio-pulmonary resuscitation (CPR) as a minimum competency required in its 9th grade health education course starting in the 1980-81 school year. As a minimum competency, it is required to be mastered in order for the student to receive a passing grade in the 9th grade health course. Since this health course is one of the required credits for a Delaware high school diploma, all Milford High School graduates since the class of 1984 have been proficient in CPR.

If you have any question,s please let me know.

Sincerely yours,
Michael V. Woodall, Ph.D.
Superintendent

* * * * *

SENATE OF PENNSYLVANIA
462 Mail Capitol
Harrisburg, Pennsylvania 17120

July 15, 1987

Honorable Betty Jean Caniford
Secretary of the Senate
Legislative Hall
Dover, DE 19901

Dear B. J.

The General Assembly of Pennsylvania unanimously adopted the enclosed Senate Concurrent Resolution, Serial No. 83.

In accordance with the directions contained therein, I am forwarding a certified copy for you.

Sincerely,
Mark R. Corrigan

* * * * *

SENATE
STATE of DELAWARE
DOVER, DE 19901

December 15, 1987

TO: All Members of the 134th General Assembly
FROM: Senator Richard S. Cordrey, President pro Tempore
SUBJECT: Appointment -- Special Stockley Inquiry Committee

I would like to appoint the following to serve on the Special Stockley Inquiry Committee: Senator Ruth Ann Minner; Senator Herman M. Holloway, Sr.; Senator William B. Slatcher and naming Senator Minner to serve as co-chairman.

This Committee has been appointed to review and investigate some complaints which have been made about reported problems at the Stockley Center.

CC: Representative Quillen
Secretary of the Senate
House of Representatives

* * * * *

FRANCIS EDWARD MELVIN
Country Club Apt.
Dover, Delaware 19901

July 24, 1987

Betty Jean Caniford
Secretary of the Senate
Legislative Hall
Dover, Delaware 19901

Dear Mrs. Caniford:

Please convey to the members of the 134th Senate my most sincere gratitude for presenting me Senate Resolution #58.

I thank each and every Senator for the thoughtful remarks which appear in the resolution and I especially thank them for their unanimous vote. I am honored that the Senators would take time from their busy schedule to remember me. Again, I thank them for their kindness.

Sincerely,
Francis Edward "Ed" Melvin

* * * * *

SB 249 w HA 1, SA 1, HA 2 which had been returned to the House was laid on the table on motion of Senator Sharp.

SJR 11 was introduced and considered for adoption under suspension of the necessary roll on motion of Senator Cordrey; no objection:

SJR 11- IN REFERENCE TO ELECTION OF OFFICERS. Sponsors: Senators Cordrey and Sharp. The roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SENATE CONSENT CALENDAR #21 was introduced by Senator Minner and considered for adoption.

The Calendar consisted of the following:

HCR 92 - THANKING THOSE WHO WORKED BEHIND THE SCENES ASSURING DELAWARE'S BICENTENNIAL CELEBRATION WAS A SUCCESSFUL VENTURE. Sponsors: Representative Petrilli, Senator Cordrey; Representatives Spence, Buckworth, Hebner, George, Gilligan; Senators Sharp, McDowell, Bair, Connor; all Representatives and all Senators.

HCR 93 - CELEBRATING THE OLD FASHIONED COMMUNITY SPIRIT ALIVE IN BROOKSIDE, AS 1,200 VOLUNTEERS WORKED TOGETHER AND BUILT A PLAYGROUND. Sponsors: Representatives Amick, Oberle; Senator Martin.

HCR 94 - CONGRATULATING ALVIN WARNER, OF MILFORD, FOR THE EXCEPTIONAL WORK AND DEDICATION THAT WON HIM THE ANNUAL OUTSTANDING CONTRIBUTION TO AGRICULTURE AWARD OF THE LOCAL CHAMBER OF COMMERCE. Sponsors: Representatives Gaulk, Carey; Senator Minner.

HCR 95 - COMMENDING THE DELAWARE HERITAGE COMMISSION, THE EX-OFFICIO MEMBERS OF THE COMMISSION AND THE EXECUTIVE DIRECTOR, DR. CLAUDIA L. BUSHMAN FOR THEIR OUTSTANDING CONTRIBUTIONS AND DEDICATION OVER THE PAST YEAR IN MAKING THE BICENTENNIAL CELEBRATION A SUCCESS, PARTICULARLY THE EVENTS COMMEMORATING DELAWARE'S ASCENSION AS THE "FIRST STATE". Sponsors: Representative Petrilli, Senator Cordrey; Representatives Spence, Hebner, Buckworth, George, Gilligan; Senators Sharp, McDowell, Bair, Connor.

HCR 96 - EXPRESSING DEEPEST SYMPATHY TO THE FAMILY OF DELAWARE STATE POLICE CORPORAL DAVID B. PULLING UPON HIS TRAGIC AND UNTIMELY DEATH WHILE ATTENDING HAZARDOUS DEVICES TRAINING IN HUNTSVILLE, ALABAMA. Sponsors: Representatives Quillen, Bennett, Buckworth; Senator Cook.

HCR 97 - COMMENDING CARROLL CALDWELL OF SMYRNA, DELAWARE FOR HAVING RECEIVED THE PILGRIM DEGREE OF MERIT FROM THE LOYAL ORDER OF MOOSE BACK IN AUGUST OF 1987. Sponsors: Representative B. Ennis; Senators Cook, Vaughn; Representatives Campanelli, Oberle.

HCR 98 - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF HEARING THE STATE OF THE STATE ADDRESS BY THE HONORABLE MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE. Sponsors: Representatives Petrilli and Buckworth.

SCR 113 - ESTABLISHING A TASK FORCE TO STUDY THE NEEDS OF THE VISUALLY IMPAIRED THROUGHOUT THE STATE OF DELAWARE AND TO MAKE RECOMMENDATIONS TO THE MEMBERS OF THE GENERAL ASSEMBLY CONCERNING METHODS OF ADDRESSING THOSE NEEDS. Sponsor: Senator Cordrey.

SCR 114 - MOURNING THE DEATH OF RUSSELL C. BOWDLE, DIRECTOR OF THE DELAWARE STATE FAIR. Sponsors: Senators Adams, Minner; Representatives Quillen, Ewing.

SR 73 - EXPRESSING SYMPATHY TO THE FAMILY OF THE LATE EDGAR H. THOMPSON OF LITTLE CREEK, DELAWARE WHO DIED DECEMBER 25, 1987. Sponsor: Senator Zimmerman.

SCR 111 - CONGRATULATING THE WILLIAM PENN HIGH SCHOOL COLONIALS FOOTBALL TEAM ON WINNING THE 1987 DIVISION I STATE CHAMPIONSHIP. Sponsors: Senator Connor; Representatives Mack, Spence, Houghton, Davis, Brady; Senator McBride.

SCR 112 - EXPRESSING CONDOLENCES TO THE FAMILY OF MRS. JEAN MADELYN RIVELES DERRICKSON, WIFE OF VERNON DERRICKSON, WHO DIED ON MONDAY, JANUARY 4, 1988. Sponsors: Senators Zimmerman, Torbert, Cook, Vaughn, Minner, Adams; Representatives Outten, Bennett, Clark, B. Ennis.

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

SR 72 was introduced and considered for adoption on motion of Senator Holloway:

SR 72 - URGING MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION TO ELIMINATE THE OUT-DATED AND COUNTERPRODUCTIVE LIMITATION ON EARNINGS BY SOCIAL SECURITY RECIPIENTS. Sponsor: Senator Holloway.

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

YES: Senators Bair, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Still, Torbert, Vaughn, Zimmerman - 16.

NO: Senators Adams, Connor, Slatcher - 3.

NOT VOTING: Senators Bane, Berndt - 2.

Therefore, the Resolution was declared adopted.

At 5:10 p.m. on motion of Senator Sharp, the Senate recessed until 3:00 p.m., January 13, 1988.

The Senate reconvened at 3:30 p.m., January 13, 1988, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SJR 11.

At 3:30 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 2nd Legislative Day.

2ND LEGISLATIVE DAY

January 13, 1988

The Senate convened at 3:30 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

Senators Bair, McDowell marked PRESENT.

The following legislation was introduced:

SB 312 - AN ACT TO AMEND CHAPTER 251, VOLUME 61, LAWS OF DELAWARE, BEING "AN ACT TO REINCORPORATE THE CITY OF DELAWARE CITY," AS AMENDED BY CHAPTER 165, VOLUME 66, LAWS OF DELAWARE, RELATING TO NOTICE OF CLAIMS AGAINST THE CITY OF DELAWARE CITY. Sponsors: Senator Vaughn, Representative Mack. Assigned to Community Affairs Committee.

SB 313 - AN ACT TO AMEND CHAPTER 25, TITLE 18, DELAWARE CODE, RELATING TO REDUCED COMPREHENSIVE INSURANCE RATES FOR MOTOR VEHICLES EQUIPPED WITH CERTAIN ANTI-THEFT DEVICES. Sponsors: Senators Torbert, Vaughn; Representatives Ewing, B. Ennis. Assigned to Public Safety Committee.

SB 314 - AN ACT TO AMEND CHAPTER 17, TITLE 14, DELAWARE CODE, TO AUTHORIZE STATE APPROPRIATIONS FOR SPECIALIZED EQUIPMENT AND MATERIALS FUNDING FOR PUPILS WITH LOW-INCIDENCE DISABILITIES. Sponsors: Senators Holloway, Adams, Minner, Bane, Knox, Slatcher, Torbert, Sharp, Vaughn; Representatives Maroney, Corrozi, Boykin, Ewing, DiPinto, Carey. Assigned to Finance Committee.

SB 315 - AN ACT TO AMEND PART II, TITLE 16, DELAWARE CODE, RELATING TO HEALTH AND SAFETY; AND PROVIDING FOR THE USE OF PUBLIC PLACES BY SMOKERS AND NON-SMOKERS. Sponsor: Senator Holloway. Assigned to Health-Social Services/Aging Committee.

Senators Martin, Torbert, Zimmerman, McBride marked PRESENT.

At 3:35 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:45 p.m., Lt. Governor Woo presiding.

At the request of Senator Torbert, SJR 10 which had been assigned to Executive Committee was reassigned to Natural Resources and Environmental Control Committee.

HB 260 which had been assigned to Judiciary Committee was reassigned to Banking Committee.

Senator Minner marked PRESENT.

SCR 115 was introduced and considered for adoption on motion of Senator Cordrey:
SCR 115 - HONORING THE MEMORY OF THE HONORABLE JOHN J. WILLIAMS OF MILLSBORO, FORMER UNITED STATES SENATOR AND BELOVED ELDER STATESMAN OF DELAWARE AND EXTENDING SINCERE SYMPATHY TO HIS WIFE AND FAMILY. Sponsors: Senators Cordrey, Adams, Bair, Bane, Berndt, Cook, Connor, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman; Representatives Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Carey, Campanelli, Clark, Caulk, Corrozi, Davis, Dixon, Ewing, DiPinto, B. Ennis, D. Ennis, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Outten, Petrilli, Plant, Quillen, Roy, Sills, Smith, Soles, Spence, Taylor, VanSant, West, Wingate.

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

At 4:53 p.m. on motion of Senator Sharp, the Senate recessed until 1:30 p.m., January 14, 1988.

The Senate reconvened at 1:50 p.m., January 14, 1988, Senator Cordrey presiding, and on motion of Senator Sharp immediately adjourned to convene for the 3rd Legislative Day.

3RD LEGISLATIVE DAY
January 14, 1988

The Senate convened at 1:50 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 99, HCR 100.

At 1:52 p.m. on motion of Senator Sharp, the Senate recessed to join the House in Joint Session.

JOINT SESSION
HOUSE CHAMBER
January 14, 1988

Pursuant to HCR 98, the House and Senate met for a Joint Session in the House Chamber.

The Sergeant-at-Arms announced the members of the Senate. They were admitted and seated.

The Speaker of the House invited the Governor, Lieutenant Governor, and the President pro Tempore of the Senate to be his guests on the podium.

The Sergeant-at-Arms announced the Honorable Andrew Christie, Chief Justice of the State Supreme Court, and other members of the Judiciary. They were admitted and seated.

The Sergeant-at-Arms announced the members of the Governor's Cabinet and other State and County elected officials. They were admitted and seated.

The Majority Leader moved that the House and the Senate convene in Joint Session. There was no objection.

The Majority Leader moved that the Speaker of the House preside over the Joint Session. There was no objection.

The Majority Leader moved that the Chief Clerk of the House and the Secretary of the Senate act as secretaries to the Joint Session. There was no objection.

The Majority Leader moved that the Speaker of the House appoint a committee of four to escort the Governor to the House Chamber. The Speaker appointed Representative Smith (Spokesman), Representative Bennett, Senator Marshall and Senator Berndt.

The chair declared a short recess to await the arrival of the Governor and the Escort Committee.

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

The Governor was admitted and introduced by Representative Smith.

The Speaker welcomed the Governor and invited him to the podium.

The Governor addressed the Joint Session as follows:

Mr. Speaker, Lieutenant Governor Woo, Mr. President Pro Tem, members of the 134th General Assembly, members of the Cabinet, members of my family, honored guests, and the people of Delaware.

It is with considerable pleasure that I appear before you today to report on the state of the state:

Delaware continues to enjoy unprecedented prosperity. More Delawareans are working than ever before. Our schools are among the best in the country. Our business community is strong and diverse. And recent years have seen dramatic improvements in the ability of government to meet its responsibility to build for Delaware's future.

For, truly, the worth of our accomplishments can only be measured by what they allow us to do next. It is the future that concerns us, and the value of the past is to be found in the lessons it teaches us, in the foundation it represents, and in the sense of direction it provides.

I am convinced that at no time in the long history of this state have we been better able than we are today to improve the way we live and brighten the future for future generations.

But we can not ignore the past and its progress.

If we have helped a child overcome obstacles to a productive and happy life, we cannot overlook that accomplishment. If we have strengthened our ability to combat polluters and protect our land and water from harm, then we must build on that progress. If parents send their children to our schools with confidence that they will learn and grow, then we must recognize those who have made this possible. And if Delaware is better -- our roads, our human service programs, our support for farm and business -- then we must assess those accomplishments, if only to test whether our course is true and correct.

When I took office, it was with certain goals in mind. The priorities of this administration have not changed since I took office, and they provide a good measure against which to gauge our accomplishments.

o The first is to provide the best possible education in our public schools.

No issue has dominated public events more in recent years, both in Delaware and across the country. Propelled by the "Nation at Risk" report, virtually every state in the nation has made public education a top priority. Delaware's response was a comprehensive report and recommendations designed to make our state a national leader in education.

The result?

Three years ago we were ranked twenty-second in teacher salaries. Today Delaware teachers are the fifteenth highest paid in the nation, and that ranking could well increase when the current year is taken into account.

New teachers should expect a starting salary of over \$20,000 a year in fiscal year 1989 if local districts pay their fair share of those salaries. The average salary has gone from slightly over \$23,000 a year to \$29,600 a year in just three years. Delaware ranks eighth in expenditures per pupil, and our teacher to pupil ratio is in the top third in the nation.

Counting the dollars we have put into our schools is a convenient way of measuring our progress, but it should not be confused with the real issues of education. Quality is at issue, higher standards and greater accountability are at issue. We are willing to spend more on public education, but we want results, and results come from better teaching.

Thus we have increased the teacher work week to a minimum of thirty-seven and a half hours a week, although most teachers work much longer. We have revised the teacher salary schedule to encourage professional growth. We spend \$2 million a year on teacher career enhancement programs. We have devised a method of enhancing teacher skills that has become a nationally recognized model. And we have both set high standards for hiring new teachers, and strengthened our ability to recruit good teachers.

I would be remiss if I did not single out one "educator" -- for that is truly what he has become -- who has led the fight for better schools. Chuck Welch has worked closely with a new and dynamic State Board of Education to assure that our schools meet the high demands of modern life and commerce.

As President of the State Board, Chuck has the responsibility for asking how much better our schools have become. That's a question the vast majority of our taxpayers want answered. They know our schools have improved, that accountability has increased, that our young people graduate better prepared than in years past. But the economic survival of the state of Delaware demands even greater improvements, even more accountability, even better-prepared graduates -- and that is why I am proposing a major new education program today.

It is based on the premise that education is not a process of repetition and rote alone. Good teachers will tell you that something magic happens when children learn -- really learn, when they grasp not only the facts but the concepts that tie them together, when they learn to think instead of memorize, when suddenly their eyes open and they are able to take responsibility for their own learning.

Too often that's missing in our schools because tradition, the natural conservatism of any institution, and the formulas and regulations that we in government impose on schools are the enemies of good and creative teaching.

I want to sweep away the obstacles to good teaching by inviting up to seven schools to participate in a program we are calling the Innovation in Teaching and Learning Program. The goal is to find better ways to teach and help children learn more. It will offer an unprecedented measure of freedom to our schools, not only from regulation and formulas, but from the past as well. Today innovation and new understanding of how people learn are making better education possible, and we have an opportunity in Delaware to involve teachers in the process in ways that did not exist before.

The stakes are large. This small state cannot afford to graduate students who do not have the skills they need to hold a job; we cannot afford to allow one out of every four students to drop out. The approach is simple: to allow decisions about how to teach, about how to structure the curriculum, and about how students spend their time to be made at the school level, keeping traditional methods only if they meet the test of whether they help kids learn.

The state's role in this will be to help teachers and principals take advantage of the tremendous amount of valuable research going on all over the country by providing information and support, so that the teachers who will be teaching all of us how to improve our education system are also learning from their peers in other states.

The pilot schools will serve as models and laboratories for our other schools, and in time I expect many of their ideas and innovations to become integral parts of education in Delaware, just as I expect other schools to replace the original pilot schools as excellence spreads and grows in this state.

There is much more that we can do to improve our schools, of course. I am urging the General Assembly to approve a new program to hire retired teachers to provide instructional support in our schools, thus freeing classroom teachers from non-teaching duties. I intend to continue to look for ways to assess the progress of school districts and individual schools; to initiate an extended day program so that working parents can be confident that their children are properly cared for; and to continue our commitment to supply schools with teaching materials by increasing Division II funding.

o The second priority of my administration has been to assure an on-going economic development program that brings good jobs and promising futures for our citizens.

Beginning in 1981, Delaware launched one of nation's most aggressive and successful development efforts. By taking advantage of our ability to work together and move quickly, and by leading rather than following in the fast-changing work of banking and finance, we have become a national finance center.

But our success is not solely in banking. Incentives enacted over a period of years have resulted in almost 2,000 new blue collar jobs and over \$128 million in investments in blue collar industries. Our economy is strong and diverse, and an example of the opportunities it has provided can be found in the fact that many more handicapped workers now have the chance to work and prove they can do the job. We are fortunate to have one of the most successful and well-run agricultural sectors in the country, and the state continually demonstrates its commitment to the Delmarva poultry industry.

Delaware has long been a center of research, and today we continue in the forefront. The task force I appointed on high technology is making a contribution to our economic progress, and the University of Delaware is a national leader in composites research. In fact, one of the most promising areas of research combines two of Delaware's strengths -- composites and agriculture -- by seeking new ways of processing and packaging food products.

Our institutions of higher learning are important to Delaware's future growth, and Russel Jones, the new president of the University of Delaware, and William DeLauder, the new president of Delaware State College, have already demonstrated the vision that will make the public-private-education partnership successful. It goes without saying that under Jack Kotula's tutelage Delaware Technical and Community College is an important force in Delaware's ability to offer employers a range of skilled and well-trained workers.

That is part of the reason our unemployment rate is so low. It has dropped steadily the last three years, and was at or below three percent throughout 1987. Only one other state can claim a lower unemployment rate. We have become a regional employer, attracting tens of thousands of skilled workers from surrounding states every day.

For prospective employers, Delaware's strong work ethic, its high educational standards, and the fact that we are in a major labor market are powerful incentives for relocation in our state.

And once businesses get here, they find that the state is equipped to work with them and help them -- whether the need is for specialized training, for less red tape, or for competitive tax treatment.

In the coming year we will add a new dimension to our economic development effort. Delaware has sponsored several trade missions to Asia and Europe, and the budget I will present two weeks from now will include funding for the first step in establishing a Delaware presence overseas. I believe we must take this step if we are to remain competitive in a global economy.

o The next priority has been to continue the sound conservative fiscal policies which pulled Delaware back from the edge of economic ruin and restored vitality to our state.

Certainly no other state can boast a record of tax reductions like Delaware's. Personal income taxes have been cut four years in a row, and our top rate has gone from 13.5 percent to 7.7 percent during that time. We have eliminated inheritance taxes between spouses. The 1988 tax year will see 30,000 low income earners no longer paying income taxes. And by restructuring our business taxes we have literally dropped thousands of businesses from our tax roles and kept other Delaware businesses competitive.

The tremendous economic growth this state has enjoyed has brought more and more revenues to the state each year. We estimate that potential new revenues during the past three years total \$590 million. Fully a third of that amount has been returned to taxpayers through tax cuts. Virtually the entire balance has been devoted to improving the quality of service the state provides to its citizens.

But -- and this is vitally important -- much of that new spending has been structured so that it will not become part of the base budget. Working with Senator Nancy Cook, Representative Phil Corrozi and the other members of the Joint Finance Committee, we have exercised caution in allowing the budget to grow, mindful of our mandate for continued fiscal conservatism. For instance, we have actually reduced state debt for the first time in Delaware's history.

Delaware has been very fortunate in recent years. We have been able to address the needs of our citizens and provide important new programs, but at the same time reduce business and personal income taxes. We have concentrated our resources where the need was greatest. Like the families and businesses which support state government with their tax dollars, we have lived within our means and balanced competing demands, and significantly improved services to our citizens both budgetarily and managerially.

o Our fourth priority is to remove the obstacles to self-sufficiency that afflict some of our citizens, making it possible for them to live a fulfilling life, while at the same time offering help for those who need it in a way that preserves human dignity.

No area of government better typifies the challenges and accomplishments of government, in this state, in this decade, than human services. The demand for services has been great.

The potential for innovation and creative solutions has been exceptional. The effects of federal budget cuts have been inescapable and the need to set priorities unparalleled.

After education, human services has grown faster than any other government undertaking in the past three years. If you consider each year separately, the level of commitment is significant. But only by viewing the cumulative impact of three budgets -- and the fourth two weeks from now -- can one fully grasp just how much we have done in this area.

In Delaware we divide human services among several departments -- Health and Social Services; the Department of Services to Children, Youth and Their Families; and Community Affairs. But human needs cross departmental lines, and the last three years have seen a concerted effort to adjust our approach to those needs, to consider the range of problems that might affect a single family and address each of them in a coordinated way.

That is only part of what we are doing, of course. We have worked to design programs to keep people in their homes and communities whenever possible, and that has resulted in a dramatic shift away from institutional care to community-based services. We have developed a strategy of intervention that allows us to identify problems early on and attack them, whether a nutritional or learning problem in the first sixty months, a family-related problem for a young student, or behavior that might lead a student to drop out of high school. Much of our human services infrastructure today is focused on prevention; it is our goal to free future generations from dependency at the same time we are helping those who need our help today.

By any measure, human services has demanded much of our time, attention and resources. Increases in Health and Social Service spending have outstripped overall budget growth, and the Children, Youth and Their Families budget has gone up by more than fifty percent in three years.

We have increased welfare payments each year; spending for community programs for the mentally ill have gone up by 64 percent; and the budget for community mental retardation services has grown by over 100 percent. We have funded eleven new community group homes for the mentally retarded in just three years. And two weeks ago a new program went into effect to provide Medicaid coverage up to 100 percent of the poverty level for pregnant women and infants to age one. That will help up to 1,500 women and their children. In addition, we have begun a pilot HMO program for families making the transition from welfare to independence.

We have enjoyed a high rate of success with Delaware's unique "First Step" program, providing education and training to help long-term welfare recipients break free of the cycle of poverty. One out of every four First Step clients has found permanent work, and it is a measure of our success, as well as the strength of our economy, that our welfare roles have actually shrunk in the past year by 400 families.

Payment for foster homes that care for abused and neglected children has been increased to 100 percent of the federal standard, and payments for group homes have risen substantially.

The Division of Child Protective Services has developed and is now using a better method for identifying children in danger of neglect or abuse.

We have expanded programs designed to take the place of incarceration at Ferris School -- among them the Delaware Bay Marine Institute and special foster care and supervised independent living.

And the innovative "Focus on the First Sixty Months" continues to target children during their first five years of life, a time when so much can be done to eliminate obstacles to happy and productive lives. A pilot program aimed at helping four-year-olds develop basic skills so they can start school on the same level as their peers is in the second year. Most important, this program has set the tone for all of our prevention/intervention efforts, and made people aware that many of our society's problems -- substance abuse, teen pregnancy, incomplete education -- have their roots in pre-school years.

Throughout the entire range of human service programs, we have balanced current needs and future goals, helping today's families achieve independence at the same time we are working to save new generations from dependency.

Now we must build on these accomplishments:

- o In the past, welfare payments have been equally distributed by welfare size. Smaller families have received proportionally less when compared with larger families, and this year we can take the first step in correcting this situation.

- o The NIC program, a nutritional program for women, infants and children, has benefited those Delawareans who qualified under federal guidelines, but federal funding has limited the number of people able to participate. This year, using state funds, we will expand the program to include many more families.

- o AIDS continues to be a major concern for Americans, and each state has an obligation to provide testing and counseling to those who request it. In Delaware, we will continue to meet that obligation.

- o Recent years have seen a concerted effort to combat the influence of drugs and alcohol on our society. While several state agencies have roles in this effort, Delaware has embarked on a new program called "Above the Influence." Unlike other programs designed to scare young people into temperate lifestyles, "Above the Influence" aims to change social acceptance of substance abuse.

- o For the first time, we are prepared to offer a strong program of child mental health services. Dr. Julian Taplin, the new director of the division, has developed a program to treat children and adolescents in their community instead of in institutions.

- o As you will see in the budget in two weeks, I am prepared to create new mental health day treatment programs for children in Kent and Sussex counties, where services are not now available, and for adolescents in New Castle County.

- o For those senior citizens who can no longer remain in their homes because of serious illness, I want the General Assembly to change the way we reimburse nursing homes for Medicaid clients so that more will be served. Those who have given so much to this state deserve to know that they will be cared for as they grow older.

- o Our fifth priority is to maintain the high level of environmental responsibility that has long characterized this state -- and then go further by protecting the environmental interests of future generations.

The first state in the nation to enact coastal zone legislation can be expected to have a strong environmental record, and Delaware indeed has one. Blessed as we are with great environmental riches, we long ago decided that our natural resources deserved and would have our protection.

The last three years have been no different.

We successfully resisted a serious assault on the Coastal Zone Act. We have taken strong action when violations required it. We have increased our ability to monitor and react to airborne hazards, and we have committed both time and money to cleaning up hazardous wastes. We have devoted millions of dollars to protecting land and water from harm.

Finally, we have shifted our attention to the future in a way unique in Delaware history. Almost two years ago, I proposed that Delaware embark on the first truly long-range study of environmental issues affecting this state. My goal was to develop a plan for addressing those issues not only today but beyond the year 2000. Environmental Legacy, as the program is called, was intended to be a broad-based, public effort to protect all that is good about Delaware.

In the year and a half that followed, literally hundreds of citizens got involved in this effort. Our intent had been to bring environmentalist and industrialist to the same table -- to meet face-to-face, to talk about issues, to understand each other's concerns. And I can say to you today that virtually everyone who has anything to contribute to Delaware's environmental future has participated.

The product of their effort is being refined today, and next week the final report will be issued. But after reading the draft report, I am prepared to call on the General Assembly to join me in committing Delaware to the first steps in implementing the Environmental Legacy Program and thus to preserving what is good about this state for future generations. When I submit the budget in two weeks, the fiscal ramifications of this effort will be seen. Today I want to talk about the first goals we have set and what is involved in reaching them before we undertake new challenges.

o I propose that we begin a comprehensive management study of our beaches and develop an approach to preserving them that takes into account the entire shoreline instead of solving individual problems on an ad hoc basis.

This study, which will emphasize cost-benefit analysis, will serve as the starting point for solving a problem that concerns many Delawareans.

o I propose that we begin to overhaul our educational approach to environmental matters by -- over the next 10 years -- expanding the time and effort devoted to teach the next generation about the environment and their responsibility to it.

o I am proposing that the Department of Natural Resources and Environmental Control take steps to create a Scientific Advisory Committee to increase the state's ability to identify and tap sources of expert knowledge in environmental areas. This step was recommended highly by the Environmental Legacy group, which also urged that we create an implementation committee to make recommendations and oversee their implementation. I will create that committee this year.

o There are other recommendations to be implemented as well: increased planning capability, expanded planning for management of freshwater wetlands, and greater financial support for hazardous waste clean up.

All are important, all should be done this year if our commitment to Delaware's environmental future is genuine.

* * *

It is ironic that, as we celebrate the bicentennial of the Constitution, the strong central government so important to the Federalists' plan finds itself unable to lead or meet the responsibility it has assumed for itself in recent decades. It is ironic that the very word "federalism" today connotes a shift of authority and control from Washington to Dover and other state capitals. This is not a failure of our system of government, but of the men and women who have claimed the mantle of leadership, and who but would turn it into a cloak of invisibility when it comes time to deal effectively with the very real problems facing the country.

There is no question that the lack of leadership, political courage and constructive work in Washington must be addressed, or that it will be. But if Delaware's environmental future is to be secure, if our education system is to continue to improve, if our criminal justice system is to become more effective and efficient, if human services are to be extended to all those in need of help, if the quality of life of this state is to be preserved -- and if these things are to happen now -- then it is up to us.

Delaware has proven that we can do the job.

When the federal government began to cut back its public housing programs, we developed an innovative program of our own. We have not waited for Washington to act on welfare reform. We have taken over important environmental programs from the Environmental Protection Agency and established a state "superfund" rather than wait for federal action. And we have charted our own course with the recently enacted "quality of life" legislation.

At a time when even the best run states and communities are beginning to wonder if they have allowed growth to weaken neighborhoods and threaten future growth, Delaware has already enacted a package of laws which provide us with the tools we need to assure orderly and managed growth and maintain our exceptional way of life.

When I called the General Assembly into session last month, we met here with a well-defined goal in mind: to adopt the first phase of a long-range plan to address Delaware's land-use, environmental and infrastructure needs during an era of continuing economic growth. The need was clear: the counties have been unable to meet the growing pressure of development, whether for economic expansion in New Castle County or commercial development in eastern Sussex County. Pressures on our highway system had resulted in unacceptable traffic levels in a number of communities.

We had already taken the first step in June when I proposed creation of the Transportation Trust Fund. For the first time, we have the means to plan our transportation future -- and then act on those plans, whether it is to relieve congestion in northern New Castle County or begin work on a new north-south highway. For the first time, decisions about roads and highways will be made by the experts rather than in the interest of political expediency.

I am confident that the General Assembly will take the remaining steps needed to complete this process in a matter of days. We must set new standards -- high standards, because that is what our constituents want!. By doing so, we assure our citizens both a voice in land use decisions and a large measure of protection from poor planning and precipitous development. If Delaware is a better place in the decade to come -- and I am convinced it will be -- then you have helped make it so.

o The final priority encompasses a great deal. It is the over-arching goal of increasing the quality of life of our citizens.

It can mean offering economic incentives for business expansion or expanding unemployment benefits for out-of-work Delawareans, getting our court system back on track or redoubling security in our prisons, or assuring that our highways can meet the demands of the 21st century and that state government can meet the demands of the individual citizen.

Certainly the quality of our criminal justice system affects our quality of life. I believe that the time has come to undertake a long and thoughtful examination of the system, from the manpower requirements of those who enforce the laws, to the ability of the courts to handle cases, to the use of sentencing alternatives, and finally to the way in which we control dangerous criminals in our prisons. It is clear to me that we must improve coordination within the system, increase cooperation among its agencies, and learn to make better use of criminal justice resources.

Chief Justice Christie in this past year has exerted significant and positive leadership in these directions, and it is evident to me in the budget proposals the Chief Justice made, and in the recommendations of the Budget Office, that his assessment of courtroom needs is precisely correct and I will support his recommendation that we add two Superior Court judges in the coming fiscal year.

But that is not the only proposal that must be acted upon this year. The merger of Superior Court, the Court of Common Pleas and Municipal Court in Wilmington has been before the General Assembly for too long without action being taken. If we are serious about making the criminal justice system work, then we must take seriously our responsibility to complete that merger.

We must begin to address the courtroom congestion caused by jury trials for minor cases. And we must ensure that the courts have the personnel they need, just as we must ensure that the State Police are able to provide adequate coverage throughout the state.

Earlier this month I met with the judges and outlined the steps we must take to improve our court system. I have asked my staff to distribute copies of my remarks to your offices today, so that you can consider how we might help our judges dispense justice.

If the progress that has been made in the Department of Correction since last February can be matched by the other elements of the criminal justice system in the year to come, then we will have gone a long way toward making the entire system responsive to our needs.

Let's consider exactly what we have done in Corrections:

We commissioned an able and knowledgeable group of Delawareans to conduct an in-depth study of our prison system and make recommendations which would help us repair the system. Then we asked the Stone Task Force to continue its work by overseeing the many changes we put into effect. I was determined that this report would not gather dust on a shelf.

We have hired long-time corrections professionals to run our prisons. Bob Watson, our new Commissioner of Correction, has the right priorities -- public safety highest among them -- and has methodically gone about getting them done.

With the beginnings of a top management team in place, we negotiated a contract with the guard union which eliminated a problem identified by the Stone Task Force and gave management increased flexibility in running the prisons. At the same time we agreed to a new personnel system with new advancement opportunities for correctional officers, and I call on the General Assembly today to support this new system.

We have begun to develop a system of accountability within the prison system and develop a sense of responsibility among those who run it.

We have begun to implement the excellent recommendations of the Sentencing Accountability Commission, which promise to restore flexibility to a too-rigid system.

To address the problem of overcrowding, we are moving quickly to expand our capacity at Smyrna and Georgetown. Two hundred new beds will be available at Smyrna in February, 200 halfway-house beds in Georgetown by the end of the year.

Today we are moving toward a better corrections system, and in the budget I present on January 28th I will ask you to support proposals which will bring about lasting improvements in the system.

* * *

There is much more to be done this year, of course.

o Leaders in Delaware's agricultural community tell me that the future growth of that important sector depends on thoughtful, long-range planning. To ensure that, I will shortly appoint a blue ribbon panel to examine new ways to market Delaware products at home and overseas, to encourage processing of farm commodities here, and to find ways to diversify our agricultural base.

o Our citizens expect us to complete work on the campaign financing reform begun last year, and we must work toward that end.

o They are encouraged by our efforts to work with our neighbors in Maryland to protect our shores from pollution, and their concern about the environment has convinced me that we must focus our attention on outdoor recreation in the coming years.

o And they want -- demand -- deserve -- safe highways. We will announce a major new effort aimed at highway safety.

* * *

This week we lost one of our leading citizens when Senator John Williams died. Senator Williams was a man of integrity. He represented the sense of community and love of freedom which has long set Delaware apart. No one knew better how important the people are to the success of government.

Without the 630,000 citizens of this state, without their collective pride in Delaware and their resolve to make this state great, little would have been accomplished in recent years.

I'm talking about community leaders who have given their time and energy to important projects. I'm talking about state employees who have proved that creativity resides in every agency of government. I'm talking about farmers who are good businessmen, about teachers who inspire young minds. I'm talking about the thousands of volunteers who share their time with others.

They have set high standards for all of us in government, and as a result the last three years have seen tremendous progress -- in our economy, in our commitment to reducing the tax burden of government on individuals and businesses alike, and in the real improvements in the quality and scope of services that government provides.

And now, as we begin Delaware's third century as the First State, we must lay new plans, and set our sights on new and higher goals.

Few states have enjoyed the opportunities we have enjoyed, few states have been able to move from one plateau to the next, higher one, to make genuine improvements in the quality of life their citizens enjoy. We in Delaware have been fortunate enough to be one of those states, and by working together we will continue to be.

Thank you very much.

* * * * *

Representatives Smith and Bennett, Senators Berndt and Marshall escorted the Governor from the Chamber.

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

At 2:40 p.m. Representative Petrilli moved to adjourn the Joint Session and the two Houses separated to reconvene in their respective chambers.

The motion prevailed.

* * * * *

The Senate reconvened at 4:43 p.m., Lt. Governor Woo presiding.

The following legislation was introduced:

SB 316 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES. Sponsors: Senator Marshall, Representative Oberle; Senators Cook, Martin, McBride, McDowell; Representatives Campanelli, Fallon, Jonkiert, Maroney. Assigned to Labor and Industrial Relations Committee.

SB 317 - AN ACT TO AMEND CHAPTER 19, TITLE 7, DELAWARE CODE, RELATING TO UNLAWFUL TAKING OF SHELLFISH. Sponsors: Senator Vaughn, Representative Mack. Assigned to Natural Resources and Environmental Control Committee.

SA 1 to HB 252. Sponsor: Senator Slatcher. Placed with the Bill.

Senators Connor, McBride, Holloway, Martin, Zimmerman marked PRESENT.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 111; SCR 112; SCR 113; SCR 114; SCR 115; SCR 110.

HB 304 w HA 1 which had been assigned to Administrative Services/Energy Committee was reassigned to Sunset Committee.

HB 252 was taken up for consideration on motion of Senator McBride under suspension of the necessary rules; no objection:

HB 252 - AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE ESTABLISHING THE DELAWARE NURSING INCENTIVE PROGRAM.

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

The roll call vote on HB 252 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SCR 117 was introduced and considered for adoption on motion of Senator Minner:

SCR 117 - MOURNING THE UNTIMELY PASSING OF THE HONORABLE JOHN E. MALARKEY, BANK COMMISSIONER OF THE STATE OF DELAWARE, AND HONORING HIS OUTSTANDING RECORD OF SERVICE TO HIS NATIVE STATE. Sponsors: Senators Minner, Cordrey and all Senators; all Representatives.

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

SENATE CONSENT CALENDAR #22 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

HCR 99 - BIDDING A FOND FAREWELL TO ROBERT L. GRAHAM, 35 YEAR VETERAN OF THE DIVISION OF FISH AND WILDLIFE, WHO RETIRED AS ADMINISTRATOR DECEMBER 31, 1987. Sponsors: Representatives Carey, Wingate; Senators Minner, Adams.

HCR 100 - EXPRESSING CONGRATULATIONS AND APPRECIATION TO KENNETH E. WOOD, PRINCIPAL OF WILLIAM PENN HIGH SCHOOL UPON HIS RETIREMENT FROM EDUCATION. Sponsors: Representatives Brady, Houghton, Dixon, Mack, Spence, Davis, Jester; Senators McBride, Connor.

SR 74 - REQUESTING THE NEW CASTLE COUNTY HAZARDOUS MATERIALS ADVISORY COUNCIL TO INVESTIGATE THE RECENT TRUCK CHEMICAL SPILL IN THE WILMINGTON MANOR AREA, TO EXAMINE THE FEASIBILITY OF REROUTING TRUCKS CARRYING HAZARDOUS CARGO FROM THIS AREA, AND TO CONSIDER CATEGORIES OF HAZARDOUS CARGO TO BE REROUTED. Sponsor: Senator McBride.

SCR 116 - CONGRATULATING THE NATIONAL GEOGRAPHIC SOCIETY AS IT CELEBRATES ITS 100TH ANNIVERSARY ON JANUARY 13, 1988. Sponsors: Senators Still, Knox, Neal, McBride; Representatives Corrozi, Fallon.

The roll call vote on Senate Consent Calendar #22 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolution was sent to the House for consideration.

At 5:10 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 19, 1988.

The Senate reconvened at 2:28 p.m., January 19, 1988, Senator Cordrey presiding and on motion of Senator Sharp immediately adjourned to convene for the 4th Legislative Day.

4TH LEGISLATIVE DAY
January 19, 1988

The Senate convened at 2:28 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

Senators McDowell and Holloway marked PRESENT.

At 2:31 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:00 p.m., Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HS 1 for HB 391 w HA 1, 2; HS 1 for HB 393 w HA 2.

Senator McBride marked PRESENT.

The following legislation was introduced:

SB 318 - AN ACT TO AMEND §5009, CHAPTER 50, TITLE 24 OF THE DELAWARE CODE RELATING TO FUNERAL SERVICE PRACTITIONERS. Sponsor: Senator McDowell. Assigned to Sunset Committee.

HS 1 for HB 391 w HA 1, 2 - AN ACT TO AMEND TITLE 9, CHAPTERS 26, 49, AND 69, DELAWARE CODE RELATING TO COUNTIES AND COMPREHENSIVE PLANNING AND LAND DEVELOPMENT. Sponsors: Representative Taylor, Senator Martin; Representatives Amick, Carey, Buckworth, Spence, DiPinto, D. Ennis, Petrilli, Roy, VanSant, Wingate, Brady, Gilligan, Outten, Bennett; Senators Still, Bair, Bane, Berndt, Connor, Knox, Neal. Assigned to Highways and Transportation Committee.

HS 1 for HB 393 w HA 2 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COMPREHENSIVE PLAN REQUIREMENTS. Sponsors: Representative Taylor, Senator Martin; Representatives Amick, DiPinto, D. Ennis, Buckworth, Petrilli, Roy, Gilligan. Assigned to Highways and Transportation Committee.

SA 1 to HS 1 for HB 393 w HA 2. Sponsor: Senator McBride. Placed with the Bill.

SA 3 to SB 104. Sponsor: Senator Still. Placed with the Bill.

SS 1 for SB 83 - AN ACT TO AMEND CHAPTER 29 OF TITLE 21 OF THE DELAWARE CODE RELATING TO VEHICLE STICKERS AS EVIDENCE OF VALID MOTOR VEHICLE INSURANCE. Sponsors: Senator Minner, Representative Petrilli; Senators Adams, Cordrey, Bair, Still, Bane, Berndt, Neal, Slatcher, Connor, Knox, Holloway, Zimmerman, McDowell, Vaughn, Marshall, Martin; Representatives Ewing, Bennett, Lee, VanSant, Spence, Mack, Buckworth, B. Ennis, D. Ennis, Fallon, Wingate, Outten, Carey, Jester, West, Dixon, Jonkiert, Campanelli, Caulk, Amick, Soles. Placed with the Bill.

Senators Zimmerman and Marshall marked PRESENT.

SB 315 was reported out of the Health-Social Services/Aging Committee: 1 Favorable, 4 Merits.

On motion of Senator Adams and without objection the necessary rules were suspended for all the following nominations for appointment by the Governor:

Senator Martin marked PRESENT.

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

On motion of Senator Adams, the Governor's nomination for appointment of Ronald D. Smith, Esq., was taken up for consideration and the roll call vote taken which revealed: YES: Senators Bair, Bane, Berndt, Connor, Knox, Neal, Slatcher, Still - 8.

NO: Senators Adams, Cook, Cordrey, Sharp, Vaughn, Zimmerman - 6.

NOT VOTING: Senators Holloway, Marshall, Martin, McDowell, Minner, Torbert - 6.

ABSENT: Senator McBride.

Therefore, the nomination was declared defeated.

On motion of Senator Adams, the Governor's nomination for appointment of Arthur W. Boswell was taken up for consideration.

The privilege of the floor was extended to Laird Stabler, Counsel to the Governor after which the roll call vote on the nomination of Arthur W. Boswell was taken and revealed 18 Senators voting YES, 1 (Cordrey) voting NO and 2 (Cook and Zimmerman) NOT VOTING; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Edward G. Davis was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Donald D. Phillips was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

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

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

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

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

At 5:14 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. January 20, 1988.

The Senate reconvened at 2:15 p.m., January 20, 1988, Lt. Governor Woo presiding and immediately adjourned on motion of Senator Sharp to convene for the 5th Legislative Day.

5TH LEGISLATIVE DAY
January 20, 1988

The Senate convened at 2:15 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

A messenger from the Governor was announced and admitted.

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

The Secretary announced that a message from the House informed the Senate that it had passed HB 128; HB 239 and HB 177 w HA 1.

SB 319 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cordrey; no objection:

SB 319 - AN ACT TO AMEND CHAPTER 87, TITLE 29 OF THE DELAWARE CODE RELATING TO THE INTERIM POWERS OF A DEPUTY BANK COMMISSIONER. Sponsors: Senator Cordrey, Representative D. Ennis.

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

The roll call vote on SB 319 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 2:30 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 21, 1988.

The Senate reconvened at 2:35 p.m., January 21, 1988 Senator Cordrey presiding.

Senator Martin marked PRESENT.

SB 318 was reported out of the Sunset Committee - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 116, SCR 117.

At 2:35 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 6th Legislative Day.

6TH LEGISLATIVE DAY
January 21, 1988

The Senate convened at 2:35 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

At 2:39 p.m., Lt. Governor Woo presiding.

Call of the roll revealed the following attendance:

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

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

Senator Cordrey moved for a recess due to lack of a quorum present; no objection.

Senators McDowell, Minner, Berndt, Marshall marked PRESENT.

Secretary announced 11 Senators PRESENT and 10 ABSENT. The Senate was then declared in Session.

Senator Bane marked PRESENT.

The following communication from the Governor was read:

STATE OF DELAWARE
Office of the Governor
January 20, 1988

To the Senate of the 134th General Assembly of the State of Delaware:

I regret to inform you that I must withdraw the nomination of Paul R. Stoffer to be appointed as a member of the State Personnel Commission. Mr. Stoffer has recently accepted a position outside the State of Delaware.

Please be assured that I will submit a new nominee to you as soon as possible.

Sincerely,
Michael N. Castle, Governor

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Senators Knox, Connor, Bair marked PRESENT.

The following legislation was introduced:

SA 2 to HS 1 to HB 393. Sponsor: Senator McBride. Placed with the Bill.

HB 128 - AN ACT TO AMEND CHAPTER 5, TITLE 28 OF THE DELAWARE CODE RELATING TO THE DELAWARE STANDARD BRED DEVELOPMENT FUND. Sponsor: Representative Amick. Assigned to Community Affairs Committee.

HB 177 w HA 1 - AN ACT TO AMEND CHAPTER 15, TITLE 13 OF THE DELAWARE CODE RELATING TO MARITAL PROPERTY. Sponsors: Representative Quillen, Senator Slatcher. Assigned to Judiciary Committee.

HB 239 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO THE SELECTION PROCESS FOR PROFESSIONAL SERVICES CONTRACTS. Sponsors: Representative Roy, Senator Martin. Assigned to Administrative Services/Energy Committee.

SB 320 - AN ACT TO AMEND CHAPTER 3, TITLE 1, DELAWARE CODE, BY INCLUDING A DEFINITION OF THE WORD "SUBCONTRACTOR". Sponsor: Senator Holloway. Assigned to Executive Committee.

SB 148 was reported out of the Health-Social Services/Aging Committee: 4 Merits.

SB 148 was taken up for consideration under suspension of the necessary rules on motion of Senator Holloway; no objection:

SB 148 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PRIMARY HEALTH CARE FACILITIES FOR THE MEDICALLY INDIGENT.

The privilege of the floor was extended to John Frazer, III (Controller General's Office) and David Levinson (Insurance Commissioner of the State of Delaware) after which the Bill was laid on the table on further motion of Senator Holloway.

Senator McBride marked PRESENT.

SB 307 was lifted from the table for consideration on motion of Senator Cook under suspension of the necessary rules; no objection:

SB 307 - AN ACT TO RETROACTIVELY EXTEND COVERAGE OF LINE-OF-DUTY DEATH BENEFITS UNDER THE PROVISIONS OF CHAPTER 66, TITLE 18 OF THE DELAWARE CODE, TO SURVIVORS OF DAVID L. WELCH, SR. AND ROBIN S. FULMER.

Senator Zimmerman marked PRESENT.

The privilege of the floor was extended to Richard Dillard (Senate Attorney) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Adams, Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

SB 206 - AN ACT TO AMEND CHAPTER 5 OF TITLE 18 OF THE DELAWARE CODE RELATING TO THE LOCATION OF THE CORPORATE HEADQUARTERS, OFFICERS, AND BOOKS AND RECORDS OF DELAWARE DOMESTIC INSURANCE COMPANIES.

At 4:40 p.m., Senator Sharp presiding.

The privilege of the floor was extended to Clifford B. Hearn, Jr., (American Insurance Association) and David Levinson (Insurance Commissioner of the State of Delaware).

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

YES: Senators Berndt, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 14.

NO: Senators Bair, Bane, Connor, Knox, Neal, Still - 6.

ABSENT: Senator Adams - 1.

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

At 4:18 p.m. on motion of Senator Cordrey, the Senate recessed until 2:00 p.m., January 26, 1988.

The Senate reconvened at 2:39 p.m., January 26, 1988, Senator Cordrey presiding.

Senator Adams marked PRESENT.

The Secretary announced that a message from the House informed the Senate that it had passed SB 319 w SA 1.

The following Committee reports were announced:

From the Revenue and Taxation Committee: HB 164 - 6 Merits; HB 167 - 6 Merits.

At 2:39 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 7th Legislative Day.

7TH LEGISLATIVE DAY
January 26, 1988

The Senate convened at 2:39 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

Senators Still and Knox marked PRESENT.

The following legislation was introduced:

SB 321 - AN ACT TO AMEND CHAPTER 85, VOLUME 66, LAWS OF DELAWARE, BEING HOUSE BILL NO. 350 OF THE 134TH GENERAL ASSEMBLY, AND BEING AN ACT ENTITLED, "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1988; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BY MAKING ADDITIONS, DELETIONS AND ADJUSTMENTS. Sponsors: Senators Cook, Berndt, Holloway, McBride, Slatcher, Vaughn; Representatives Corrozi, Bennett, Davis, Quillen, Smith, Soles. Laid on the table on motion of Senator Cook.

SB 322 - AN ACT TO REPEAL §529, CHAPTER 5, TITLE 18, DELAWARE CODE, AND TO AMEND TITLE 18, DELAWARE CODE, BY ADDING THERETO A NEW CHAPTER 6 RELATING TO CANCELLATION OF INSURANCE AGENCY CONTRACTS. Sponsors: Senators Zimmerman, Adams, Connor, Torbert, Sharp, Berndt; Representatives D. Ennis, Lee, Dixon, VanSant. Assigned to Insurance and Elections Committee.

SA 2 to SB 129. Sponsor: Senator Holloway. Placed with the Bill.

SB 323 - AN ACT TO AMEND CHAPTER 73, PART VI, TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH AND SAFETY; AND PROVIDING THAT TANKS AND OTHER CONTAINERS FOR CERTAIN PETROLEUM DERIVATIVES BE SPECIALLY EQUIPPED. Sponsors: Senators McDowell, Minner; Representatives Amick, D. Ennis, George. Assigned to Judiciary Committee.

Senators Marshall, Zimmerman, Bair marked PRESENT.

SB 318 was taken up for consideration on motion of Senator McDowell:

SB 318 - AN ACT TO AMEND §5009, CHAPTER 50, TITLE 24 OF THE DELAWARE CODE RELATING TO FUNERAL SERVICE PRACTITIONERS.

Senator Martin marked PRESENT.

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

HB 167 was taken up for consideration on motion of Senator Marshall:

HB 167 - AN ACT TO AMEND CHAPTER 52, TITLE 30 OF THE DELAWARE CODE, RELATING TO MOTOR CARRIER REPORTING REQUIREMENTS.

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

From 2:54 p.m. to 3:00 p.m., on the motion of Senator Sharp, the Senate took a standing recess.

At 3:00 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SB 324 - AN ACT TO AMEND CHAPTER 5, TITLE 31, OF THE DELAWARE CODE RELATING TO CATEGORIES OF ASSISTANCE. Sponsors: Senator Holloway, Representative Oberle; Senator Marshall; Representatives Campanelli, Plant, Sills, West. Assigned to Health-Social Services/Aging Committee.

SB 325 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO GENDER DISCRIMINATION IN PENALTIES FOR ELECTION OFFENSES. Sponsors: Senators Bane, Bair, Cook, Minner, Knox; Representatives Maroney, Smith, Soles, Jester, Boykin, Fallon. Assigned to Executive Committee.

The privilege of the floor was extended to T. Boone Pickens, Jr. (Mesa Ltd. Partnership).

At 3:20 p.m., Lt. Governor Woo presiding.

From 3:52 to 3:54 p.m. the Senate took a standing recess for changing of tape.

The privilege of the floor was extended to Ralph V. Whitworth (United Shareholders Association).

At 4:15 p.m. on motion of Senator Sharp, the Senate recessed for Party caucus and reconvened at 4:55 p.m., Lt. Governor Woo presiding.

HB 167 was lifted from the table for consideration on motion of Senator Marshall.

The privilege of the floor was extended to Dale A. Shuirman (Director, Division of Motor Fuel Tax) after which the roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 164 was taken up for consideration on motion of Senator Marshall:

HB 164 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE PERSONAL INCOME TAX OF MEMBERS OF THE ARMED FORCES ON DEATH.

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

The roll call vote on HB 164 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SENATE CONSENT CALENDAR #23 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

SCR 119 - PROVIDING THAT A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE BE CONVENED TO HEAR THE BUDGET MESSAGE FROM GOVERNOR MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE. Sponsors: Senators Sharp, Cordrey.

SCR 120 - IN RECOGNITION OF DELAWARE DAY IN POMPANO BEACH, FLORIDA ON THURSDAY, FEBRUARY 11, 1988 AND ENCOURAGING DELAWAREANS TO ATTEND AND PARTICIPATE IN THE FESTIVE ACTIVITIES PLANNED FOR THE DAY. Sponsors: Senators Berndt, Cordrey, Knox, Bane, Adams, Cook, Torbert; Representatives Spence, Petrilli, Wingate, DiPinto, Bennett, Corrozi.

SCR 121 - IN RECOGNITION OF DELAWARE DAY AT VERO BEACH, FLORIDA ON SUNDAY, FEBRUARY 14, 1988 AND FURTHER ENCOURAGING DELAWAREANS WHO MAY BE IN FLORIDA TO ATTEND AND ENJOY A DAY FULL OF FUN AND MERRIMENT AT THE DODGER PINES COUNTRY CLUB. Sponsors: Senator Berndt, Representative Wingate; Senators Knox, Bane, Adams, Cook, Cordrey, Torbert; Representatives Spence, Petrilli, DiPinto, Bennett, Corrozi.

SCR 122 - COMMENDING MICHAEL VANCE WOODALL FOR 13 YEARS OF DEDICATED SERVICE AS SUPERINTENDENT OF THE MILFORD SCHOOL DISTRICT AND EXTENDING BEST WISHES FOR SUCCESS IN HIS NEW POSITION IN SOUTH CAROLINA. Sponsor: Senators Minner, Adams, Torbert, Cook; Representatives Caulk, Carey, Ewing.

SCR 123 - DESIGNATING FEBRUARY 15, 1988, AS SUSAN B. ANTHONY DAY. Sponsors: Senators Bane, Minner, Bair, McBride, Knox, Cook, Neal, McDowell, Still; Representatives Hebner, Smith, Soles, Maroney, Outten, Boykin, Jester, Fallon.

SR 75 - EXTENDING SYMPATHY TO THE FAMILY OF ROBERTA SATTERFIELD. Sponsors: Senators Bair, Connor, Cook, Torbert, Berndt, Bane, Knox, Neal, Slatcher, Still, McDowell.

The roll call vote on SENATE CONSENT CALENDAR #23 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted and the Senate Concurrent Resolutions were sent to the House for consideration.

SR 76 was introduced and considered for adoption on motion of Senator Sharp:

SR 76 - REQUESTING THAT THE HONORABLE MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE, SUBMIT A QUALIFIED NOMINEE FOR THE POSITION OF JUDGE OF SUPERIOR COURT TO THE DELAWARE STATE SENATE BY THURSDAY, JANUARY 28, 1988. Sponsors: Senators Sharp, Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Torbert, Vaughn, Zimmerman.

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

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

NO: Senators Neal, Still - 2.

NOT VOTING: Senators Bair, Bane, Berndt, Connor, Slatcher - 5.

ABSENT: Senator Knox - 1.

Therefore, the Resolution was declared adopted.

SS 1 for SB 148 was introduced and laid on the table on motion of Senator Holloway:

SS 1 for SB 148 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PRIMARY HEALTH CARE FACILITIES FOR THE MEDICALLY INDIGENT. Sponsors: Senators Holloway, McDowell; Representatives Jonkier, VanSant, B. Ennis, Plant, West, Stills, Campanelli.

SA 1 to SS 1 for SB 148 was introduced and laid on the table on motion of Senator Holloway.

At 5:26 p.m. on motion of Senator Sharp, the Senate recessed until 3:00 p.m., January 27, 1988.

The Senate reconvened at 3:25 p.m., January 27, 1988, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HS 1 for HB 396 w HA 3.

The following Committee reports were announced:

From the Public Safety Committee: HB 139 w HA 1 - 3 Merits; SB 313 - 3 Merits; SS 1 for SB 83 - 3 Merits.

From the Community Affairs Committee: SB 312 - 4 Merits.

From the Health-Social Services/Aging Committee: SB 324 - 5 Merits.

The following legislation was introduced:

HS 1 for HB 396 w HA 3 - AN ACT TO AMEND CHAPTER 1, TITLE 8, DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW. Sponsors: Representatives Hebner, Amick, Boykin, Buckworth, Carey, Corrozi, Davis, DiPinto, Dixon, Ewing, Fallon, George, Gilligan, Lee, Petrilli, Plant, Quillen, Spence; Senators Bair, Bane, Connor, Knox, Slatcher, Still. Assigned to Judiciary Committee.

SB 326 - AN ACT TO AUTHORIZE THE STATE OF DELAWARE TO ADVANCE THE PAYMENT OF CITY OF WILMINGTON WAGE TAXES INCURRED BY CERTAIN STATE AND LOCAL SCHOOL DISTRICT EMPLOYEES WHOSE WAGE TAXES THE STATE FAILED TO WITHHOLD. Sponsor: Senator McDowell. Assigned to Revenue and Taxation Committee.

SB 327 - AN ACT TO AMEND CHAPTER 26, CHAPTER 49 AND CHAPTER 69, TITLE 9 OF THE DELAWARE CODE, RELATING TO ROAD CAPACITY CRITERIA FOR RE-ZONING. Sponsors: Senators Martin, Cook, Minner, Slatcher, Still, Berndt, Knox, Bane, Bair, Neal and Sharp; Representatives Boykin, Davis, Fallon, Roy, Amick, Taylor, Mack, Wingate, Gilligan, Clark, Jester, Outten, Sills, Dixon, Brady, VanSant, Plant, West, Jonkiert, Bunting. Laid on the table on motion of Senator Martin.

SB 328 - AN ACT TO AMEND CHAPTER 5, TITLE 10 OF THE DELAWARE CODE RELATING TO THE SUPERIOR COURT. Sponsor: Senator Sharp. Assigned to Judiciary Committee.

SA 1 and SA 2 to HS 1 for HB 391. Sponsor: Senator McDowell. Placed with the Bill.
At 3:30 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 8th Legislative Day.

8TH LEGISLATIVE DAY
January 27, 1988

The Senate convened at 3:30 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

LEGISLATIVE ADVISORY #29 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed SJR 11 on January 21, 1988.

The following reports from the Public Safety Committee which had been read in were recalled: HB 139 w HA 1; SB 313; SS 1 for SB 83.

SB 321 was taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

SB 321 - AN ACT TO AMEND CHAPTER 85, VOLUME 66, LAWS OF DELAWARE, BEING HOUSE BILL NO. 350 OF THE 134TH GENERAL ASSEMBLY, AND BEING AN ACT ENTITLED, "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1988; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BY MAKING ADDITIONS, DELETIONS AND ADJUSTMENTS.

The privilege of the floor was extended to James Spartz (Department of Public Instruction) after which the roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

Senators Bane and McBride marked PRESENT.

SCR 124 was introduced and considered for adoption on motion of Senator McBride:

SCR 124 - COMMENDING THE FIVE POINTS VOLUNTEER FIRE COMPANY FOR ANOTHER YEAR OF DEDICATED COMMUNITY SERVICE AND RECOGNIZING SUCH SERVICE AT ITS ANNUAL BANQUET CELEBRATION, FEBRUARY 6, 1988. Sponsors: Senator McBride, Representative VanSant; Senator Still; Representatives Campanelli, Dixon.

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

SCR 125 was introduced and considered for adoption on motion of Senator McBride:

SCR 125 - COMMENDING THE HOLLOWAY TERRACE VOLUNTEER COMPANY FOR ANOTHER YEAR OF DEDICATED COMMUNITY SERVICE AND RECOGNIZING SUCH SERVICE AT ITS ANNUAL BANQUET CELEBRATION, FEBRUARY 13, 1988. Sponsors: Senator McBride, Representative Houghton; Senator Connor; Representatives Dixon, Mack.

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

SS 1 for SB 148 was adopted in lieu of the Original and lifted from the table for consideration on motion of Senator Holloway:

SS 1 for SB 148 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PRIMARY HEALTH CARE FACILITIES FOR THE MEDICALLY INDIGENT.

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

The privilege of the floor was extended to Irving S. Levitt (Kent County Advisory Committee on Aging) after which the roll call vote on SS 1 for SB 148 w SA 1 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HS 1 for HB 391 w HA 1, 2 was taken up for consideration on motion of Senator Martin:

HS 1 for HB 391 w HA 1, 2 - AN ACT TO AMEND TITLE 9, CHAPTERS 26, 49, AND 69, DELAWARE CODE RELATING TO COUNTIES AND COMPREHENSIVE PLANNING AND LAND DEVELOPMENT.

The Committee report from the Highways and Transportation Committee on the Bill was announced: 2 Favorable, 4 Merits.

On motion of Senator Martin and without objection, the necessary rules were suspended for consideration of the Bill.

During the discussion of the Bill and the various Amendment offered to it, the privilege of the floor was extended to Mark A. McNulty (Delaware Department of Transportation) and Robert O'Brien (Kent County Administrator).

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

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator McDowell.

The roll call vote on SA 2 was taken; however, the roll call was laid on the table before being announced on motion of Senator McDowell.

SA 3 to the Bill (sponsor: Senator Zimmerman) was introduced and considered for adoption on motion of the Senator. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SA 2 to HS 1 for HB 391 w HA 1, 2 was then lifted and announced: YES: Senators Cook, Holloway, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn, Zimmerman - 11.

NO: Senators Adams, Bair, Berndt, Connor, Cordrey, Knox, Marshall, Slatcher, Still - 10.

Therefore, the Amendment was declared adopted.

HS 1 for HB 391 w HA 1, 2, SA 1, 2, 3 was then laid on the table on motion of Senator Martin.

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

SR 77 - RECOGNIZING FEBRUARY 1-5, 1988 AS NATIONAL SCHOOL COUNSELING WEEK IN DELAWARE. Sponsor: Senator Connor.

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

SCR 126 was introduced and considered for adoption on motion of Senator Marshall:

SCR 126 - COMMEMORATING THE FIFTIETH ANNIVERSARY OF THE ESTABLISHMENT OF THE COUNCIL OF POLISH SOCIETIES IN DELAWARE AND COMMENDING THE PRESENT COUNCIL OF POLISH SOCIETIES AND THE DELAWARE DIVISION OF THE POLISH AMERICAN CONGRESS FOR Dedicating THEIR PROGRAM TO THE MEMORY OF THE ORIGINAL CHARTER MEMBERS. Sponsors: Senator Marshall, Representative Jonkiert.

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

SCR 127 was introduced and considered for adoption on motion of Senator Neal:

SCR 127 - MOURNING THE DEATH OF JACOB A. GLEBER AND EXPRESSING CONDOLENCES TO HIS FAMILY. Sponsors: Senator Neal, Representative Soles.

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

At 5:40 p.m. on motion of Senator Sharp, the Senate recessed until 1:30 p.m., January 28, 1988.

The Senate reconvened at 1:45 p.m., January 28, 1988, Lt. Governor Woo presiding.

HS 1 for HB 396 was reported out of the Judiciary Committee: 4 Merits.

SCR 128 was introduced and considered for adoption on motion of Senator Cordrey:

SCR 128 - COMMEMORATING THE LIFE AND MOURNING THE DEATH OF GEORGE NAYLOR HUDSON OF SMYRNA, A NOTED ATTORNEY, LEGISLATIVE AGENT, AND FORMER SENATE ATTORNEY. Sponsors: Senators Cordrey, Zimmerman, Adams, Bair, Bane, Berndt, Connor, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn; Representatives Bennett, Outten, Quillen, Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, Dixon, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Oberle, Petrilli, Plant, Roy, Sills, Smith, Soles, Spence, Taylor, VanSant, West, Wingate.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cordrey, Holloway, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 13.

ABSENT: Senators Knox, Marshall, Martin, McBride, McDowell, Neal, Still - 8.

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

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

9TH LEGISLATIVE DAY
January 28, 1988

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

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

Senator Bane marked PRESENT.

At 1:52 p.m. on motion of Senator Sharp, the Senate took a standing recess to await the arrival of the House members for a Joint Session.

JOINT SESSION
SENATE CHAMBER
January 28, 1988

At 1:54 p.m. the Sergeant-at-Arms announced the Members of the House. They were admitted.

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

The Sergeant-at-Arms announced the elected officials of the State. They were admitted.

The Sergeant-at-Arms announced the members of the Governor's Cabinet. They were admitted.

Senator Sharp moved that the Senate and the House convene in Joint Session. There was no objection.

Senator Sharp moved that the President of the Senate preside over the Joint Session. There was 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. There was no objection.

On motion of Senator Sharp and without objection, the President named the following as an escort to the Governor: Senator Holloway (spokesperson), Senator Berndt, Representatives Soles, Representative Quillen.

A brief recess was called to await the arrival of the Governor.

The Sergeant-at-Arms announced the arrival of Governor Michael N. Castle and the escort committee.

Senator Holloway introduced the Governor who was welcomed and introduced to the podium by the President of the Senate.

The Governor then addressed the Joint Session as follows:

Lieutenant Governor Woo, Mr. President Pro Tem, Mr. Speaker, members of the 134th General Assembly, honored guests, and the people of Delaware.

Today I am presenting for your consideration my proposed operating budget for fiscal year 1989.

At the same time, I am submitting the fiscal 1989 capital spending plan, my recommendations for improvements to our schools, roads, infrastructure, and state facilities.

Together they represent a comprehensive plan for progress in Delaware during the next year, and in a few moments I will discuss the individual initiatives they contain.

But first I would like to describe the overall budget and how we approached it.

Webster's describes a budget as (and I quote) "a plan for the coordination of resources and expenditure." Certainly the budget I am submitting today is that.

But it is far, far more.

It is a tool of incredible complexity that can work dramatic changes in people's lives.

It is a measure of our progress and success, as well as of our determination to go further and accomplish even more.

It is a statement about us -- about my Administration, about the General Assembly, about our communities -- and about the aspirations and values that rule our lives.

If the role of the state is to encourage commerce, foster education, protect public safety, secure a safe environment and help those who need our help, then this is how we do all those things.

For all the work that goes into this document, for all the hours of discussion and debate in my office, for all the work that the Joint Finance Committee and the Controller General's Office will commence in a few days, the budget is only a means to an end.

For example, there is a young man I'll call Andrew.

Andrew is 17.

A year ago, when he was in 10th grade, he quit school; a year later, realizing that his future was limited without a diploma, Andrew returned. Of course, that's what we would like all our dropouts to do. Andrew, however, was still experiencing problems at home, and a part-time job often left him too tired to concentrate in class.

Well, after Andrew had done his part by returning to school, we certainly were not going to let him down by not helping him get through a difficult time of his life. Through Christina School District's Community Mentor program, which is part of an overall, statewide effort to solve the dropout problem, we found a mentor for Andrew -- actually, two mentors. A coach at his high school is his high-school mentor, and Judge Joshua Martin of Superior Court is his out-of-school mentor. Both men are there when Andrew needs to talk.

The result? First quarter, Andrew made honor roll, and today he's still going strong.

When you look at the budget later today, instead of seeing pages of print and lists of numbers, try to see that young man whose return to high school after dropping out was made easier because we have been developing programs to fight the drop-out problem. Try to see a young mother not only struggling to get off welfare and support herself and her family, but against a learning disability as well -- whose future is now immeasurably brighter. Look for a teenager trying to cope alone with poor health and pregnancy -- able to turn to the state for support and medical care so she could give birth to a healthy baby. Or look for a retarded adult, once committed to an institution, who is now able to walk down a neighborhood street and wave to new friends.

* * *

In my State of the State Address I outlined what I consider to be the most important priorities during this decade of progress in Delaware --

- o To hew to the sound conservative fiscal policies which have made Delaware a strong and successful state.

- o To promote jobs and opportunities for all our citizens.

- o To safeguard our environment.

- o To drive toward the day when Delaware schools become a model for the nation, our teachers the best and most effective.

- o To work toward the goal of independence and self-sufficiency for all Delawareans.

- o And to make sure that government effectively increases the quality of life of all of our citizens.

The budget I am presenting to you today reflects those priorities. But we must not commit the error of weighing the progress and priorities of only a single budget; instead we must consider this budget in the context of the budgets that preceded it, as well as the opportunities it affords us to do even more in the future. And by that measure you and I have moved Delaware ahead a great distance these past three years. We have eschewed short-term solutions, instead adhering to the priorities both my Administration and the members of the General Assembly have identified as important, and every lawmaker in this chamber today can point with pride to their accomplishments. We have balanced the need to provide meaningful programs with the need to reduce the tax burdens on taxpayers; progress and improvement have always been our goals, but they have been measured and their cost carefully weighed. At a time when revenues have been abundant, the temptation to spend without regard to consequences is great, but discipline has marked our budget deliberations.

The hundreds of individual programmatic initiatives of this administration's four budgets are like the tiles in a mosaic -- they must be considered together to accurately assess our accomplishments. And I would tell you today that the mosaic is a panorama of progress and prosperity, of men and women enjoying new opportunities, of government at once more able to help its citizens and less intrusive in their lives.

So let us now turn to the operating and capital budgets and, as we consider each proposal, keep in mind the progress each represents, and the promise each program represents for the future.

* * *

The Delaware Economic and Financial Advisory Council's latest estimate of new revenues in fiscal year 1989 is \$1,052.9 million. To that we add the anticipated 1988 fiscal year carry-over of \$42.9 million and a Medicaid adjustment of \$2.6 million. From that balance we have subtracted \$34.3 million, which I will discuss in a moment. After computing our constitutionally mandated 98 percent limit, fully funding our reserve requirements and setting aside \$10.1 million for grants-in-aid, I am recommending a Fiscal Year 1989 operating budget of 1,020.7 dollars.

The remaining \$12 million is one-time revenue which I am allocating to capital programs because it should not be built into the base budget.

In conjunction with my budget, I am also submitting to you today my recommendations for a capital budget of \$192.8 million, including the needs of the Transportation Trust Fund.

Since the beginnings of this Administration, with increasing effectiveness and impact, four cabinet councils have brought together individual cabinet secretaries whose responsibilities overlap to develop policy guidelines which define the direction of government.

The Human Services Cabinet Council has identified four primary goals for the many programs its constituent agencies administer: self-sufficiency, prevention, quality of care and improvements to the systems of delivery. Having identified primary goals, we then have gone about finding programs and approaches that will help us reach those goals, drawing on the expertise of our employees in each department.

Thus child health programs like WIC, or Women, Infants and Children, go to prevention. Staffing increases improve quality of care. Staff development programs improve the system structure. And expanded employment training helps welfare recipients achieve self-sufficiency -- often with extraordinary results.

Let me give you an example.

Mary is 32 years old. She has two children and has been on welfare for over five years. Mary told us she was interested in a clerical career, but her overall performance tested at only a fourth-grade level. Through our "First Step" program, Mary enrolled in basic skills remediation classes to improve her performance level, then moved on to a 20-week JTPA clerical skills program.

But her initial high grades began to slip -- from A, to B, to C, to D -- and the program staff quickly requested diagnostic testing, which revealed that Mary was dyslexic. With that knowledge, we were able to modify her program and she successfully completed it and found a job in a law firm as a receptionist. Within a year, she had progressed to a legal assistant position, a position which provides medical benefits, and the partners in the law firm have hired another "First Step" graduate because they were so impressed with Mary.

For the record, the average annual cost of education and training for a welfare mother in the "First Step program" is \$869. On the other hand, to do absolutely nothing costs \$6,372 a year -- year after year after year -- and also imposes the future costs associated with another generation falling victim to the vicious cycle of poverty and welfare.

The great economic progress of the last half-decade has afforded us a unique opportunity to expand and improve the human services we provide to Delawareans who need our help. Our commitment to that effort is evident both in programs like "First Step," and in the fact that only education has enjoyed growth more dynamic than that of our human services budgets.

In the budget before you, I am proposing that we increase spending for the Department of Health and Social Services by 7.9 percent, that of the Department of Services for Children, Youth and Their Families by 11.1 percent. I am also urging the General Assembly to approve a total of \$11 million in capital projects for these two departments.

The Department of Services for Children affords us the first opportunity to solve problems that afflict some of our citizens. It is our initial and primary investment in Delaware's future.

This year the department launched a major initiative with its Family Preservation Program. Its goal: to support and strengthen vulnerable and troubled families, both protecting their children and preserving a potentially supportive family structure. To further that effort, I am proposing that we add four new staff workers to the Division of Child Protective Services to respond to emergencies at night and on weekends, and provide more clerical help so case workers can spend more time doing their job.

To continue our emphasis on less restrictive alternatives to institutional care, I am urging you to approve an intensive, specialized community program as an alternative to psychiatric hospitalization in New Castle County.

At the same time, I am recommending two new day programs -- at a combined cost of almost half a million dollars in additional spending -- to allow the Division of Child Mental Health to help children from ages three to twelve in Kent and Sussex counties and adolescents in New Castle County.

For those young people who come to the attention of our legal system, I am supporting the plan developed by the Division of Youth Rehabilitation, a plan which will ensure both security and help for violent or chronic offenders. I am recommending that we add a total of thirty-six slots for alternative schools, special foster care and supervised independent living.

I am recommending new programs, at a cost of over \$770,000, to provide specialized intensive group care, short-term group home care for young people leaving Ferris but with nowhere to go in the community, and intensive in-home services under the "Mentor/Advocate" program.

I would also close the crowded Bridge House Detention Center and move the facility to the Ferris Campus, and have included \$720,000 in the capital budget to upgrade the existing Ferris facility to house these children awaiting adjudication.

I am recommending that we fund eleven new positions in the Division of Child Mental Health to assist in the development of alternative services and help us make sure we are getting the best and most effective programs for our money.

Finally, I am recommending that the bond bill include \$3.9 million to complete department offices on the Ferris Campus.

I am proposing an increase of \$14.6 million in the budget of the Department of Health and Social Services. Of that increase, \$4.9 million is for new programs, over and above inflationary increases.

In the coming year, several major spending initiatives which are part of the "Focus" initiative are included in my recommended budget.

- o I believe we must expand the WIC, or Women, Infants and Children, program to include an additional 200 women and 200 children.

- o We must assume responsibility for the genetic services program to detect, treat and prevent genetically related handicapping conditions -- an integral part of our infant mortality reduction initiative.

- o And I am recommending that we expand Medicaid coverage to cover women who earn up to 100 percent of the federal poverty level and their infants up to the age of two.

These three programs will cost over \$640,000, but that money will be well-spent if it assures healthier children and stronger families in Delaware.

I suggested earlier that, when you look at the proposed budget, you look beyond the numbers to the people we must help, people like Jenny, an 18-year-old Kent Countian who entered the Kent General Hospital/Public Health maternity clinic some time ago. Jenny clearly had problems which could adversely affect the outcome of her pregnancy and permanently reduce the chances for her unborn child to have a happy and productive life. She was underweight and undernourished. She had no family or friends to provide support, the child's father had abandoned her, and she lived in a crowded apartment.

The medical team at the clinic referred Jenny to the Division of Public Health, where she received support services from a team of professionals who put together a program for her which included living at Bayard House, a shelter in New Castle County. There another team worked with Jenny and six months later she gave birth to a healthy nine-pound baby boy; today a public health nurse is helping her keep her son healthy.

Apart from having a profound effect on two lives, we accomplished a good deal more in this case.

Prenatal care and child health screening and immunization costs an average of \$853 per family. But if we fail that mother and child, and if the child encounters any of the problems we know spring from early neglect, the cost to the state, above and beyond the human loss, is far greater. A year in a residential treatment center costs nearly \$24,000; a year of incarceration at Ferris School, almost \$38,000; a year at the Delaware Correctional Center, over \$15,000.

In other words, it costs a great deal less to solve the problem at the beginning than it does to address its consequences later.

I am recommending new program spending totalling well over \$650,000 for prevention-related programs, among them additional funding for AIDS testing and counseling; state funding for services to handicapped children to replace lapsing federal funds; new funds to expand and upgrade respite/crisis stabilization services for the mentally ill; and new positions in Adult Protective Services.

I am recommending that we spend \$800,000 in the coming fiscal year to change the method by which nursing homes are reimbursed by Medicaid to encourage them both to provide care for the elderly and to encourage cost containment.

I am recommending that we add nineteen new staff positions at Delaware State Hospital and provide additional staff training. The total cost: over \$340,000.

In each of my three previous budgets, I have recommended increases in welfare payments. And again this year, I urge the General Assembly to increase funding for Aid to Families with Dependent Children. The \$454,000 in new funds would be used to level up families to a more uniform percent of the poverty level.

At the same time we are promoting self-sufficiency, we are working to place men and women who need our help in the least restrictive settings possible. To that end, my budget includes funds for a 28-bed halfway house program, to be operated by a private provider, on the grounds of Delaware State Hospital; it includes funding for a new group home for the mentally ill in Kent or Sussex County; it includes funding for two Medicaid-certified group homes and one neighborhood home, along with related day programming and medical costs, for the mentally retarded; and it includes funds for day programming for mentally retarded students graduating from special schools during 1988.

Taken together, these initiatives reflect the considerable progress we have made in recent years. By building on past accomplishments, we are better able to serve Delawareans who rely on the state for assistance.

We have not neglected the capital needs of this large and important department. In the bond bill, I am recommending almost \$6.6 million in new spending, including \$2.3 million for much-needed minor capital improvements and ongoing maintenance. I am recommending that we finance a new, 21,000 square foot public health lab, that we continue to modify the buildings on the State Hospital campus to increase their usefulness, and begin expansion of the state Medical Examiner's Office lab.

Today the increasing globalization of even state economies dictates the internationalization of economic development efforts. To that end, I am recommending that we authorize the Development Office to establish a Delaware presence in both Asia and Europe as the first step in expanding our ability to compete in the future.

At the same time, I am recommending that we increase the staff of DDO to increase that agency's capabilities, and that we increase our business advertising substantially.

The Development Office's responsibility goes far beyond its business recruiting and service functions, of course. It is charged with identifying and developing infrastructure initiatives that will further our economic development program.

o For instance, the \$2.3 million capital appropriation for the Delaware Composites Technology Park at the University of Delaware to encourage and support new businesses in the field of composites research.

o And \$600,000 in the operating budget to provide renovated facilities for a clinical medical facility at the Delaware Medical Center facility in Christiana. This unique facility, where clinical testing of new pharmaceuticals would be carried out, would enhance our ability to attract related industry to Delaware.

I am recommending that you approve funding, through the bond bill, of \$2.6 million for development of the public infrastructure to encourage private development in the area of the Christina Gateway project. I am recommending a \$500,000 appropriation to create a Development Incentive Fund, to be administered by DDO, to provide flexibility in creating incentives when they are needed and not just in June. I am also proposing that the state create a \$4.5 million financing program for businesses to fill the void left when the federal government greatly curtailed use of industrial revenue bonds.

For housing, the proposed bond bill contains \$3 million, a new installment which brings our commitment to the Housing Trust Fund to \$19 million.

I am also proposing that the bond bill include an important Department of Agriculture project: \$1.6 million to renovate and expand the Agricultural Complex in Dover, improvements that are much needed.

I said in my State of the State Address that I will shortly create a blue ribbon panel of farmers, development experts, representatives from the Department of Agriculture, legislators, and educators to assess the future of agriculture in Delaware. Today I am setting aside \$350,000 to identify and prioritize those programs which will make it easier for the farmers of Delaware to continue to farm their land with the same independence that has marked American agriculture for centuries.

Today I am also recommending that you appropriate \$442,000 and create ten new positions to consolidate all forestry functions statewide. This will ensure that the state has the ability to manage one of our most important natural resources in the best interest of all our citizens.

I said two weeks ago that I believe we must add two new judges to the Superior Court. The budget you will begin considering today includes \$407,000 to create those two new judgeships and provide adequate staff support; the capital budget includes \$350,000 to house the new judges.

Those judges will help us move toward the goal of improving coordination and cooperation among the various elements of our criminal justice system. This will not be a simple task, but the quality of justice in Delaware depends on carrying out long-overdue reform throughout the public safety and criminal justice communities, and I am confident I have your support in this effort.

Including the two judges and six support personnel, I am recommending that you approve a total of thirty-three new positions in the judiciary. Those positions will help speed the judicial process by increasing staffing in the Presentence Office, the New Castle County Prothonotary, the Court of Common Pleas, Family Court and our Justice of the Peace Courts. The total cost for these improvements to our criminal justice system: almost \$754,000.

Last year we revamped the salary plan for the Attorney General's Office in an effort to offer competitive salaries to deputy attorneys general. This year I am recommending that we complete a similar process begun this year in the Public Defender's Office.

I am recommending new positions for an appellate unit in the Public Defender's Office, a new attorney to address the growing delay between arrest and sentencing in Superior Court cases, and a one-time appropriation to continue office automation for the Public Defender. I am also recommending funding for further office automation in the Attorney General's Office, as well as continuation of the Career Criminal Unit.

The fiscal year 1989 recommended budget includes major enhancements in security for the Department of Correction. Specifically, over \$407,000 has been recommended for security positions at Delaware Correctional Center, the Women's Correctional Institution and Sussex Correctional Institution.

I have recommended that the General Assembly appropriate additional dollars for pay incentives associated with the new classifications of corporal and sergeant for correctional officers, providing increased opportunities and new career incentives for our prison guards. With these changes, we encourage correctional officers to take greater responsibility for the security of the prisons, and at the same time enhance the Department's ability to effectively manage its institutions.

I am recommending new positions to enhance our ability to check on offenders who are on work release; new positions in Probation and Parole in anticipation of increased workload; and new positions and funding for previously federally funded SENTAC programs, including intensive supervision and job training.

And, to move forward on the long-overdue Delaware Justice Information System, I am proposing funding of over \$1 million for the offender status and criminal history conversion projects. These projects are of critical importance to our prison system because they will allow us to track offenders quickly and accurately.

In addition, the proposed bond bill contains over \$3.2 million in spending for corrections projects, including \$1.8 million for a new women's prison, almost \$800,000 for minor capital improvements, and \$370,000 for new improvements to perimeter security.

Last week I unveiled a major new program to improve safety on our highways. The program is in direct response to the increase in highway fatalities on Delaware highways.

Drunk driving has been reduced in recent years, but not enough; trucks are involved in more and more accidents; speeding is an ever growing problem; motorists ignore simple safety measures that can save lives; and teenagers continue to be involved in too many accidents. The comprehensive plan developed by the Department of Public Safety offers solutions to these problems.

I am recommending that we expand the State Police corps in the coming fiscal year by fifteen troopers, over and above the 42 new troopers to be hired to replace retirees. For the first time in Delaware history, we are setting authorized strength for the State Police at 475 troopers, demonstrating our commitment to safe roads and communities.

I am also proposing that we invest \$229,000 in the coming fiscal year in a new program to offer career incentives to troopers in addition to rank promotion. I believe this will serve to increase morale in the division as well as to improve the division's ability to do its many jobs.

The Department of Natural Resources and Environmental Control plays an important role in our lives. Its scientists, technicians and enforcement officers must monitor the quality of our air and of our water; they must take responsibility for solving the problems of hazardous waste that plague society today; they play a role in our deliberations about the use of our limited natural resources. Those are issues that demand society's attention; at the same time, the Department of Natural Resources and Environmental Control must address individual problems, serving each Delawarean with the same level of concern as they do major issues.

Last year five families in the Harrington area learned that their water wells were contaminated. The Division of Air and Waste Management, which we created in 1985, began searching for the source of contamination, but there was another concern: the families did not have the financial resources to easily replace the wells. So the department helped those families find ways to finance the work. Two Seaford families were also able to turn to the department for help in replacing contaminated wells last year, and 38 other domestic wells in the area were tested but found clear of contamination.

Just as the Department of Natural Resources must address the environmental concerns of the entire state as well as those of individuals, so it must solve tomorrow's problems as well as today's.

It was a concern with the future that launched the Environmental Legacy Program, which released its final report and recommendations on Tuesday. Each member of the General Assembly has received a copy of the summary report, and I urge all of you who have not already done so to read this important document. It represents the best work of some of the best minds in Delaware, and at the same time represents the future of our state.

My proposed fiscal 1989 budget includes new programs to begin implementing the ideas contained in the Environmental Legacy report, and to begin as well the process of preserving and enhancing Delaware's natural resources and quality of life in the decades to come.

I am proposing a comprehensive management plan for our beaches, because only by considering the entire coastline will we succeed in protecting any of it. In the meantime, I am recommending a ten percent increase in the annual funding for beach preservation projects in the bond bill; including beach preservation funding in the operating budget, this will bring our four-year commitment in this important effort to over \$5.2 million. And in the operating budget I am proposing two new positions for the Indian River sand bypass system, which should be fully operational early in 1989.

As I said in my State of the State Address, I want our schools to play a larger role in educating Delawareans about the environment -- as recommended by the Environmental Legacy committee -- and to assist in that I am recommending funding to provide the "Conservationist" magazine to all seventh-graders in the state. I am recommending new positions to improve planning for environmentally valuable land holdings, to strengthen our efforts to combat non-point pollution, and to bolster our water resources laboratory.

I have included a million dollars in the budget for leaking underground storage tanks and the state's "Superfund."

The bond bill, in addition to the increased beach preservation funds, contains another million dollars to supplement our Land and Water Conservation Fund, bringing it to \$4.0 million. The bond bill also provides several million dollars for sewer construction and other important DNREC projects.

Our institutions of higher education play an increasingly important role in the life of the state as they become more and more involved in our economic development program. Each publicly supported institution plays a unique part in Delaware's life, and each has contributed to the state's special character.

As in years past, I am recommending that we not only meet current obligations to our colleges and university, but also increase funding to address the impact of inflation. In addition, I am proposing new spending for all three schools.

For Delaware Technical and Community College, which plays such a large part in training Delawareans for the workplace, I am recommending funding for expansion of its libraries. We will also continue to phase in a new pay plan for DelTech instructors.

For Delaware State College, I am recommending several new budget items: funding for new library books, funding for new laboratory equipment, and the creation of a new position -- that of Dean of Faculty.

And for the University of Delaware, I am also recommending additional funding for library books, increased dollars for Title VI scholarships, and support for a new molecular biology professor in the College of Agricultural Sciences so that the university can maintain its leadership in agricultural research.

In the capital budget, I am recommending a total of \$3.3 million for continued funding for construction of DelTech's Trade and Industry Building in Sussex County, completion of Alison Hall's renovation on the University of Delaware campus, and a bookstore addition at Delaware State College.

I have already described -- in the State of the State Address -- the innovative new program to allow teachers and principals in selected pilot schools to develop better and more effective teaching methods unfettered by tradition and highly structured funding formulas. To support that program, I am including \$210,000 in the proposed budget.

With this budget, we will complete the phase-in of a restructured basic salary schedule for education professionals, providing both competitive starting salaries and real financial incentives for continued professional development. In total, I am recommending an \$11.7 million increase in salaries and other employment costs for education salaries. Teachers will receive, on average, an increase of \$1,175, or 5.7 percent.

I am also recommending several new initiatives. Most significant, perhaps, is a program to relieve teachers of non-teaching duties by hiring retired teachers -- at an initial annual cost of \$600,000 -- to take responsibility for routine hallway and cafeteria duties, to assist in the classroom, and to be available to work with the students. In recommending this program, I believe we are sending a message to teachers, telling them that we agree with their contention that too much of their time is spent away from teaching, and that we are willing to hire people with the skills and sensitivity to work with students.

There are many other programs for which I am recommending increased funding, but I will mention just a few of them here. We will strengthen the four-year-old development program; increase funding for Read Aloud; enable Adult Basic Education to help more illiterate citizens; increase funding for the career placement counselor program in the state's high schools; continue the phased retrofitting of stop arms on school buses; and increase Division II funding for new text books and instructional materials. I am also recommending funding for the extended day care program so that schools can be used to provide care for children.

Finally, I propose that we set aside \$2.4 million in the capital budget as the state's 60 percent share for construction and renovation projects approved by school district referenda in the coming year. This is part of a total \$11.2 million appropriation which includes \$4.8 million for minor capital improvements and maintenance projects -- an increase over last year -- and continued funding for a number of important projects.

Now I will discuss the \$34.3 million in revenues I mentioned earlier.

There is a long-standing tradition in Delaware of using funding approaches that maximize our resources through innovative management techniques that protect the long-term financial stability of our state. The Transportation Trust Fund is one of those programs. We launched the Fund last year with a small infusion of revenues, with the intention of increasing revenues gradually over several years.

Today I am recommending that we accelerate that plan by transferring the final six cents of motor fuel tax and half of the motor vehicle document fee, a total of \$34.3 million. My proposal for these revenues is to shift to the Fund the responsibility for certain expenses now paid out of the general fund -- transportation-related debt service, currently \$32.7 million annually, plus \$4 million in annual road maintenance and equipment costs, as well as anticipated debt service expenditures related to current transportation projects. In addition, we will move \$3 million slated for Department of Transportation maintenance and equipment out of the bond bill.

In all, I am proposing that we shift responsibility for \$42.2 million in expenditures from the general fund and the capital budget to the Transportation Trust Fund. By this action, the state's general fund programs will benefit through increased revenues through 1992 and in the future the dollars necessary to pay for essential highway projects will be there.

Among the projects that will be supported through trust fund revenues that are included as part of the Department of Transportation's \$137.8 million capital budget:

We have transferred municipal street aid from the grants-in-aid bill and increased it to \$3 million.

We will begin the final phase of work leading to construction on the U.S. 13 relief route.

We will continue work on Route 4 at Ogletown, where congestion has been a nightmare for motorists.

We will continue to upgrade the Route 7 corridor between U.S. 13 and the Pennsylvania state line.

We will continue to develop plans for such traffic hotspots as the Newark and Mill Creek regions, just as we have done in Sussex County already.

That study resulted in our decision to significantly increase the capacity of Route 1 between Lewes and Rehoboth, and that project is funded.

We will upgrade Route 14 between Harrington and the Maryland line, and we will upgrade Route 113 through Milford.

Over and above this impressive list, we will improve, reconstruct and increase the capacity of literally hundreds of roads statewide.

It is always difficult, in delivering this message, to do justice to each agency of state government.

The Department of Community Affairs does not boast a large budget or frequently occupy the public spotlight, but to the many thousands of citizens who use libraries, to the elderly who depend on its programs, to the volunteers who depend on its coordinating efforts, it is vitally important.

The National Guard derives much of its funding from the federal government, so we spend little time discussing its budget, but we go to work each day knowing that the Guard is there when we need its well-trained troops for emergencies.

The Department of Finance plays a pivotal role in the state's operations, but does so with such quiet skill and professionalism, and with so few demands for our tax dollars that we seldom think to mention its work.

*The Department of State, with its hard-working and dedicated staff, generates fully 17 percent of state revenues each year, and yet it is seldom the focus of our attention.

When an industry shuts down and Delawareans find themselves with outdated skills or no prospect of employment, the Department of Labor quietly and professionally goes about providing training, benefits and assistance in finding new jobs.

We routinely fund the operations of the Fire School, perhaps with a passing mention, and that agency goes about its business of teaching firefighters to save lives and property as well as any fire school in the country.

And Administrative Services, which has much of the responsibility for maintaining and operating state government facilities, is seldom mentioned in our discussions.

But each department and agency serves a vital function, and my proposed budget provides for each.

Finally, salary policy.

I am recommending that all merit and exempt-comparable state employees receive a three percent increase effective July 1, 1988, unless they are at their maximum, in which case they will receive at least 1.5 percent.

And I am recommending another 3 percent increase effective January 1, 1989, for employees at 97 percent of their midpoint or below; those over 97 percent will be brought to 100 percent.

Thus we will continue the effort to pay competitive salaries to every state employee, and keep our promise to install and maintain a fair and flexible merit pay system.

* * *

During the course of this message, I had described several cases where the state came to the aid of individuals and families who needed help.

There are countless others.

I could have described, for instance, a young mother with three children who was able to turn to the Division of Child Protective Services for help and support during the break-up of her marriage and a serious illness of one of her children.

A child, abandoned by her parents and abused by her caretaker, who was cared for by the same division until she was adopted -- and reunited with a sister.

Or a woman who, after 20 frustrating years at Stockley Center, is today working as a generic aide in state government, responsible not only for herself but for assisting others as well.

Or the many Delawareans who will benefit as we develop a comprehensive and well-considered plan to provide medical insurance coverage for the needy, an effort already underway.

The examples I have used range from an unborn infant whose mother received prenatal care, to a teenage girl abandoned and hurt by those responsible for her well-being, to a mother in her thirties who was fighting to free herself from the endless cycle of poverty and dependence.

Each has benefited from decisions made in this building, and especially from the leadership provided by Senator Cook and Representative Corrozi.

When President Reagan delivered his State of the Union Address Monday night, he brought along a prop: the federal budget. That enormous and confusing document, spilling over the podium next to the President, was meant to serve as an example of the failure of Congress to meet its responsibilities.

The budget I am presenting to you today could clearly serve as an example of one state's achievement in good government, because it brings us closer to the day when we are really successful at preventing problems; it moves us closer to the day when we can truly say, "Every Delawarean enjoys a life of opportunity; it moves us closer to a future of hope and progress for each of our citizens.

I thank you very much.

* * * * *

Lt. Governor Woo thanked the Governor for his remarks and asked the escort committee to escort the Governor back to his Executive Office.

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

The Secretary of the Senate announced that the Journals were compared and agreed.

On motion of Senator Sharp (and without objection) the Joint Session adjourned and the two Houses separated to reconvene in their respective Chambers.

* * * * *

The Senate reconvened at 3:52 p.m., Senator Cordrey presiding.

The following corrected Committee reports were announced from the Public Safety Committee: HB 139 w HA 1 - 5 Merits; SB 313 - 5 Merits; SS 1 for SB 83 - 5 Merits.

HS 1 for HB 396 w HA 3 was reported out of the Judiciary Committee: 4 Merits.

The following legislation was introduced:

SA 3 to HS 1 for HB 393 w HA 2. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 1 and SA 2 to SB 327. Sponsor: Senator Martin. Placed with the Bill.

SB 329 - AN ACT TO AMEND CHAPTER 84, TITLE 11 OF THE DELAWARE CODE RELATING TO POLICE OFFICER TRAINING. Sponsors: Senator McDowell, Representative VanSant. Assigned to Public Safety Committee.

SB 331 - AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW MONEY TO BE USED FOR THE CONSTRUCTION OF GUARD TOWERS AT THE DELAWARE CORRECTIONAL CENTER, SMYRNA, AND TO ISSUE BONDS AND NOTES THEREFOR AN APPROPRIATING THE MONEY BORROWED TO THE DEPARTMENT OF CORRECTION. Sponsors: Senator Vaughn, Representative B. Ennis; Senators Adams, Cook, Holloway, Sharp, Torbert, Bane, Slatcher; Representative Clark. Assigned to Finance Committee.

SB 332 - AN ACT TO PROVIDE THAT A REFERENDUM BE HELD IN THE NOVEMBER 1988 GENERAL ELECTION ON THE QUESTION OF MANDATORY MOTOR VEHICLE SEAT BELT USE IN THE STATE OF DELAWARE. Sponsors: Senator Torbert, Representative Cauk. Assigned to Public Safety Committee.

SB 333 - AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE TO EMPOWER THE BOARD OF MEDICAL PRACTICE TO REGULATE ACUPUNCTURISTS AND THE PRACTICE OF ACUPUNCTURE IN THE STATE OF DELAWARE. Sponsor: Senator Holloway. Assigned to Health-Social Services/Aging Committee.

At 4:58 p.m., Lt. Governor Moo presiding.

HS 1 for HB 396 w HA 3 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HS 1 for HB 396 w HA 3 - AN ACT TO AMEND CHAPTER 1, TITLE 8, DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW.

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

HS 1 for HB 391 w HA 1, 2, SA 1, 2, 3 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Martin (no objection) and the roll call vote taken which revealed:

YES: Senators Bair, Bane, Berndt, Connor, Cook, Holloway, Knox, Martin, McBride, Minner, Neal, Sharp, Still, Torbert - 14.

NO: Senators Adams, Cordrey, Marshall, McDowell, Slatcher, Vaughn, Zimmerman - 7.

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

HS 1 for HB 393 w HA 2 was taken up for consideration on motion of Senator Martin:

HS 1 for HB 393 w HA 2 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COMPREHENSIVE PLAN REQUIREMENTS.

Senators Martin, Marshall, McDowell marked PRESENT.

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

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

YES: Senators Adams, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman - 12.

NO: Senators Bair, Bane, Berndt, Connor, Knox, Neal, Slatcher, Still - 8.

NOT VOTING: Senator Holloway - 1.

Therefore, the Amendment was declared adopted.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Zimmerman and the roll call vote taken which revealed 19 Senators voting YES, 1 (Berndt) voting NO, and 1 (Sharp) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HS 1 for HB 393 w HA 2, SA 2, 3 was then taken and revealed:

YES: Senators Bair, Bane, Berndt, Connor, Cook, Knox, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Zimmerman - 16.

NO: Senators Adams, Cordrey, Vaughn - 3.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senator Marshall - 1.

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

SCR 129 was introduced and considered for adoption on motion of Senator Adams:

SCR 129 - HONORING COACH FILLMORE CLIFTON OF BRIDGEVILLE FOR HIS ILLUSTRIOUS CAREER AS A TEACHER AND COACH AND EXTENDING CONGRATULATIONS ON HAVING THE WOODBRIDGE HIGH SCHOOL STADIUM NAMED FOR HIM. Sponsors: Senator Adams, Representative Ewing.

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

SB 327 was taken up for consideration on motion of Senator Martin under suspension of the necessary rules (no objection):

SB 327 - AN ACT TO AMEND CHAPTER 26, CHAPTER 49 AND CHAPTER 69, TITLE 9 OF THE DELAWARE CODE, RELATING TO ROAD CAPACITY CRITERIA FOR RE-ZONING.

During discussion of the Bill and the Amendments offered to it, the privilege of the floor was extended to Mark A. McNulty (Department of Transportation), Raymond Harbeson, Jr. (Department of Transportation) and Francis Murphy (Senate Attorney).

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

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Martin and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 327 w SA 2 was then taken and revealed:

YES: Senators Bair, Bane, Berndt, Connor, Cook, Knox, Martin, McBride, Minner, Neal, Still, Torbert, Zimmerman - 13.

NO: Senators Adams, Cordrey, Holloway, Marshall, Sharp, Slatcher, Vaughn - 7.

ABSENT: Senator McDowell - 1.

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

SCR 118 was introduced and laid on the table on motion of Senator Holloway:

SCR 118 - ESTABLISHING A UNIFORM STATE POLICY FOR THE COLLECTION, RECORDING, AND DEPOSIT OF SERVICE FEES AND REQUIRING AGENCIES TO REPORT ON THE COLLECTION AND DISBURSEMENT OF SPECIAL FUND REVENUES. Sponsor: Senator Holloway.

SB 312 was taken up for consideration on motion of Senator Vaughn:

SB 312 - AN ACT TO AMEND CHAPTER 251, VOLUME 61, LAWS OF DELAWARE, BEING "AN ACT TO REINCORPORATE THE CITY OF DELAWARE CITY," AS AMENDED BY CHAPTER 165, VOLUME 66, LAWS OF DELAWARE, RELATING TO NOTICE OF CLAIMS AGAINST THE CITY OF DELAWARE CITY.

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

SENATE CONSENT CALENDAR #24 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

HCR 101 - CONGRATULATING DOMINICK PULIERI UPON RECEIVING THE MAE HALL McCABE AWARD BY THE REHOBOTH-DEWEY BEACH CHAMBER OF COMMERCE FOR COMMUNITY SERVICE. Sponsors: Representatives Carey, Wingate; Senators Cordrey, Minner.

HCR 102 - MOURNING THE DEATH OF ARTHUR J. PENNENELL, JR., FORMER MIDDLETOWN TOWN COUNCILMAN, LEGISLATIVE AIDE AND GOVERNMENTAL REPRESENTATIVE FOR THE DELAWARE VOLUNTEER FIREMAN'S ASSOCIATION. Sponsors: Representatives Jester, B. Ennis; Senator Vaughn.

HCR 103 - EXTENDING MANY MANY THANKS TO JEANNETTE V. KILLEN OF LEIPSIC, DELAWARE FOR HER TWENTY-ONE YEARS OF DEDICATED STATE SERVICE WITH THE DEPARTMENT OF ELECTIONS AND WISHING HER THE BEST DURING HER RETIREMENT. Sponsors: Representatives Clark, B. Ennis; Senator Zimmerman.

HCR 104 - CONGRATULATING HORACE E. PUGH OF LEIPSIC, DELAWARE FOR HIS LONG YEARS OF PUBLIC SERVICE NOT ONLY AS MAYOR OF LEIPSIC, DELAWARE FOR EIGHTEEN YEARS BUT HIS LONG YEARS OF SERVICE AND DEDICATION TO THE LEIPSIC VOLUNTEER FIRE COMPANY AND THE DOVER LODGE NO. 1903. Sponsors: Representative Clark, Senator Zimmerman.

HCR 105 - MOURNING THE PASSING OF DR. CHARLES MILLS MOYER OF LAUREL. Sponsors: Representatives Lee, Fallon; Senators Cordrey, Slatcher.

HCR 106 - HONORING ROSE LOUISE CHATTO FOR HER UNSELFISH YEARS OF SERVICE TO THE STATE OF DELAWARE. Sponsors: Representatives Buckworth, Bennett; Senator Torbert.

HCR 107 - CONGRATULATING EUGENE DISABATINO UPON RECEIVING THE JOSIAH MARVEL CUP AWARD FROM THE DELAWARE STATE CHAMBER OF COMMERCE. Sponsors: Representative DiPinto, Senator McDowell; all Representatives, all Senators.

HCR 108 - CONGRATULATING THE MEMBERS OF THE CLAYMONT FIRE COMPANY, NUMBER 1, UPON THE 60TH ANNIVERSARY OF THE COMPANY'S INCORPORATION. Sponsors: Representatives Brady, Hebner; Senator Berndt.

HCR 109 - MOURNING THE DEATH OF SAGER TRYON, FORMER COMMUNITY ACTIVIST, CLAYMONT SCHOOL BOARD MEMBER AND INDUSTRIAL RESEARCH CHEMIST, UPON HIS PASSING AND RECOGNIZING HIS MANY CONTRIBUTIONS TO OUR COMMUNITY AND STATE. Sponsors: Representatives Brady, Hebner; Senators, Berndt, Bair.

SR 78 - COMMENDING CONTACT-DELAWARE, INC., ON THEIR OPERATION OF DELAWARE'S RAPE CRISIS CONTACT PROGRAM, THE STATE'S RAPE-CRISIS HOTLINE AND OTHER VALUABLE PROGRAMS. Sponsor: Senator Holloway.

SCR 130 - COMMENDING THE ELSMERE FIRE COMPANY NO. 1, INC. UPON THE CELEBRATION OF ITS 67TH ANNIVERSARY ON MARCH 19, 1988. Sponsors: Senator Still, Representative Campanelli, Senator Marshall, Representative VanSant.

HCR 110 - EXTENDING HAPPY BIRTHDAY WISHES TO MRS. ELVA BENNETT SMITH, WHO WILL BE NINETY YEARS OF AGE ON MONDAY, FEBRUARY 1, 1988 AND WISHING HER MANY MORE. Sponsors: Representative Bennett, Senator Zimmerman, Representative Quillen.

The roll call vote on SENATE CONSENT CALENDAR #24 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolution was sent to the House for consideration.

The Secretary announced that a message from the House informed the Senate that it had passed SB 34 w HA 1 and adopted HCR 101, HCR 102, HCR 103, HCR 104, HCR 105, HCR 106, HCR 107, HCR 108, HCR 109, HCR 110, HJR 21, SCR 119, SCR 120, SCR 121, SCR 122, SCR 123, SCR 124, SCR 125.

HJR 21 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Minner (no objection):

HJR 21 - ESTABLISHING A FARM ASSISTANCE TASK FORCE TO REVIEW AND RECOMMEND PROPOSALS TO PROVIDE ASSISTANCE TO DELAWARE FARMERS IMPACTED BY THE SEVERAL YEARS OF DROUGHT. Sponsors: Representative Caulk, Senator Minner; Representatives Carey, Mack, West; Senators Adams, Cordrey, Vaughn,, Connor, Slatcher.

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

SB 34 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 1. The roll call vote on SB 34 w HA 1 was then taken and revealed 20 Senators voting YES and 1 (Cordrey) voting NO; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

The following communication was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE

January 28, 1988

TO: All Members of the 134th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Appointments

As per the powers invested in me with the passage of House Joint Resolution No. 21, Establishing a Farm Assistance Task Force to Review and Recommend Proposals to Provide Assistance to Delaware Farmers Impacted by the Several Years of Drought, I hereby appoint the following to serve as members of this committee: Senator Thurman Adams, Senator Ruth Ann Minner, Senator William Slatcher.

* * * * *

The following legislation was introduced:

SB 330 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1989; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Senators Bair, Connor; Representatives Spence, Petrilli, Buckworth. Assigned to Finance Committee.

SB 334 - AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE RELATING TO THE RECRUITMENT OF WOMEN AND ETHNIC MINORITIES INTO PROGRAMS OF ENGINEERING AND APPLIED SCIENCE AT INSTITUTIONS OF HIGHER EDUCATION. Sponsors: Senator Neal, Bane, Holloway, Knox, McBride, Sharp, Still; Representatives Carey, Fallon, Maroney, Plant, Roy, Sills. Assigned to Education Committee.

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

The Secretary announced that a message from the House informed the Senate that it had passed HB 252 w SA 1, HA 2 w HA 1, HA 3; HB 406; HB 409; SB 283; SB 258; SB 321.

HB 252 w SA 1, HA 2 w HA 1, HA 3 was taken up for consideration on motion of Senator Holloway.

The privilege of the floor was extended to Richard Davis, State Representative after which the roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 409 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

HB 409 - AN ACT TO AMEND VOLUME 66, CHAPTER 92, LAWS OF DELAWARE RELATING TO THE FISCAL YEAR 1988 CAPITAL BUDGET, TO AMEND VOLUME 65, CHAPTER 385, LAWS OF DELAWARE, RELATING TO THE FISCAL YEAR 1987 CAPITAL BUDGET, TO AMEND VOLUME 65, CHAPTER 212, LAWS OF DELAWARE, RELATING TO THE FISCAL YEAR 1986 STATE CAPITAL BUDGET AND TO AMEND SECTION 5082, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE FIRST STATE IMPROVEMENT FUND. Sponsors: Representatives Roy, B. Ennis, Taylor, Corrozi, Carey, Jonkier; Senators Cook, McBride, Still, Minner, Martin, Neal.

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

Senator Martin moved that the roll call vote on HS 1 for HB 391 w HA 1, 2, SA 1, 2, 3 be rescinded and the Bill be taken up for reconsideration.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Holloway, Knox, Marshall, Martin, McDowell, Minner, Neal, Slatcher, Still, Torbert, Zimmerman - 17.

NO: Senators Cordrey, McBride, Sharp, Vaughn - 4.

Therefore, the motion carried and the Bill was before the Senate.

SA 4 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Knox, Marshall, Martin, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 18.

NO: Senators Cordrey, Holloway, McBride - 3.

Therefore, the Amendment was declared adopted.

The roll call vote on HS 1 for HB 391 w HA 1, 2, SA 1, 2, 3, 4 was then taken and revealed:

YES: Senators Bair, Bane, Berndt, Connor, Cook, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Still, Torbert, Zimmerman - 16.

NO: Senators Adams, Cordrey, Holloway, Slatcher, Vaughn - 5.

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

HB 406 was introduced and assigned to Insurance and Elections Committee:

HB 406 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO CAPTIVE INSURANCE COMPANIES. Sponsors: Representatives Bennett, D. Ennis, Clark, Dixon, B. Ennis, Outten, VanSant, Soles.

At 6:20 p.m. on motion of Senator Sharp, the Senate recessed to the call of the President pro Tempore.

The Senate reconvened at 2:40 p.m., March 22, 1988, Senator Cordrey presiding.

At 2:41 p.m., Lt. Governor Woo presiding.

The following legislation was introduced:

SB 335 - AN ACT TO AMEND CHAPTER 42, TITLE 11 OF THE DELAWARE CODE RELATING TO RESTITUTION. Sponsor: Senator Cordrey. Assigned to Judiciary Committee.

SB 336 - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER III, SUBPART D, TITLE 11 OF THE DELAWARE CODE RELATING TO THEFT AND RELATED OFFENSES. Sponsor: Senator Cordrey. Assigned to Judiciary Committee.

SB 337 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO BAD CHECKS. Sponsor: Senator Cordrey. Assigned to Judiciary Committee.

SB 338 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON," BEING CHAPTER 501, VOLUME 61, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 265, VOLUME 64, AND CHAPTER 266, VOLUME 65, LAWS OF DELAWARE, BY ELIMINATING THE 15 PERCENT CAP ON ANNUAL APPROPRIATIONS TO THE PENSION PLAN FOR TOWN EMPLOYEES. Sponsors: Senator Minner, Representative Carey. Assigned to Community Affairs Committee.

SB 339 - AN ACT TO AMEND TITLE 24, DELAWARE CODE, RELATING TO THE PROHIBITION OF LICENSING AND/OR REGULATORY BOARDS AND COMMISSIONS FROM REQUIRING A PHOTOGRAPH OF ANY APPLICANT. Sponsor: Senator Holloway. Assigned to Administrative Services/Energy Committee.

SB 340 - AN ACT TO AMEND CHAPTER 8, TITLE 24, DELAWARE CODE, RELATING TO THE GIVING OF FALSE MISLEADING, DECEPTIVE AND FRAUDULENT INFORMATION IN HIS OR HER APPLICATION AND/OR EXAMINATION IN ATTEMPTING TO SECURE A LICENSE FROM A LICENSURE BOARD OR COMMISSION UNDER THE PROVISIONS OF TITLE 24, DELAWARE CODE. Sponsor: Senator Holloway. Assigned to Administrative Services/Energy Committee.

SB 341 - AN ACT TO AMEND CHAPTER 1, TITLE 22, DELAWARE CODE, RELATING TO QUALIFICATIONS OF ALDERMEN. Sponsor: Senator Holloway. Assigned to Community Affairs Committee.

SB 342 - AN ACT TO AMEND CHAPTER 93, TITLE 10, DELAWARE CODE, RELATING TO VENUE OF JUSTICES OF THE PEACE IN CIVIL ACTIONS COMMENCED BY SUMMONS. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 343 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 5, TITLE 13, DELAWARE CODE, RELATING TO DESERTION AND SUPPORT. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 344 - AN ACT TO AMEND CHAPTER 49, TITLE 49 DELAWARE CODE, RELATING TO RESIDENTIAL FACILITIES FOR DEVELOPMENTALLY DISABLED PERSONS. Sponsor: Senator Holloway. Assigned to Community Affairs Committee.

SB 345 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, RELATING TO THE GENERAL PREMIUM TAX, THE SPECIAL TAX ON GROSS PREMIUMS FOR BENEFIT OF POLICE, AND THE DISTRIBUTION OF PROCEEDS OF TAX. Sponsors: Senators Holloway, Marshall; Representatives George, Gilligan, Jonkiert. Assigned to Insurance and Elections Committee.

SB 346 - AN ACT TO AMEND VOLUME 27, CHAPTER 216, LAWS OF DELAWARE AS AMENDED BY VOLUME 38, CHAPTER 118, LAWS OF DELAWARE RELATING TO THE CHARTER OF THE CITY OF NEW CASTLE AND THE DUTIES OF CITY CLERK. Sponsors: Senator Connor, Representative Mack. Assigned to Community Affairs Committee.

At 2:47 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 10th Legislative Day.

10TH LEGISLATIVE DAY
March 22, 1988

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

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

A messenger from the Governor's Office was announced and admitted.

The Secretary announced that a message from the House informed the Senate that it had passed SB 248 and adopted SCR 126, SCR 127, SCR 128, SCR 129, SCR 130.

LEGISLATIVE ADVISORIES #30 thru #33 received from the Office of the Counsel to the Governor were read:

LEGISLATIVE ADVISORY #30: On January 27, 1988 the Governor signed SB 319 w SA 1 (Volume 66, Chapter 203, Laws of Delaware).

LEGISLATIVE ADVISORY #31: On February 2, 1988, the Governor signed HS 1 to HB 396 w HA 3 (Volume 66, Chapter 204, Laws of Delaware).

LEGISLATIVE ADVISORY #32: On February 2, 1988, the Governor signed HB 167 (Volume 66, Chapter 205, Laws of Delaware); HJR 21; HB 409 (Volume 66, Chapter 206, Laws of Delaware).

LEGISLATIVE ADVISORY #33: On February 3, 1988 the Governor signed HS 1 for HB 391 w HA 1, 2; SA 1, 2, 3, 4 (Volume 66, Chapter 207, Laws of Delaware); on February 5 the Governor signed SB 307 (Volume 66, Chapter 208, Laws of Delaware); SB 258 (Volume 66, Chapter 209, Laws of Delaware); SB 34 w HA 1 (Volume 66, Chapter 210, Laws of Delaware); SB 283 (Volume 66, Chapter 211, Laws of Delaware); SB 321 (Volume 66, Chapter 212, Laws of Delaware); SB 248 (Volume 66, Chapter 213, Laws of Delaware); HB 252 w HA 1, HA 2 w HA 1, HA 3, SA 1 (Volume 66, Chapter 214, Laws of Delaware); HB 164 w SA 1 (Volume 66, Chapter 215, Laws of Delaware); HS 1 for HB 393 w HA 2, SA 2, 3 (Volume 66, Chapter 216, Laws of Delaware); SB 327 w SA 2 (Volume 66, Chapter 217, Laws of Delaware).

The following communications were read:

National Geographic Society
WASHINGTON, D. C. 20036

January 28, 1988

Secretary of the Senate
Delaware State Senate
Legislative Hall
Dover, DE 19901

Dear Friends in Delaware:

Many thanks for the Senate resolution you passed in honor of the National Geographic Society's Centennial. We are proud of our heritage and accomplishments these past one hundred years, and we confidently look forward to the next century with a renewed sense of mission.

Your thoughtfulness is warmly appreciated.

Sincerely,
Gilbert M. Grosvenor, President and Chairman

* * * * *

Lexington District Two Schools
715 Ninth Street
West Columbia, S.C. 29169

February 12, 1988

Members of the Senate
c/o Betty Jean Caniford
Secretary of the Senate
Delaware State Senate
Legislative Hall
Dover, Delaware 19901

Dear Senators:

Thank you for the honor you have bestowed upon my family and myself in the passage of Senate Concurrent Resolution No. 122.

The First State will always have a first place in my heart.

Sincerely,
Michael V. Woodall, Ph.D.
Superintendent

* * * * *

United States Senate
Washington, D. C. 20510

Ms. Betty Jean Caniford
Secretary of the Senate
State of Delaware
Legislative Hall
Dover, Delaware 19901

Dear Ms. Caniford:

Thank you for sending to my office a copy of Senate Concurrent Resolution No. 126. I applaud the efforts of the Senate to recognize the valuable work of the Council of Polish Societies in Delaware.

I appreciate hearing from you.
Sincerely,
William V. Roth, Jr.
U. S. Senate

* * * * *

February 29, 1988

Senator Richard Cordrey
River Drive
Millsboro, DE 19966

Dear Richard:

On behalf of the family and myself, it is difficult to find the appropriate words to express our appreciation to you and the members of the Legislature for the Resolution honoring the memory of John J. Williams.

If John could know he would be pleased.

I heard him remark one time that Delaware is indeed the Diamond State and its' people make it sparkle. He loved our State and was so happy to get back to it and enjoy the town of Millsboro and being home.

Sincerely,
Elsie Williams

* * * * *

Senator Martin marked PRESENT.
The following letters of nomination for appointment from the Governor were read and assigned to Executive Committee:

STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th General Assembly
of the State of Delaware

Please be advised that I am hereby withdrawing the following nomination: Marcealeate S. Ruffin, Post Office Box 296, Georgetown, DE 19947, to be appointed as a Justice of the Peace, in and for Sussex County, State of Delaware, for a term of four years to replace William A. Booth, Term expired.

Thank you.

Sincerely,
Michael N. Castle, Governor * * * * *

STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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: Marcealeate S. Ruffin, Post Office Box 296, Georgetown, DE 19947, to be appointed as a Justice of the Peace, in and for Sussex County, State of Delaware, for a term to expire May 29, 1988, to replace Horace W. Short, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Eugene Bookhammer, R.D. #2, Box 236, Lewes, DE 19958, to be appointed as a member of the State Coastal Zone Industrial Control Board to serve a five year term to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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 M. W. Sharp, Box 3779, Greenville, DE 19807, to be appointed as a member of the Board of Trustees of the University of Delaware to serve a six year term to replace Hugh R. Sharp, Jr., term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th General Assembly
of the State of Delaware

On behalf of the Board of Trustees of the University of Delaware and in conformity with the Constitution and Laws of the State of Delaware, I hereby submit for the consent and confirmation of the Senate, the following, re-elected by the Board of Trustees to be members of that Board: R. R. M. Carpenter, Jr., Church and Monchanin Rd., Montchanin, DE 19710, to be reappointed as a member of the Board of Trustees of the University of Delaware, to a six year term to expire on December 14, 1993. Virginia M. Dennis, 49 Billings Drive, Dover, DE 19901, to be reappointed as a member of the Board of Trustees of the University of Delaware to a six year term to expire on December 8, 1993.

The above names are not gubernatorial appointments.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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: Stephen L. Manista, 300 Taylor Road, Wilmington, DE 19804, to be reappointed as a member of the Violent Crimes Compensation Board to serve a three year term expiring January 20, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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 V. Flynn, Jr., 1020 Kent Road, Wilmington, DE 19807, to be reappointed as a member of the Cash Management Policy Board to serve a three year term expiring December 17, 1990.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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: Weston E. Nellius, 5 Tam O'Shanter Court, Dover, DE 19901, to be reappointed as a member of the Cash Management Policy Board to serve a three year term expiring December 17, 1990.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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 J. Axe, M.D., 18 Haileys Drive, Newark, DE 19711, to be appointed as a member of the Board of Trustees of the Delaware Institute of Medical Education and Research to serve a three year term to replace Stephen L. Hershey, M.D., term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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: Earle J. Lester, Linden Hillcrest, St. Georges, DE 19733, to be reappointed as a member of the Public Service Commission to serve a five year term to expire May 1, 1987, Further, to be reappointed as a member of the Public Service Commission to serve a five year term to expire May 1, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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 S. Smith, 121 Country Club Drive, Newark, DE 19711, to be reappointed as a member of the New Castle County Board of Elections to serve a four year term to expire September 30, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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: Marie D. Rapposelli, 2034 Marsh Road, Wilmington, DE 19810, to be appointed as a member of the New Castle County Board of Elections to serve a four year term to replace Donald Marge, Term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor * * * * *

STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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. Sperry, Jr., 608 Parker Court, Wilmington, DE 19808, to be reappointed as a member of the New Castle County Board of Elections to serve a four year term to expire September 30, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor * * * * *

STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Howard R. Ogden, Route 13, St. Georges, DE 19733, to be reappointed as a member of the New Castle County Board of Elections to serve a four year term to expire September 30, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor * * * * *

STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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: Lewis Trivits, 525C Colonial Gardens, Seaford, DE 19973, to be reappointed as a member of the Sussex County Board of Elections to serve a four year term to expire January 31, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor * * * * *

STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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: Frank J. Carello, Jr., 108 Wildel Avenue, New Castle, DE 19720, to be reappointed as Chairman of the Unemployment Insurance Appeals Board to serve a six year term expiring May 1, 1994.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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: Milton W. Mitchell, 501 Central Avenue, Laurel, DE 19956, to be appointed as a member of the Unemployment Insurance Appeals Board to serve a six year term expiring May 1, 1994, to replace W. Allen Jones, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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: Emilie E. Tugend, P. O. Box 4107, Delaware City, DE 19706, to be appointed as a member of the Unemployment Insurance Appeals Board to serve a six year term expiring May 1, 1994.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Richard C. Adams, R. D. 3, Box 657, Milford, DE 19963, to be appointed as a member of the Unemployment Insurance Appeals Board to serve a six year term expiring May 1, 1994, to replace Harold P. Minner, term expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 22, 1988

To the Senate of the 134th 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 S. Powell, 5455 Crestline Road, Wilmington, DE 19808, to be appointed as a member of the Industrial Accident Board to serve a six year term to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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Senators Neal and Minner marked PRESENT.

At 3:02 on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:25 p.m., Lt. Governor Woo presiding.

The following legislation was introduced:

SB 347 - AN ACT TO REPEAL §529, CHAPTER 5, TITLE 18, DELAWARE CODE, AND TO AMEND TITLE 18, DELAWARE CODE, BY ADDING THERETO A NEW CHAPTER 6 RELATING TO CANCELLATION OF INSURANCE CONTRACTS. Sponsors: Senators Zimmerman, Adams, Connor, Torbert, Sharp, Berndt; Representatives D. Ennis, Lee, Dixon, VanSant. Assigned to Insurance and Elections Committee.

SA 1 to SB 324. Sponsor: Senator Holloway. Placed with the Bill.

SR 69 was introduced and considered for adoption on motion of Senator Torbert:

SR 69 - URGING TRANSPORTATION SECRETARY KERMIT H. JUSTICE TO INSTITUTE A PILOT PROGRAM OF INSTALLING ROAD SIGNS URGING MOTORISTS TO TURN ON THEIR LIGHTS WHEN THEIR WINDSHIELD WIPERS ARE IN OPERATION AS A HIGHWAY SAFETY MEASURE. Sponsor: Senator Torbert.

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

At 4:30 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., March 23, 1988.

The Senate reconvened at 4:37 p.m., March 23, 1988, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 376, SS 1 to SB 116 w SA 1, 2, 3, HA 2, 3.

The following legislation was introduced:

HB 376 - AN ACT TO AMEND CHAPTER 1, TITLE 17 OF THE DELAWARE CODE RELATING TO THE REGULATION OF TRAFFIC. Sponsors: Representative Roy, Senator Martin. Assigned to Highways and Transportation Committee.

SS 1 to SB 116 w SA 1, 2, 3 (HA 2, 3) was laid on the table on motion of Senator McDowell.

The following Committee reports were announced:

From the Judiciary Committee: SB 247 - 5 Merits; SB 309 - 5 Merits; SB 328 - 5 Merits; SB 335 - 5 Merits; SB 336 - 5 Merits; SB 337 - 1 Favorable, 4 Merits; SB 342 - 5 Merits; HB 142 w HA 1 - 5 Merits; HB 177 w HA 1 - 4 Merits; HB 180 - 5 Merits; HB 280 - 5 Merits.

From the Community Affairs Committee: SB 344 - 3 Merits; SB 341 - 3 Merits; SB 346 - 3 Merits; SB 338 - 3 Merits.

At 3:44 p.m. on motion of Senator Sharp the Senate adjourned to immediately convene for the 11th Legislative Day.

11TH LEGISLATIVE DAY
March 23, 1988

The Senate convened at 3:44 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

SB 324 was taken up for consideration on motion of Senator Holloway:

SB 324 - AN ACT TO AMEND CHAPTER 5, TITLE 31, OF THE DELAWARE CODE RELATING TO CATEGORIES OF ASSISTANCE.

Senators Martin, Zimmerman, McBride marked PRESENT.

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

The roll call vote on SB 324 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 4:00 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:13 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SB 351 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS. Sponsors: Senators Slatcher, Neal, McBride; Representative Amick. Assigned to Community Affairs Committee.

SB 348 - AN ACT TO AMEND TITLE 21 AND TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES WHICH ARE EXEMPT FROM CERTAIN FEES; AND PROVIDING THAT SALVATION ARMY VEHICLES BE EXEMPT FROM SUCH FEES. Sponsor: Senator McBride (by request). Assigned to Public Safety Committee.

SB 349 - AN ACT TO AMEND CHAPTER 541, PART V, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC OFFICERS AND EMPLOYEES; AND PROVIDING FOR A SICK-LEAVE BANK IN WHICH LEAVE MAY BE DONATED. Sponsors: Senators McBride, McDowell, Marshall; Representatives D. Ennis, Campanelli. Assigned to Labor and Industrial Relations Committee.

SB 350 - AN ACT TO AMEND CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO," AS AMENDED BY CHAPTER 358, VOLUME 62, LAWS OF DELAWARE AND CHAPTER 412, VOLUME 65, LAWS OF DELAWARE RELATING TO THE COLLECTION OF ANNUAL TAXES; AND PROVIDING FOR THE ELIMINATION OF ANY ABATEMENT ON ANY TAXES. Sponsors: Senator Cordrey, Representative West. Assigned to Community Affairs Committee.

SB 352 - AN ACT TO AMEND CHAPTER 95, TITLE 29 OF THE DELAWARE CODE RELATING TO REAL PROPERTY ACQUISITION. Sponsors: Senators Still, Martin; Representative Roy; Senators Slatcher, Bane, Bair, Berndt, Connor, Knox, Neal, Adams; Representatives Corrozi, Taylor. Assigned to Executive Committee.

The following Committee reports were announced:

From the Public Safety Committee: SB 329 - 4 Merits; SB 332 - 4 Merits.

From the Health-Social Services/Aging Committee: HB 146 w HA 1 - 5 Merits.

From the Labor and Industrial Relations Committee: SB 316 - 1 Favorable, 3 Merits.

SENATE CONSENT CALENDAR #25 was introduced and considered for adoption on motion of Senator Minner. The Calendar consisted of the following:

SCR 131 - COMMENDING BOB KELLY ON HIS 70TH BIRTHDAY, FEBRUARY 27, 1988 AND WISHING HIM MANY MORE IN THE YEARS AHEAD. Sponsors: Senator Berndt and all Senators; Representative Smith and all Representatives.

SCR 132 - MOURNING THE DEATH OF MR. WESLEY CONLEY, AGE 81, OF DOWNS CHAPEL, NEAR KENTON, DELAWARE, WHO DIED ON FRIDAY, MARCH 18, 1988. Sponsors: Senator Cook, Representative Clark.

SCR 133 - EXTENDING CONGRATULATIONS TO VICKI HUBER ON HER RECENT SELECTION AS THE FIRST WOMAN NAMED "DELAWARE ATHLETE OF THE YEAR". Sponsors: Senator Bair, Representative Hebner.

SCR 134 - EXTENDING CONGRATULATIONS AND BEST WISHES TO THE BRANDYWINE HIGH SCHOOL TEAM FOR WINNING AN AWARD IN THE JUNIOR ACHIEVEMENT MANAGEMENT BOWL HELD AT WILMINGTON'S HERCULES PLAZA. Sponsors: Senator Bair; Representatives Boykin, Maroney; Senator Knox.

SCR 135 - MOURNING THE DEATH OF MR. KARL H. OBOLD OF CLAYMONT, DELAWARE, SCIENCE EDUCATOR AND FORMER DELAWARE SCIENCE TEACHER OF THE YEAR. Sponsors: Senator Bair, Representative Hebner, Senator Berndt, Representative Brady.

SCR 136 - EXTENDING PRENUPTIAL CONGRATULATIONS AND BEST WISHES TO ONE OF OURS, "STEVEN B. KUBICO", SENIOR ANALYST, OFFICE OF CONTROLLER GENERAL, WHO WILL BE ENTERING INTO THE CEREMONIAL LITURGY OF "MARRIAGE" ON SATURDAY MARCH 26, 1988 AT HOLY CROSS CATHOLIC CHURCH, DOVER, DELAWARE AND WISHING HE AND HIS WIFE TO BE, "TRISH", HAPPINESS AND GOOD FORTUNE. Sponsors: Senator Cook, Representative Corrozi, Senators Holloway, McBride, Vaughn, Slatcher, Berndt; Representatives Davis, Quillen, Smith, Bennett, Soles.

SCR 137 - OBSERVING MAY 1988 AS FOSTER CARE MONTH IN DELAWARE. Sponsors: Senator Bair, Representative DiPinto; Senators Neal, Minner, Holloway, Still; Representatives Jester, Soles, Smith, Maroney.

SCR 138 - URGING THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO CONDUCT INSPECTIONS OF ALL INDUSTRIAL SITES ALONG WATERWAYS USED FOR DRINKING WATER AND TO REQUIRE SAID INDUSTRIAL SITES TO CONFORM TO ENVIRONMENTAL LAWS AND REGULATIONS. Sponsors: Senator Martin, Representative Amick; Senators Marshall, McDowell, Vaughn, Bane, Neal; Representatives Soles, Davis, Mack, Oberle, Smith.

SCR 139 - CONGRATULATING GARY CISZKOWSKI ON WINNING THE MR. DELAWARE TITLE AT THE DELAWARE AMATEUR ATHLETIC UNION BODYBUILDING CHAMPIONSHIP. Sponsors: Senator Marshall, Representative Jonkiert.

SCR 141 - MEMORIALIZING THE DEATH OF SAMUEL MCKAY, JR., ACTIVIST AND FOUNDER OF WHAT TODAY IS CALLED THE "DELAWARE AUTHORITY OF SPECIALIZED TRANSPORTATION". Sponsors: Senators Bair, Still, Berndt; Representatives Corrozi, Smith.

SCR 142 - COMMENDING DR. ROBERT L. PIGFORD, UNIVERSITY OF DELAWARE RESEARCH PROFESSOR, RECIPIENT OF THE DISTINGUISHED AWARD ENTITLED "DELAWARE'S ENGINEER OF THE YEAR". Sponsors: Senators Neal, McBride, Berndt; Representatives Soles, Petrilli, Spence, Wingate.

The roll call vote on SENATE CONSENT CALENDAR #25 was then taken and revealed 19 Senators voting YES and 2 (Berndt, Knox) ABSENT; therefore, the Resolutions were declared adopted and sent to the House for consideration.

SCR 140 was introduced and laid on the table on motion of Senator Bair:

SCR 140 - COMMENDING DAVID BRICE ALLEN, JOANNE M. BOSE, LINDSAY ELIZABETH LOWRY AND ALISON SANDS ON BEING CHOSEN TO PARTICIPATE IN THE THIRD US/USSR MISSION OF PEACE IN APRIL 1988. Sponsors: Senators Bair, Cook, Berndt; Representatives Quillen, Boykin, Maroney, Smith.

At 5:24 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 24, 1988.

The Senate reconvened at 2:27 p.m., March 24, 1988, Lt. Governor Woo presiding.

Senator Knox marked PRESENT.

The following Committee reports were announced:

From the Insurance and Elections Committee: HB 325 - 4 Merits; HB 406 - 4 Merits.

At 2:28 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 12th Legislative Day.

12TH LEGISLATIVE DAY
March 24, 1988

The Senate convened at 2:28 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

A messenger from the Governor was announced and admitted.

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

Senators Minner and Bair marked PRESENT.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 111; HCR 112; HCR 113; HCR 114; HCR 115; HCR 116; HCR 117; HCR 118; HCR 119; HCR 120.

Senators Connor and Neal marked PRESENT.

SB 338 was taken up for consideration on motion of Senator Minner:

SB 338 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON," BEING CHAPTER 501, VOLUME 61, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 265, VOLUME 64, AND CHAPTER 266, VOLUME 65, LAWS OF DELAWARE, BY ELIMINATING THE 15 PERCENT CAP ON ANNUAL APPROPRIATIONS TO THE PENSION PLAN FOR TOWN EMPLOYEES.

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

SB 346 was taken up for consideration on motion of Senator Connor.

SB 346 - AN ACT TO AMEND VOLUME 27, CHAPTER 216, LAWS OF DELAWARE AS AMENDED BY VOLUME 38, CHAPTER 118, LAWS OF DELAWARE RELATING TO THE CHARTER OF THE CITY OF NEW CASTLE AND THE DUTIES OF CITY CLERK.

Senator Torbert marked PRESENT.

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

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

HB 280 - AN ACT TO AMEND CHAPTER 29, TITLE 10 OF THE DELAWARE CODE RELATING TO POWERS OF CODE ENFORCEMENT CONSTABLES.

Senators McBride and Zimmerman marked PRESENT.

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

HB 142 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 142 w HA 1 - AN ACT TO AMEND CHAPTER 5, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC CRIMINAL OFFENSES; AND PROVIDING FOR PROHIBITIONS AGAINST TICKET SCALPING.

Senator Berndt marked PRESENT.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES, 2 (Holloway, Near) voting NO and 1 (Martin) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 146 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 146 w HA 1 - AN ACT TO AMEND CHAPTER 68, TITLE 16, DELAWARE CODE RELATING TO EXEMPTIONS FROM CIVIL LIABILITY.

The privilege of the floor was extended to John L. Mitchell, SR. (Delaware Volunteer Firemen's Association), after which the Bill was laid on the table on further motion of Senator Holloway.

At 2:55 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:32 p.m., Senator Cordrey presiding.

SCR 140 was lifted from the table for consideration on motion of Senator Bair:

SCR 140 - COMMENDING DAVID BRICE ALLEN, JOANNE M. BOSE, LINDSAY ELIZABETH LOWRY AND ALISON SANDS ON BEING CHOSEN TO PARTICIPATE IN THE THIRD US/USSR MISSION OF PEACE IN APRIL 1988.

Lt. Governor Woo presiding.

The privilege of the floor was extended to the four young people mentioned in the Resolution after which the roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Berndt and Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 332 was taken up for consideration on motion of Senator Torbert:

SB 332 - AN ACT TO PROVIDE THAT A REFERENDUM BE HELD IN THE NOVEMBER 1988 GENERAL ELECTION ON THE QUESTION OF MANDATORY MOTOR VEHICLE SEAT BELT USE IN THE STATE OF DELAWARE.

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

SB 329 was taken up for consideration on motion of Senator McDowell:

SB 329 - AN ACT TO AMEND CHAPTER 84, TITLE 11 OF THE DELAWARE CODE RELATING TO POLICE OFFICER TRAINING.

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

YES: Senators Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn - 12.

NO: Senators Adams, Bair, Bane, Knox, Still - 6.

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

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

On motion of Senator Torbert, the roll call vote on SB 332 was lifted and announced:

YES: Senators Cook, Cordrey, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Lt. Governor Woo - 11.

NO: Senators Adams, Bair, Bane, Connor, Holloway, Knox, Marshall, Neal, Still, Zimmerman - 10.

ABSENT: Senator Berndt - 1.

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

The following Committee reports were announced:

From the Natural Resources, Environmental Control Committee: HB 330 - 1 Favorable, 5 Merits; SB 160 - 6 Merits.

From the Education Committee: SB 334 - 4 Merits.

From the Insurance and Elections Committee: SB 347 - 5 Merits; SB 322 - 4 Merits.

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

STATE OF DELAWARE
Office of the Governor
March 24, 1988

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Arthur A. Sloane, 812 Berkeley Road, Wilmington, DE 19807, to be appointed as a member of the Public Employment Relations Board to serve a six year term to fill a vacancy.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
March 24, 1988

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Norman G. Powell, 111 Sussex Avenue, Bridgeville, DE 19933, to be appointed as a member of the Board of Parole of the State of Delaware to serve for a term expiring June 24, 1990, to replace J. Franklin Gordy, Sr.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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SENATE CONSENT CALENDAR #26 was introduced and considered for adoption on motion of Senator Minner. The Calendar consisted of the following:

HCR 111 - CONGRATULATING PAUL A. DIELEUTERIO UPON HIS RETIREMENT FROM STATE SERVICE AS AN EMPLOYEE OF THE DIVISION OF MOTOR VEHICLES AND EXPRESSING SINCERE APPRECIATION FOR 20 YEARS OF DEDICATED SERVICE TO THE CITIZENS OF DELAWARE. Sponsors: Representatives Jonkiert, George; Senators McDowell, Marshall.

HCR 112 - COMMENDING JENNIFER L. EBY OF SMYRNA, DELAWARE, WINNER OF THE STATE JUNIOR MISS TITLE HELD, SATURDAY, MARCH 5, 1988 AT THE DELAWARE TECHNICAL AND COMMUNITY COLLEGE AUDITORIUM IN GEORGETOWN, DELAWARE. Sponsors: Representative B. Ennis, Senator Vaughn; Representative Clark, Senator Cook.

HCR 113 - COMMENDING MRS. FLORENCE COOKE OF SMYRNA, DELAWARE, WINNER OF THE 1988 SMYRNA/CLAYTON SUN TIMES GREAT PERSON AWARD. Sponsors: Representative B. Ennis, Senator Cook; Representative Clark, Senator Vaughn.

HCR 114 - COMMENDING DEBBIE SHORT OF TOWNSEND, DELAWARE, THE WINNER OF THE NEW CASTLE COUNTY PUBLIC SPEAKING CONTEST. Sponsors: Representative B. Ennis, Senator Vaughn, Representative Jester.

HCR 115 - EXTENDING CONGRATULATIONS TO MRS. CONSTANCE S. KRESHTOLL OF WILMINGTON, DELAWARE, RECIPIENT OF THE 1988 DISTINGUISHED AWARD GIVEN ANNUALLY BY THE DELAWARE REGION OF THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS. Sponsor: Representative George.

HCR 116 - EXTENDING CONGRATULATIONS TO O. FRANCIS BIONDI, ESQUIRE, CITY OF WILMINGTON, DELAWARE, RECIPIENT OF THE DISTINGUISHED 1988 ANNUAL AWARD BY THE DELAWARE REGION OF THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS. Sponsor: Representative George.

HCR 117 - SENDING BEST WISHES FOR A SPEEDY RECOVERY TO RICHARD SINCOCK, DIRECTOR AND EXECUTIVE SECRETARY OF THE DELAWARE ALCOHOLIC BEVERAGE CONTROL COMMISSION. Sponsors: Representatives Hebner, Spence; Senator Berndt.

HCR 118 - EXPRESSING CONDOLENCES UPON LEARNING OF THE DEATH OF MRS. VALERIE B. BOGGS, AGE 66, OF CHESWOLD, DELAWARE, WIFE OF CALVIN BOGGS AND SISTER-IN-LAW OF THE HONORABLE J. CALEB BOGGS, FORMER GOVERNOR AND U. S. SENATOR OF DELAWARE. Sponsors: Representative Outten, Senator Cook; Representative Clark, Senator Vaughn; Representatives Bennett, Brady, Bunting, Campanelli, Dixon, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Plant, Sills, Soles, VanSant, West, Wingate, Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Roy, Smith, Spence, Taylor; Senators Adams, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Zimmerman, Bair, Bane, Berndt, Connor, Knox, Neal, Slatcher, Still.

HCR 119 - HONORING JANE MITCHELL, PRESIDENT OF THE DELAWARE BOARD OF NURSING, AS SHE IS INDUCTED INTO THE 1988 HALL OF FAME FOR DELAWARE WOMEN. Sponsors: Representatives Mack, Jester; Senator Vaughn.

HCR 120 - WISHING A SPEEDY RECOVERY TO U. S. SENATOR JOSEPH R. BIDEN, JR., FROM THE MEMBERS OF THE 134TH GENERAL ASSEMBLY UPON LEARNING OF HIS RECENT SURGERY AND SUBSEQUENT MEDICAL TREATMENT FOR A FUTURE OPERATION TO TREAT AN ANEURISM. Sponsors: Representatives George, Gilligan, Bennett, Brady, Bunting, Campanelli, Clark, Dixon, B. Ennis, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, VanSant, West, Wingate; Senators Cordrey, Sharp, McDowell, Adams, Cook, Holloway, Marshall, Martin, McBride, Minner, Torbert, Vaughn, Zimmerman; Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Roy, Smith, Spence, Taylor; Senators Bair, Bane, Berndt, Connor, Knox, Neal, Slatcher, Still.

SCR 143 - COMMENDING GERTRUDE LOWELL ON HER RETIREMENT AS EDITOR OF THE "DELAWARE SENIOR CITIZEN", A PUBLICATION THAT KEEPS SENIOR CITIZENS, THROUGHOUT THE STATE, INFORMED OF TOPICS AND ISSUES AFFECTING THEM AND WISHING HER THE BEST OF HEALTH AND HAPPINESS DURING HER RETIREMENT YEARS. Sponsors: Senators Berndt, Cook, Slatcher, McDowell, Holloway, Neal; Representatives Smith, Corrozi, Bennett, Wingate, D. Ennis, Hebner, Davis, Boykin, Soles.

The roll call vote on SENATE CONSENT CALENDAR #26 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolution was sent to the House for consideration.

At 5:10 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 29, 1988

The Senate reconvened at 2:07 p.m., March 29, 1988, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 321 w HA 1; HB 332; HB 341 and adopted HCR 121; HJR 23.

The following legislation was introduced:

HB 321 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 4 OF THE DELAWARE CODE RELATING TO THE PURCHASING, BUYING OR GIVING OF ALCOHOLIC LIQUOR TO A MINOR OR THE CONSUMPTION OF ALCOHOLIC LIQUOR BY MINORS AND PENALTIES THEREFOR. Sponsors: Representatives Oberle, Spence. Assigned to Administrative Services/Energy Committee.

HB 332 - AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE DELAWARE CODE RELATING TO THE NUMBER OF ACTIVE DUTY STATE POLICE OFFICERS. Sponsors: Representatives Hebner, Spence; Senators Sharp, Berndt. Assigned to Public Safety Committee.

HB 341 - AN ACT TO AMEND TITLE 16, DELAWARE CODE, ALLOWING THE COLLECTION OF COURT COSTS IN CASES WHERE THE DEFENDANT IS ALLOWED FIRST OFFENDER STATUS. Sponsor: Representative Oberle. Assigned to Judiciary Committee.

HJR 23 - DIRECTING AND AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO NAME THE BRIDGE LOCATED ON ROUTE 535 IN SEAFORD, "THE FRANK C. HURLEY BRIDGE": IN HONOR OF THE LATE FRANK C. HURLEY AND TO PLACE A MARKER THERETO WITH SUCH DESIGNATION. Sponsors: Representative Fallon, Senator Slatcher. Assigned to Executive Committee.

HCR 121 - COMMEMORATING DR. MARGARET I. HANDY FOR A LIFETIME OF LANDMARK ACHIEVEMENTS AND DEVOTION TO CHILDREN AND MEDICINE AS SHE IS INDUCTED INTO THE HALL OF FAME OF DELAWARE WOMEN. Sponsors: Representative Maroney, Senator Minner. Laid on the table.

SB 353 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO COMPUTATIONS OF STATE EMPLOYEE PENSIONS. Sponsor: Senator Connor. Assigned to Finance Committee.

SB 354 - AN ACT TO AMEND CHAPTER 19, TITLE 14, DELAWARE CODE RELATING TO LOCAL SCHOOL TAXES. Sponsors: Senator Connor; Representative Oberle; Senators Neal, Berndt, Bair, Sharp, Bane, Still; Representatives Petrilli, Gilligan, Smith, Houghton, Roy, DiPinto, Maroney, Mack, Spence, Amick, Boykin, Dixon, Soles. Assigned to Education Committee.

SJR 12 - REQUESTING THAT THE DEPARTMENT OF PUBLIC INSTRUCTION STUDY THE FEASIBILITY OF AND DEVELOP A PLAN FOR THE IMPLEMENTATION OF ALLOWING CHILDREN TO ENTER KINDERGARTEN ONLY IF THEY ARE ALREADY FIVE (5) YEARS OLD AS OF THE BEGINNING OF THE SCHOOL YEAR. Sponsors: Senator Connor, Bair; Representatives D. Ennis, Mack, Lee, Buckworth, Ewing, DiPinto. Assigned to Education Committee.

At 2:12 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 13th Legislative Day.

13TH LEGISLATIVE DAY
March 29, 1988

The Senate convened at 2:12 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

At the request of Senator Sharp, the privilege of the floor was extended to the following students: Stefan Smi (Distributive Education Clubs of America), Barbara L. Williams (Delaware Association of the Future Farmers of America), Nida L. Provost (Office Education Association), Theresa Mitchell (Vocational Student Organizations). The students presented each Senator with an Easter Lily and were thanked by Senator Sharp.

Senators Zimmerman, Neal, McBride marked PRESENT.

SS 1 for SB 83 was taken up for consideration on motion of Senator Minner:

SS 1 for SB 83 - AN ACT TO AMEND CHAPTER 29 OF TITLE 21 OF THE DELAWARE CODE RELATING TO VEHICLE STICKERS AS EVIDENCE OF VALID MOTOR VEHICLE INSURANCE.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to James E. Long (North Carolina Department of Insurance), David Levinson (Insurance Commissioner, State of Delaware), Robert J. Voselli (Commissioner of Motor Vehicles, State of Delaware), Captain Raymond W. Hancock (Delaware State Police), David W. Lynch (Deputy Attorney General, State of Delaware).

The following communications were introduced and made part of this journal on motion of Senator Minner:

DEPARTMENT OF THE AIR FORCE
Headquarters 436th Military Airlift Wing (MAC)
Dover Air Force Base, Delaware 19902

23 March 1988

Beverly Moyer
Delaware Insurance Department
841 Silver Lake Boulevard
Dover, Delaware 19901

Dear Ms. Moyer

In reference to your question regarding Air Force minimum automobile insurance standards, Air Force members must sign the attached form to register their vehicles on the base. The form states that the military member will "comply with the financial responsibility, compulsory insurance, or no-fault insurance requirements of the state or country identified on the front of this form."

If I can be of further assistance, please let me know.

Sincerely,
WALTER N. THORP, Captain, USAF
Chief, Public Affairs

* * * * *

State of Delaware
THE COURTS OF THE JUSTICES OF THE PEACE
620 North French Street, 11th Floor
Wilmington, Delaware 19801
March 28, 1988

I would like to start by relating to you a personal family experience with an uninsured motorist. Five years ago, the vehicle being driven by my wife's sister was struck broadside by a vehicle being driven by an uninsured motorist. My sister-in-law was seriously injured in this incident which resulted in the other driver being charged with an convicted of vehicular assault. My wife's sister was in a coma for more than 2 weeks and to this day still suffers from residual effects of the crash. However, when will never be fully compensated for her injuries since the other driver had no insurance. Her own insurance policy paid the limits of \$10,000 in PIP coverage. This amount barely covered hospital and medical expenses. It did not cover pain and suffering, lost wages, after-care or partial permanent injuries. To show the lack of responsibility on the part of the driver whose vehicle collided with hers, it further should be pointed out that subsequent to this incident, the defendant was charged with and convicted of 2 counts of robbery.

I support the so-called "Sticker Bill" and Commissioner Levinson's efforts in this area because I perceive that the incident touching my family which I have related to you is more than likely not an isolated one. Statistics support my perception.

I have gathered for you the stats on the number of persons charged with driving without insurance whose cases have been filed in Delaware's Justice of the Peace Courts during the first three (3) months of 1988. There were 1,965 such cases. Bases upon this figure, we can expect a total of 7,860 no insurance cases being filed in magistrate courts during 1988. And those are only the ones who were arrested for the offense. How many others are there in Delaware who irresponsibly drive without insurance, knowing that it is against the law to do so but further knowing that the changes of getting caught are slim? How many feel that the benefits of monetary savings from not paying insurance premiums outweigh the risks of apprehension, arrest, and conviction for violating this serious motor vehicle offense? I don't know the answer to these questions other than that the numbers must be substantial. Especially when you consider that national statistics show that for any DUI arrest, the offender has driven under the influence on 200 other occasions without being arrested.

I recognize that should the Sticker Bill become law, the responsibilities of Delaware's magistrates will increase. Higher fines translate into a greater degree of difficulty in the collection process. Should the Bill in its final version include a provision excepting violations from the voluntary assessment statute, our caseload shall surely increase. Yet, as has been the case on so many other occasions in the past, I am confident that Delaware's Justices of the Peace will fulfill their constitutional obligation to see that the laws of the State are faithfully executed.

As a member of the judiciary and with fidelity to the separation of powers doctrine, I leave it to others to explain the details of the proposed legislation and the rationale therefore. I do, however, state for the record my personal support this or similar legislation since experience tells me that far too many motorists are today driving without insurance; thus, this situation commends itself to legislative action.

Norman A. Barron
Chief Magistrate

* * * * *

Department of Licensing and Regulations
INSURANCE DIVISION
501 St. Paul Place
Baltimore Maryland 21202-2272

March 24, 1988

Ms. Beverly Moyer
Administrative Executive
Delaware Insurance Department
841 Silver Lake Boulevard
Dover, DE 19901

RE: Uninsured Motorists

Dear Ms. Moyer:

This letter will respond to your request regarding information on uninsured motorists in the state of Maryland. Although the Insurance Division does not have statistics on the estimated number of uninsured motorists in the state, we do consider the existence of uninsured motorists to be a serious problem.

One of the specific concerns of the 1988 Maryland legislature has been the rising cost of insurance in the Maryland Automobile Insurance Fund (MAIF), the statutorily created residual market for drivers who cannot obtain insurance in the admitted market. There is a fear that if costs cannot be curtailed, many motorists will simply forego the purchase of mandated insurance.

Senate Bill 637, which has passed the Maryland Senate and is pending in the House of Delegates, helps to address the problem by making personal injury protection benefits optional for MAIF insureds. They presently pay as much as \$500 for the minimum \$2,500. benefit. If the bill passes, it will, at least for the present time, help reduce MAIF premiums, and hopefully, the number of uninsured motorists.

As further evidence of the problem, documents submitted to the Insurance Division by MAIF indicate that the number of uninsured motorist claims made by its own members is increasing in both frequency and severity. MAIF reported that for the prior year ending June 30, 1987, its uninsured motorist claims frequency was 1,892 and its average paid claim was \$1,845. For the prior year ending March 31, 1987, the uninsured claim frequency was reported to be 2.350 and the average paid claim was \$2,606. Because of the rise in both frequency and severity of uninsured motorist claims, MAIF received approval for an approximate 92% increase in its uninsured motorist premiums, effective September 1, 1987.

Finally, MAIF has informed the Insurance Division that in calendar year 1987, it has 148,968 policies in force in Maryland. Of this number, 11,204 of the policies were cancelled at the insured's request. It is expected that the majority of these policyholders secured other insurance through the admitted market. However, during the same period, 40,841 policies were cancelled by premium finance companies for failure to make payment. It is feared that the majority of these persons did not secure insurance elsewhere and may, in fact, be driving without statutorily mandated insurance.

If this office can be of any further assistance, please feel free to contact me.

Very truly yours,
Murray L. Sherman, Senior Staff Attorney

* * * * *

At 3:45 p.m., Lt. Governor Woo presiding.
From 3:56 p.m. to 4:00 p.m. standing recess for tape change.
SA 1 to SS 1 for SB 83 (sponsor Senator Minner) was introduced and laid on the table.
At 4:10 p.m., Senator Cordrey presiding.
At 4:15 p.m., Senator Sharp presiding.
At 4:25 p.m., Senator Cordrey presiding.
Senator Martin marked PRESENT.
SS 1 for SB 83 was then laid on the table on motion of Senator Minner.
SB 322 was stricken on motion of the sponsor, Senator Zimmerman.
Senators Marshall and Connor marked PRESENT.
At 5:45 p.m. on motion of Senator Sharp, the Senate recessed until 3:00 p.m., March 30, 1988.
The Senate reconvened at 3:34 p.m., March 30, 1988, Senator Cordrey presiding.
The following Committee reports were announced:
From the Public Safety Committee: SB 348 - 4 Merits; HB 168 - 4 Merits; HB 220 - 4 Merits.
At 3:35 p.m. Lt. Governor Woo presiding.
The Secretary announced that a message from the House informed the Senate that it had passed HB 436; HB 440; HB 444; HB 455 w HA 1 and adopted HJR 22; HJR 24.
The following Committee reports were announced:
From the Community Affairs Committee: SB 350 - 4 Merits.
From the Administrative Services/Energy Committee: SB 339 - 4 Merits; SB 340 - 4 Merits; SB 351 - 4 Merits.
At 3:36 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 14th Legislative Day.

14TH LEGISLATIVE DAY
March 30, 1988

The Senate convened at 3:36 p.m., Lt. Governor Woo presiding.
A Prayer was offered by Senator Slatcher.
Pledge of Allegiance to the Flag.
Call of the roll revealed the following attendance:
PRESENT: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 21.
The Journal of the previous day was approved as read on motion of Senator Cordrey.
HB 138 w HA 1 was reported out of the Community Affairs Committee: 3 Merits.
Senators McBride and Holloway marked PRESENT.
SS 1 for SB 116 w SA 1, 2, 3 which had previously passed the Senate was lifted from the table for consideration as now further amended by HA 2, 3.
Senator Torbert announced he would be voting NOT VOTING due to a conflict of interest.
Senators Berndt and Neal marked PRESENT.
The roll call vote on SS 1 for SB 116 w SA 1, 2, 3, HA 2, 3 was then taken and revealed 19 Senators voting YES, 1 (Torbert) NOT VOTING and 1 (Bane) ABSENT; therefore, the Bill was declared passed and sent to the Governor for consideration.
Senator Adams presented the final report of the Delaware Farm Assistance Task Force and on his motion is made part of this Journal:

INTRODUCTION

The Delaware Farm Assistance Task Force was established under the provisions of House Joint Resolution No. 21 in February of 1988 for the purpose of reviewing and recommending "proposals to provide assistance to Delaware farmers impacted by several years of drought." The sponsors of the resolution, who included Representatives Caulk, Carey, Mack and West and Senators Minner, Adams, Cordrey, Vaughn, Connor and Slatcher, were moved by the seriousness of the several crises confronting Delaware agri-business. The first and most obvious of these is of course the aforementioned, "several years of drought". Many Delaware farm families have been forced to leave agriculture after what in several cases had been generations of involvement. Many others have been left laboring under extremely heavy burdens of debt.

Other problems of an extremely serious nature could pose even greater dangers to the future of agriculture in Delaware in the long term. Among these are the impact on agriculture and agri-business by the increasingly rapid and wide-spread residential and commercial development - particularly in southern New Castle, in the area of Dover and in coastal Sussex. Another is the growing burden of government regulation which carries with it a perception on the part of many Delaware farmers that some federal and state officials are more interested in limiting and halting their activities than in working with them to achieve desired ends. Still another serious problem is the erosion of America's position in the world commodities markets.

When considered as a whole, it becomes all too clear that these and other problems plaguing Delaware's farmers threaten the very existence of that activity which has been the mainstay of Delaware's economy for three centuries. Even as agri-business remains the number one segment of the Delaware economy, it struggles for its very existence.

At a time when the state of Delaware has provided direct financial assistance to our auto and steel industries amounting to millions of dollars and when we've provided major incentives for the development of banking and commerce and new industry, the state has done relatively little for farmers beyond the routine services provided by the Department of Agriculture and other state agencies. At present Delaware's 2,800 farm families own more than 80 percent of all the land in the state. In addition substantial segments of the work force, particularly in Kent and Sussex Counties are employed by agri-business. In view of these facts, one can only conclude that if Delaware is to preserve this valuable segment of its economy and this major contributor to our much-vaunted "Quality of Life," the time is at hand to undertake some extraordinary measures to assist our agri-business community.

In view of the fact that the Delaware Farm Assistance Task Force was charged to carry out its function in only 30 days, it was impossible for task force members to make more than a brief study of these problems. Task force members saw their function as being only the beginning of a larger and more extensive effort to study the problem and to find ways of providing both rapid, short-term assistance and recommendations and mechanisms for longer range answers.

MEMBERS OF THE TASK FORCE INCLUDED THE FOLLOWING:

Rep. G. Wallace Caulk, Jr. Co-Chairman	Senator Thurman Adams, Jr. Co-Chairman
Hon. William B. Chandler, Jr. Secretary of Agriculture	Mrs. Jane Mitchell, Master Delaware State Grange
Rep. V. George Carey House Agriculture Committee	Senator Ruth Ann Minner 18th Senatorial District
Mr. Roland L. Derrickson* Director, Division of Production and Promotion	Senator William A. Slatcher Senate Agriculture Committee
Mr. Scott Douglass State Budget Director	Mr. John F. Tarburton Delaware Farm Bureau
Mr. Don Dryden Controller General	Dr. Don Tilmon University of Delaware Cooperative Extension Service
Mr. John Frazer* Office of the Controller General	Rep. Charles P. West House Agriculture Committee
Hon. Stephen Golding* Secretary of Finance	Mr. Dan Hudson, President Council of Farm Organizations

Staff: Mr. Richard B. Carter
Administrative Assistance to
the Senate Majority Caucus
(functioning as recording secretary)

* Met with Task Force on an ex officio basis.

The Delaware Farm Assistance Task Force held a total of four meetings between February 2 and March 10, 1988. The report which follows will present both the recommendations and a summary of the work of the task force.

RECOMMENDATIONS

The Farm Assistance Task Force saw as one of its primary goals the framing of a set of recommendations to the Joint Finance Committee, the General Assembly and the Governor as to how the state might best assist Delaware agri-business in the up-coming fiscal year and beyond. Included among these recommendations are six proposals for funding specific programs and one additional recommendation which does not involve the expenditure of funds. The funding proposals total \$260,000 in Fiscal Year 1988 moneys and \$350,000 in Fiscal Year 1989 moneys. The specific recommendations and a short discussion of each follow:

1. CROP INSURANCE: The Task Force Recommends an Expenditure of up to \$260,000 in F.Y. 1988 Funds to Provide a State Subsidy for Crop Insurance which would match the Federal Subsidy within the Limitation of a \$260,000 Cap. This is a One-Year Program Only.

After considerable discussion and study, the task force concluded that providing a state subsidy to cover a portion of the cost of crop insurance for eligible Delaware farmland would be perhaps the quickest way to aid a maximum number of Delaware farmers in the event that drought conditions persist into the 1988 growing season. The state subsidy would match the present federal subsidy with the important exception that the federal subsidy is open-ended while the state's would be limited by the \$260,000 Cap. It should be stressed that \$260,000 is more than enough to handle the anticipated number of farmers signing up for insurance, but it is theoretically possible that a larger number will sign up. In that unlikely event, the state subsidy would be correspondingly reduced.

At the present time, there are three levels of crop insurance policies available. Level One pays 50 percent of the value of the normal harvest. Level Two pays 65 percent and Level Three pays 75 percent. An example of how the program operates is:

A farmer has a field with a growing history which indicates that normal crop yield in a good year is 100 bushels per acre. He buys a crop insurance policy insuring this field for 65 percent of the harvest. The growing season is a bad one and the farmer's yield in that field is only 20 bushels per acre. The farmer's insurance pays him the difference between his 20 bushel per acre yield and the value of 65 bushels per acre.

The state's subsidy will be for 30 percent of the premium for Levels One and Two Policies (50% and 65%). The subsidy for the Level Three (75%) policy will be the same as that for the 65% policy. The state subsidy will be handled through the Federal Crop Insurance Office.

Last year the federal subsidy program cost U.S.D.A. \$65,000 for Delaware. Agriculture Secretary Chandler estimates that participation by Delaware farmers will be considerably greater during the 1988 growing season because of improvements in the program, increased publicity, pressure on farmers from lending institutions and seed and fertilizer dealers, and if it is approved, a state subsidy. If four times as many farmers participate this year, the cost of the state and the federal governments would be \$260,000 each.

There are various deadlines for sign-up for the insurance depending on the type of crop. The insurance is sold through private insurance agents. All sign-up deadlines are before the July 1 start of Fiscal 1989, making it necessary for any state subsidies to be encumbered from F.Y. 1988 funding.

Crop insurance is seen as a valuable risk management tool to help farmers avoid the kind of crushing losses many have suffered in recent years. At 65 percent or even 75 percent the pay out isn't enough in most cases to give farmers a profit after a poor harvest. It is generally sufficient to pay their costs for seed, fertilizer and other expenses.

2. AGRICULTURAL RESEARCH PROJECT: The Task Force Recommends an Expenditure of \$50,000 in F.Y. 1989 Funding for a new Study by the University of Delaware Cooperative Extension Service into Either a New Crop or a New Way of Processing and/or Marketing Crops Already Being Grown by Delaware Farmers.

The University of Delaware has undertaken several successful crop studies in the past in an effort to help Delaware farmers find new crops both well-suited to Delaware growing conditions and able to be successfully marketed. Perhaps the best recent example of such a study is that done over the past few years on sorghum, which has proven itself to be useful as a supplement to animal feeds and which Delaware farmers are expected to begin growing in substantial quantities. Such a study could also take the direction of finding new ways of processing and/or marketing crops which Delaware farmers are already growing. An example would be the development of salad oil manufacturing facilities to turn soybeans into salad oil, which is now being done by a large Sussex County agri-business firm. Another example of using an old product in new ways is the development of fresh mushroom marketing by Chester County, Pennsylvania, mushroom growers to replace sales of canned mushrooms lost to foreign competition.

3. ENVIRONMENTAL SPECIALIST FOR DEPARTMENT OF AGRICULTURE: The Task Force Recommends an Expenditure of \$37,500 in F.Y. 1989 Funds to Hire an "Environmental Specialist" Who Would Assist Farmers and Agri-Businesses in complying with State and Federal Environmental Regulations.

An increasing problem for farmers and Delaware agri-business is the growing burden of state and federal regulations, particularly involving environmental matters. It isn't simply the expense of complying with regulations which creates problems, but also the time required, which takes farmers and agri-businessmen away from their work.

Another problem is the sense many farmers and agri-businessmen have that environmental officials are harassing them rather than working with them to solve problems. An example of this phenomenon is the case of a Sussex County tomato canner who had recently installed a new treatment system to treat his effluent. The old pipe which had been in use in prior years and which had been in violation of state environmental regulations was still in place after the new system was installed, but it wasn't hooked up and was unused. A DNREC official making an inspection of the plant wrote up the pipe as a violation even after being informed that the pipe wasn't in use and the cannery owner was required to pay a \$3,000 fine. Afterwards he was made to cap the pipe, an inexpensive job costing only a few dollars.

It is difficult to escape the feeling that the cannery owner was cited for a violation and required to pay a fine simply as harassment, since he had quite clearly made a genuine effort to comply with regulations by installing the new system and was in fact in compliance at the time of the citation. The proposed environmental specialist would work on the Dept. of Agriculture staff with farmers

4. FARM FINANCIAL MANAGEMENT SPECIALIST FOR THE UNIVERSITY OF DELAWARE COOPERATIVE EXTENSION SERVICE: The Task Force Recommends an Expenditure of \$37,500 in F.Y. 1989 Funds to Fund This Position Which Would Augment the Cooperative Extension Service's Present Efforts in This Area.

This proposal is actually to fund a portion of a larger proposal which the University of Delaware had made to the Castle Administration earlier in the year, but which was dropped from the Governor's proposed budget. The original proposal would have cost some \$187,000 and would have involved the hiring of several persons, the renovation of office space and the purchase of computer equipment, etc.

While the task force felt unable to recommend funding to cover the cost of the entire program this year, there was a strong feeling expressed that having such

services available is of great and growing importance to the farm community in Delaware. The Farm Financial Management person would allow the Cooperative Extension Service to expand its present efforts in this area.

A strong spokesman in support of this proposal who spoke to the task force on its behalf was Rep. Donald Clark, a Kent County seed dealer. Rep. Clark stressed

that many bankers and certified public accountants do not fully understand the intricacies of agricultural economics and farm financing and that many problems result from this lack which this specialist could help in solving.

5. ADDITIONAL ASSISTANCE FOR CONSTRUCTION OF POULTRY MANURE POLLUTION CONTROL SHEDS: The Task Force Recommends an Expenditure of \$175,000 in F.Y. '89 funds to Augment Present State Subsidies for Construction of Poultry Manure Sheds, a Program Now Underway Through Local A.S.C.S. Committees and the U.S. Soil Conservation Service.

The leaching of poultry manure into the groundwater has been identified as a source of water pollution. For some years the state and federal governments have been involved in a program to encourage poultry farmers to build sheds in which to store the manure until it is spread on the fields as fertilizer. It is when the manure is stored outside in large concentrations and thus exposed to rain that the problem occurs.

The basic sheds are 40 ft. by 60 ft. and cost approximately \$13,500 to build.

A shed of this size provides storage capacity for six months worth of manure from 40,000 chickens. The present federal subsidy is \$3,500 and the present state subsidy is \$5,000, representing 63 percent of the cost of the structure. By comparison, the states of Maryland and Virginia provide subsidies which together with the federal subsidy add up to 75 to 87 percent of the cost of the building.

The problem is basically one of long waiting lists in Sussex and Kent Counties where the vast majority of Delaware's poultry is grown. At the present time some people have been on the state's waiting list for three years. Of the 97 projects currently on the Sussex waiting list, for example, some 35 have already been approved for federal funding but they can't proceed because of a shortage of state funding.

The \$175,000, if approved, would go to the Division of Soil and Water Conservation's Conservation Districts as a way of helping to cut down on the backlog of manure shed projects awaiting state funding. It is understood that this money augments rather than replacing DNREC funding for this purpose.

6. HIGH-TECH POULTRY RESEARCH PROJECT: The Task Force Recommended Funding in the Amount of \$50,000 in F.Y. 1989 Moneys for a Variety of Poultry Research Projects Recommended by the Governor's High-Tech Task Force and Coordinated Through the Delaware Development Office.

The Governor's High-Tech Task Force has studied the Delaware poultry industry and recommended in its final report that four areas of research be pursued in an effort to strengthen the industry in the state. It should be stressed that out of the \$500 million in agricultural production in Delaware last year, \$310 million came from broilers, \$40 million came from soybeans and \$40 million came from corn. Thus, some \$390 million of the total \$500 million comes from these three crops directly related to the poultry industry.

The four recommended areas of research which this \$50,000 expenditure would go towards funding are: (1) Disease Control; (2) Nutrition; (3) Processing; and (4) Waste Utilization and Disposal. It is expected that the Delaware Development Office would work with Delmarva Poultry Industry, Inc., and poultry industry representatives in determining industry priorities for study within these four areas.

The importance of disease control has been seen in recent years when the Delmarva poultry industry has been threatened by Avian Influenza. It is interesting to note that in the area of waste utilization and disposal, a possible area of study is ways to recover protein value from dead chickens and recycle the protein into poultry feed. At present dead poultry constitute an environmental problem from time to time and this would be a way of turning a problem into an asset.

7. CREATION OF A "BLUE RIBBON" PANEL TO STUDY THE FUTURE OF AGRICULTURE IN THE STATE OF DELAWARE: The Task Force strongly endorsed Governor Castle's Call in His Recent Budget Message for Creation of a "Blue Ribbon Panel of Farmers, Development Experts, Representatives from the Department of Agriculture, Legislators and Educators to Assess the Future of Agriculture in Delaware."

The problems confronting farmers and agri-businessmen have become serious enough so that the future of agriculture in the state is threatened. The task force feels that the same sort of effort which was recently undertaken by the Environmental Legacy Task Force is much needed for agriculture. Many problems which the task force has discussed in its brief existence are in need of in-depth study. Among these are the regulatory burden on farmers and food processors, the pressures on Delaware's farmland from real estate development and proposed highway construction, need to develop new markets, problems with foreign trade and labor shortages to name a few.

OTHER WORK OF THE TASK FORCE

The Farm Assistance Task Force considered many problem areas for agriculture which did not find their way into the final recommendations either because of funding limitations or because it was felt that they were beyond the scope of the task force's mission. This is not to say, however, that these problems are not worthy of further consideration.

The task force recommends, as noted in item 7 above, that a major study of the future of agriculture in Delaware be undertaken by a panel of experts from many sectors of agriculture, agri-business and government and that this panel establish sub-committees to carry out detailed studies of various areas of concern.

The task force discussed some of these areas which are outlined below. In addition to those mentioned, there are others and the panel should not confine its activities to those noted here.

AREAS OF CONCERN:

FOOD PROCESSING: Food processors in Delaware are facing serious problems not only from the growing burden of environmental regulations and sometimes over-zealous government regulators as noted above, but also because of labor shortages and competition both from other regions in the U.S. and from overseas.

LABOR SHORTAGES: The area of labor shortages in particular is a pressing problem to agri-business at the present time. One cause of this problem is the very success of Delaware's economic development efforts in recent years. As new jobs open up in manufacturing, recreation and tourism, banking and commerce and construction, it becomes more and more difficult to find persons to fill job openings in agriculture generally and food processing particularly. This problem is in need of a detailed study.

HOUSING SHORTAGES: A lack of available low and moderate income housing in Kent and Sussex Counties is an important contributing factor to the shortage of labor in agri-business. While the state government is deeply involved in working to alleviate the housing shortage in Delaware, there has been little, if any, work to coordinate low-income housing construction with agri-business labor needs in southern Delaware.

MIGRANT LABOR: One special aspect of the farm labor problem is the increasing difficulty of obtaining and employing migrant laborers. Migrant labor has been an important, even essential, aspect of Delaware's farm economy for generations in the harvesting of fruits and vegetables. These crops, although not of the level of importance of poultry, corn and soybeans, are nonetheless of importance to the state and the ability of our farmers to continue growing them in the future is in doubt because of the migrant labor problem.

The Vegetable Growers' Association of Delaware, Inc., recently put forth the proposition that the state of Delaware might build and operate its own labor camp in Sussex County to replace those once owned by individual farmers. While this idea has many problems and possible pitfalls, the fact that the Association suggested it is reflective of the need for new ideas and new departures in this area.

REVOLVING FUND FOR IRRIGATION SYSTEMS: One of the most important risk management tools available to farmers today is irrigation. However, at an estimated cost of \$75,000 per system, irrigation is a solution not easily available to most farmers. There was some discussion of creating a revolving fund to make loans at low or no interest to farmers to allow them to install such systems. While this program would be expensive to initiate, it is worthy of some consideration as a long-range possibility.

FARMLAND PRESERVATION: Delaware presently has laws which seek to promote preservation of farmland, but these haven't proven particularly effective at a time when the so-called "highest and best use" of much of our farmland is deemed to be residential and commercial development. Farmers in most cases can sell their land, put the money in the bank at interest and make more money with far less difficulty than they can through farming. We have reached a state in which those who continue to farm do so in most cases because they enjoy it and have always done it, not because it is financially rewarding for them to do so. Yet the preservation of farmland is an essential factor in maintaining the quality of life so many of us enjoy. It is quite true that as one travels through the rural Delaware landscape, enjoying the open expanses of farmland and forest and the wildlife which flourishes therein, that one is enjoying a valuable natural resource compliments of Delaware's farmers. Except for state, federal and private nature preserves and forests, open land in Delaware is owned by farmers. Ways need to be found to enable this to continue.

A STUDY OF CURRENT RULES AND REGULATIONS IMPACTING AGRICULTURE: A strong need for this type of study was expressed. It could be undertaken by a sub-committee of the larger agriculture panel. The point is that in many cases, compliance with these regulations would be greatly enhanced by better communications between the "regulators and the regulatees." Very few, if any, farmers are intentionally violating or seeking to side-step government regulations, but at the same time these regulations have blossomed forth in such abundant profusion as to boggle the minds not only of the farmers and agri-businessmen but of the government officials charged with enforcing them. Thus, we encounter the increasingly common occurrence in which one can call five officials in search of an authoritative interpretation of a regulation and receive five different answers.

The task force recommendation calling for a Department of Agriculture Environmental Specialist will go some of the way toward dealing with this problem, but there is still much to be done. As Secretary Chandler said at the first task force meeting, "We've got to have a spirit of cooperation and give and take here. If you take one-third of the money it costs to regulate agriculture, and give it to us for education and cost-sharing programs, I guarantee you'll get a lot more done than if you regulate farmers to death."

A FINAL OBSERVATION ON LONG-RANGE FUNDING FOR STATE ASSISTANCE TO AGRICULTURE AND AGRI-BUSINESS: State Budget Director Scott Douglass summed up many of the opinions expressed during task force meetings when he noted that he prefers to see farm assistance programs which provide incentives for new areas of research and investment and new departures in agri-business rather than "transfer payments to keep one person on the farm."

Our farmers are proud and independent people as our forefathers have been for generations. If agriculture in Delaware ever descends to a state in which it can only stay alive through the use of government subsidies, then it is already dead. Delaware agriculture is struggling, but there is still an excellent chance that with a common sense approach and with public education to inform Delawareans just how essential farming is to the quality of our everyday lives, it can retain the central position it has enjoyed in Delaware life for three centuries.

As Council of Farm Organizations President Dan Hudson observed: "We sit right on the fringe of the best market in the world. If we can't make it here, no one can."

Respectfully Submitted to the Governor, the Joint Finance Committee and the members of the House and the Senate, 18 March 1988.

Thurman Adams, Jr.
Chairman, Senate
Agriculture Committee
Task Force Co-chairman

G. Wallace Caulk, Jr.
Chairman, House
Agriculture Committee
Task Force Co-chairman

Ruth Ann Minner, State Senator - 18th District,
Task Force Secretary

Senator Cook introduced to the Senate former Senator McKay and his grandson, Kevin. SCR 144 was introduced and after considerable discussion was laid on the table on motion of Senator McDowell:

SCR 144 - URGENTLY REQUESTING THE DELAWARE DEPARTMENT OF TRANSPORTATION TO REVISE ITS PUBLIC HEARINGS PROCEDURES TO PERMIT MAXIMUM CITIZEN PARTICIPATION. Sponsors: Senators McDowell, Vaughn; Representative Jester; Senators Cordrey, Holloway, Martin, Minner, Sharp, Zimmerman; Representatives Bennett, Brady, Bunting, Campanelli, B. Ennis, George, Gilligan, Houghton, Outten, Plant, Sills, Soles, VanSant, West.

HB 146 w HA 1 was lifted from the table for consideration on motion of Senator Holloway.

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

The roll call vote on HB 146 w HA 1, SA 1 was then taken and revealed 20 Senators voting YES and 1 (Bane) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 330 was taken up for consideration on motion of Senator Zimmerman:

HB 330 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE RELATING TO THE REPORTING OF A DISCHARGE OF A POLLUTANT OR AN AIR CONTAMINANT AND PROVIDING FOR CRIMINAL SANCTION AND JURISDICTION FOR DISCHARGE OF POLLUTANT.

The privilege of the floor was extended to Gary A. Molehan (Department of Natural Resources and Environmental Control) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Bane, Still) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 436 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

HB 436 - AN ACT TO AMEND CHAPTER 87, TITLE 14, DELAWARE CODE RELATING TO THE DELAWARE INSTITUTE OF VETERINARY MEDICAL EDUCATION. Sponsors: Representative Soles and Senator Cook; Representatives Bennett, Davis, Corrozi, Smith, Quillen; Senators Vaughn, Holloway, McBride, Slatcher, Berndt.

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

SB 348 was taken up for consideration on motion of Senator McBride:

SB 348 - AN ACT TO AMEND TITLE 21 AND TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES WHICH ARE EXEMPT FROM CERTAIN FEES; AND PROVIDING THAT SALVATION ARMY VEHICLES SHALL BE EXEMPT FROM SUCH FEES.

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

YES: Senators Adams, Connor, Cook, Cordrey, Holloway, Marshall, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn, Zimmerman - 14.

NO: Senators Bair, Berndt - 2.

NOT VOTING: Senators Knox, Still - 2.

ABSENT: Senators Bane, Martin, Slatcher - 3.

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

SCR 144 was lifted from the table for consideration on motion of Senator McBride.

The privilege of the floor was extended to John T. Davis (Delaware Department of Transportation) after which the Resolution was again laid on the table on motion of Senator McDowell.

At 5:03 p.m. Senator Cordrey presiding.

SENATE CONSENT CALENDAR #27 was introduced and considered for adoption on motion of Senator Minner. The Calendar consisted of the following:

SR 79 - COMMENDING THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES AND THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION FOR COOPERATIVELY SPONSORING THE 15TH NATIONAL CONFERENCE ON JUVENILE JUSTICE IN MIAMI, FLORIDA, MARCH 13-16, 1988. Sponsor: Senator Holloway.

SR 80 - COMMENDING THE ASSOCIATION OF RETARDED CITIZENS OF THE UNITED STATES' NATIONAL EMPLOYMENT, AND TRAINING PROJECT AND ITS DELAWARE STAFF FOR THEIR EXCELLENT EFFORTS TO ENCOURAGE EMPLOYERS TO PROVIDE MEANINGFUL EMPLOYMENT OPPORTUNITIES TO JOB-READY PERSONS WITH MENTAL RETARDATION. Sponsor: Senator Holloway.

SR 81 - COMMENDING PAUL DIELEUTERIO, MANAGER OF THE WILMINGTON INSPECTION LANE, WHO WILL BE RETIRING ON APRIL 30, 1988 AFTER SPENDING TWENTY YEARS OF DEDICATED SERVICE WITH THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF MOTOR VEHICLES. Sponsor: Senator Holloway.

SR 82 - REQUESTING THAT THE DELAWARE DEPARTMENT OF TRANSPORTATION ERECT SIGNS TO WARN MOTORISTS OF DANGEROUS INTERSECTIONS AND ROADS. Sponsor: Senator Martin.

SCR 145 - COMMENDING MR. HAROLD F. JOHNSON OF WILMINGTON, DELAWARE FOR HIS DEDICATION, ENERGY AND RESOURCES, ESPECIALLY FOR THE THOUSANDS OF HOURS OF SERVICE IN HELPING OTHERS. Sponsors: Senator Still, Representative Campanelli.

SCR 146 - MOURNING THE DEATH OF MRS. ELSIE A. JENKINS, AGE 76, OF WOODSIDE, DELAWARE, WHO DIED ON FRIDAY, MARCH 25, 1988 AT KENT GENERAL HOSPITAL. Sponsors: Senator Cook; Representatives Buckworth, Quillen.

SCR 147 - MOURNING THE DEATH OF MRS. VERA B. JACKSON OF DOVER, DELAWARE, AGE 93, AND MOTHER OF FORMER LEGISLATIVE EMPLOYEE IN BOTH HOUSES OF THE GENERAL ASSEMBLY, MRS. RUTH E. HAGGERTY, OF LITTLE CREEK, DELAWARE. Sponsors: Senator Cook, Representative Bennett.

SCR 148 - COMMEMORATING THE LIFE AND MOURNING THE DEATH OF ROBERT V. "BOB" KELLEY SR., THE "VOICE OF BLUE HEN FOOTBALL" FOR 36 YEARS. Sponsors: Senator Martin, Representative Bennett.

HCR 121 - COMMEMORATING DR. MARGARET I. HANDY FOR A LIFETIME OF LANDMARK ACHIEVEMENTS AND DEVOTION TO CHILDREN AND MEDICINE AS SHE IS INDUCTED INTO THE HALL OF FAME OF DELAWARE WOMEN. Sponsors: Representative Maroney, Senator Minner.

HCR 124 - EXTENDING CONGRATULATIONS AND BEST WISHES TO HELEN BYRD GOURLEY ON HER RETIREMENT FROM GOVERNMENTAL SERVICES. Sponsors: Representative Bennett, Senator Cordrey; Representatives Gilligan, George, Jonkiert, Plant, Campanelli, B. Ennis, Petrilli, Hebner, Roy, Oberle, Quillen, Caulk, Houghton, VanSant; Senators McDowell, Holloway, Marshall, Martin, Berndt, Knox, Sharp, Connor, Cook, Torbert, Minner, Adams.

* * * * *

The roll call vote on SENATE CONSENT CALENDAR #27 was then taken and revealed 19 Senators voting YES and 2 (Bane, Slatcher) ABSENT; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

Senator Holloway introduced to the Senate and requested the privilege of the floor for Phyllis Torres and her son, Ezio (Autistic Society of America, Delaware Chapter).

At 6:13 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 31, 1988.

The Senate reconvened at 2:28 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SB 355 - AN ACT INSERTING A NEW CHAPTER 38 OF TITLE 6 OF THE DELAWARE CODE BY ENACTING A LAW RELATING TO THE TREATMENT OF DELAWARE BUSINESS TRUSTS. Sponsors: Senators Cordrey, Adams; Representative D. Ennis. Assigned to Banking Commission.

SB 356 - AN ACT TO AMEND CHAPTER 13, TITLE 14 OF THE DELAWARE CODE RELATING TO AUTISTIC PUPILS. Sponsors: Senators Berndt, Holloway; Representative Davis. Assigned to Education Committee.

Senator Bane marked PRESENT.

SB 357 - AN ACT TO AMEND CHAPTER 251, VOLUME 61, LAWS OF DELAWARE, AS AMENDED, ENTITLED: "AN ACT TO REINCORPORATE THE CITY OF DELAWARE CITY" RELATING TO THE APPOINTMENT OF AN ASSESSOR FOR THE CITY OF DELAWARE CITY AND TO PROVIDE PROCEDURES FOR THE REMOVAL OF ASSESSOR, CITY SECRETARY, CITY TREASURER AND MEMBERS OF BOARDS, BUREAUS AND COMMISSIONS. Sponsors: Senator, Vaughn, Representative Mack. Assigned to Community Affairs Committee.

HB 440 - AN ACT TO AMEND CHAPTER 51, SUBTITLE III, TITLE 6 OF THE DELAWARE CODE RELATING TO FLUID DAIRY PRODUCTS. Sponsors: Representatives Quillen, Caulk; Senators Adams, Minner. Assigned to Agriculture Committee.

HB 444 - AN ACT TO AMEND CHAPTER 70, TITLE 7, OF THE DELAWARE CODE (THE COASTAL ZONE ACT) TO CONTINUE A NONCONFORMING USE IN THE COASTAL ZONE. Sponsors: Representatives Hebner, Brady; Senators McDowell, Bair, Berndt. Assigned to Natural Resources and Environmental Control Committee.

HB 455 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 19, DELAWARE CODE, BY ADDING A NEW SECTION, PROTECTING CERTAIN LABOR CONTRACTS AGAINST TERMINATION OR IMPAIRMENT BECAUSE OF MERGER, CONSOLIDATION, SALE OF ASSETS OR BUSINESS COMBINATION. Sponsors: Representatives Oberle, Davis; Senator Marshall; Representatives Mack, Hebner, Petrilli, Spence, Buckworth, Maroney, Amick, Fallon, Roy, DiPinto, Lee, D. Ennis, Corrozi, Campanelli, George, Gilligan, Bennett, Brady, Bunting, Clark, Dixon, B. Ennis, Houghton, Jester, Jonkiert, Outten, Plant, Sillis, Soles, VanSant, West, Wingate, Caulk; Senators Holloway, Martin, McBride, Sharp, Knox, McDowell. Laid on the table on motion of Senator Marshall.

HJR 22 - DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO CHANGE THE NAME OF "THE NANTICOKE WILDLIFE AREA" TO "THE ROBERT L. GRAHAM NANTICOKE WILDLIFE AREA." Sponsors: Representative Carey, Senator Minner. Assigned to Natural Resources and Environmental Control Committee.

HJR 24 - NAMING THE NEW BRIDGE ON OLD WILMINGTON ROAD FOR ITS EARLIER PREDECESSOR GOLDING'S BRIDGE. Sponsors: Representatives Roy, Corrozi; Senator Still. Assigned to Highways and Transportation Committee.

SA 1 to SB 344. Sponsor: Senator Vaughn. Placed with the Bill.

SA 1 to SB 347. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 2 to SB 347. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 1 to HB 45. Sponsor: Senator McDowell. Placed with the Bill.

The following Committee reports were announced:

From the Executive Committee: HJR 23 - 1 Favorable, 3 Merits; SB 320 - 1 Favorable, 3 Merits.

At 2:34 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 15th Legislative Day.

15TH LEGISLATIVE DAY
March 31, 1988

The Senate convened at 2:34 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 123; HCR 125; HCR 126; HCR 128; HCR 129 SCR 131; SCR 132; SCR 133; SCR 134; SCR 135; SCR 136; SCR 139; SCR 140; SCR 141; SCR 142; SCR 143; SCR 137; HCR 124.

On motion of Senator Marshall and without objection, HB 455 w HA 1 was lifted from the table for consideration under suspension of the necessary rules:

HB 455 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 19, DELAWARE CODE, BY ADDING A NEW SECTION, PROTECTING CERTAIN LABOR CONTRACTS AGAINST TERMINATION OR IMPAIRMENT BECAUSE OF MERGER, CONSOLIDATION, SALE OF ASSETS OR BUSINESS COMBINATION.

At 2:39 p.m., Senator Sharp presiding.

Senators Holloway, Torbert, Zimmerman, Cook, McDowell marked PRESENT.

The roll call vote on HB 455 w HA 1 was taken and revealed 19 Senators voting YES and 2 (Connor, Martin) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 335 was taken up for consideration on motion of Senator Cordrey:

SB 335 - AN ACT TO AMEND CHAPTER 42, TITLE 11 OF THE DELAWARE CODE RELATING TO RESTITUTION.

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

SB 336 was taken up for consideration on motion of Senator Cordrey:

SB 336 - AN ACT TO AMEND CHAPTER 5, SUBCHAPTER III, SUBPART D, TITLE 11 OF THE DELAWARE CODE RELATING TO THEFT AND RELATED OFFENSES.

The privilege of the floor was extended to Norman A. Barron (Bad Check Task Force).

Senator Martin marked PRESENT.

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

SB 337 was taken up for consideration on motion of Senator Cordrey:

SB 337 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO BAD CHECKS.

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

At 2:50 p.m., Lt. Governor Woo presiding.
The privilege of the floor was extended to Norman A. Barron (Bad Check Task Force).
The roll call vote on SB 337 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

A messenger from the Governor was announced and admitted.
HB 168 was taken up for consideration on motion of Senator Torbert:
HB 168 - AN ACT TO AMEND TITLE 21, CHAPTER 28 OF THE DELAWARE CODE RELATING TO THE CERTIFICATION OF DRIVING RECORDS ON HABITUAL OFFENDERS.

The Bill was then laid on the table on further motion of the Senator.
HB 220 was taken up for consideration on motion of Senator Torbert:
HB 220 - AN ACT TO AMEND CHAPTER 42, TITLE 21 OF THE DELAWARE CODE RELATING TO STOPPING AT ACCIDENTS, REPORTS OF ACCIDENTS, PENALTIES, AND INTERPRETATION OF LAW.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Captain Andrew D. Stayton (Delaware State Police).
From 3:39 p.m. to 3:40 p.m. the Chair called a standing recess due to tape problem.

The roll call vote on SA 1 to HB 220 was taken and revealed 16 Senators voting YES and 5 (Bair, Bane, Connor, Knox, Neal) ABSENT; therefore, the Amendment was declared adopted.

HB 220 w SA 1 was then laid on the table on further motion of Senator Torbert.
At 3:55 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:24 p.m., Senator Cordrey presiding.

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

STATE OF DELAWARE
Office of the Governor
March 31, 1988

To the Senate of the 134th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Charles H. Tolliver, IV, 4401 Miller Road, Wilmington, DE 19802, to be reappointed as a member of the Public Employment Relations Board to serve a six year term expiring September 30, 1993.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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The following legislation was introduced:

SB 358 - AN ACT TO AMEND PART II, TITLE 16, DELAWARE CODE, RELATING TO HEALTH AND SAFETY; AND PROVIDING FOR THE USE OF PUBLIC PLACES BY SMOKERS AND NON-SMOKERS. Sponsors: Senator Holloway, Representatives Roy, Gilligan; Senators Bair, Bane, Knox, Marshall, Neal, Slatcher, Still; Representatives Spence, Amick, Carey, Caulk, Corrozi, Davis, D. Ennis, Fallon, Lee, Mack, Maroney, Smith, Taylor, Bunting, George, Jester, Soles, West, Wingate. Assigned to Health-Social Services/Aging Committee.

SB 359 - AN ACT TO AMEND TITLE 11, CHAPTER 13, SUBCHAPTER VI, §1311 AND §1312 OF THE DELAWARE CODE RELATING TO THE OFFENSES OF HARASSMENT AND AGGRAVATED HARASSMENT. Sponsors: Senators Sharp, Adams, Berndt, Martin, McBride, McDowell; Neal, Slatcher, Torbert, Vaughn, Zimmerman. Assigned to Judiciary Committee.

SB 360 - AN ACT TO AMEND CHAPTER 5, TITLE 17 OF THE DELAWARE CODE RELATING TO THE DAMAGES ASSESSED TO TREES, SHRUBS AND LANDSCAPING. Sponsors: Senator Martin, Representative Roy. Assigned to Highways and Transportation Committee.

SA 1 to SB 342. Sponsor: Senator Holloway. Placed with the Bill.

SB 361 - AN ACT TO AMEND SECTION 36, CHAPTER 237, VOLUME 51, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF BRIDGEVILLE", RELATING TO SEWER AND WATER FACILITIES. Sponsors: Senator Adams, Representative Ewing. Assigned to Community Affairs Committee.

HB 220 w SA 1 was lifted from the table for consideration on motion of Senator Torbert and the roll call vote taken which revealed:

YES: Senators Adams, Bair, Bane, Berndt, Cook, Cordrey, Knox, Martin, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn - 15.

NO: Senator McDowell - 1,
NOT VOTING: Senators Holloway, McBride, Zimmerman - 3.
ABSENT: Senators Connor, Marshall - 2.
Therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 406 was taken up for consideration on motion of Senator Sharp:
HB 406 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO CAPTIVE INSURANCE COMPANIES.

The privilege of the floor was extended to Daniel Koch (Insurance Commissioner's Office) after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

At 4:35 p.m., Senator Sharp presiding.

SB 350 was taken up for consideration on motion of Senator Cordrey:

SB 350 - AN ACT TO AMEND CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO," AS AMENDED BY CHAPTER 358, VOLUME 62, LAWS OF DELAWARE AND CHAPTER 412, VOLUME 65, LAWS OF DELAWARE RELATING TO THE COLLECTION OF ANNUAL TAXES; AND PROVIDING FOR THE ELIMINATION OF ANY ABATEMENT ON ANY TAXES.

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

HJR 23 was taken up for consideration on motion of Senator Adams under suspension of the necessary rules (no objection):

HJR 23 - DIRECTING AND AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO NAME THE BRIDGE LOCATED ON ROUTE 535 IN SEAFORD, "THE FRANK C. HURLEY BRIDGE" IN HONOR OF THE LATE FRANK C. HURLEY AND TO PLACE A MARKER THERETO WITH SUCH DESIGNATION.

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

HB 139 w HA 1 was taken up for consideration on motion of Senator Torbert:

HB 139 w HA 1 - AN ACT TO AMEND CHAPTER 68, TITLE 21, DELAWARE CODE, RELATING TO REGISTRATION OF (OHV) OFF-HIGHWAY VEHICLES.

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

At 4:43 p.m., the Chair called a brief standing recess and reconvened with Lt. Governor Woo presiding.

SENATE CONSENT CALENDAR #28 was introduced and considered for adoption on motion of Senator Minner. The Calendar consisted of the following:

SR 83 - MOURNING THE DEATH OF GRACE C. FERGUSON OF RURAL DOVER, FORMER PRESIDENT OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION LADIES' AUXILIARY. Sponsor: Senator Zimmerman.

SCR 149 - COMMENDING WESLEY COLLEGE MEN'S BASKETBALL TEAM FOR THE SPLENDID RECORD COMPILED OVER A PERIOD OF ONLY TWO YEARS AS A FULL FLEDGED PARTICIPANT IN THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, DIVISION III COMPETITION (NCAA). Sponsors: Senator Bair, Representative Bennett, Senator Zimmerman, Representative Outten.

HCR 123 - CONGRATULATING UNITED AUTO WORKERS LOCAL 1183 PRESIDENT WILLIAM DOUGLAS, WHO HAS BEEN APPOINTED REPRESENTATIVE OF THE UAW INTERNATIONAL. Sponsors: Representatives Oberle, Hebner, Fallon, Roy, D. Ennis, Corrozi, Davis, Mack, Carey, Amick, DiPinto, Lee, Ewing, George, Gilligan, Plant, Bennett, Jonkiert, Jester, Clark, Brady, Campanelli, B. Ennis, Bunting, VanSant, Wingate, Outten, Houghton, Sills, Soles, Dixon, West; Senators Zimmerman, Cook, Minner, McBride, Marshall, McDowell, Holloway, Martin, Torbert, Vaughn, Bair, Connor, Bane, Slatcher, Berndt, Still, Neal, Knox.

HCR 125 - CONGRATULATING WILLIAM PENN WRESTLER JIM ZIMMERMAN FOR BEING NAMED OUTSTANDING WRESTLER AT THE STATE FINALS. Sponsors: Representatives Spence, Mack, Buckworth; Senator McBride.

HCR 126 - RECOGNIZING THE THIRTY-FOUR YEARS OF SERVICE BY GEORGE V. MCINTYRE TO THE STUDENTS OF THE NEW CASTLE COMMUNITY. Sponsors: Representative Mack, Senator Connor.

HCR 128 - CONGRATULATING FRANK AIELLO UPON HIS RETIREMENT AS HEAD GIRLS BASKETBALL COACH AT ST. ELIZABETH'S HIGH SCHOOL IN WILMINGTON AFTER AN ILLUSTRIOUS CAREER. Sponsors: Representatives Jonkiert, George, Sills, DiPinto, Plant; Senators Marshall, McDowell, Holloway.

HCR 129 - CONGRATULATING THE URSULINE ACADEMY RAIDERS BASKETBALL TEAM UPON WINNING THIS YEAR'S DELAWARE GIRL'S STATE BASKETBALL CHAMPIONSHIP. Sponsors: Representatives Jonkiert, George, Plant, Sills, DiPinto; Senators Marshall, McDowell, Holloway.

The roll call vote on SENATE CONSENT CALENDAR #28 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

The following legislation was introduced:

SB 362 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO THE COMPENSATION OF DELAWARE RESIDENTS WHO ARE THE VICTIMS OF VIOLENT CRIMES. Sponsors: Senator Vaughn, Representatives Hebner, Jester, B. Ennis; Senators Torbert, Holloway. Assigned to Judiciary Committee.

SB 363 - AN ACT TO AMEND CHAPTER 9, TITLE 4 OF THE DELAWARE CODE RELATING TO OFFENSES CONCERNING CERTAIN PERSONS AND FINES PERTAINING THERETO. Sponsors: Senator Torbert, Representative Ewing; Senators Minner, Bair, Still, Bane, Berndt, Slatcher, Knox; Representatives Spence, Petrilli, Buckworth, Maroney, Caulk, Quillen, Boykin, Smith, Davis, Mack, Corrozi, Lee, Carey, Roy, Hebner, DiPinto, Amick, Gilligan, Bunting, Wingate, Clark, West, Houghton, Jester, VanSant, Bennett, Dixon, Soles, Outten. Assigned to Administrative Services/Energy Committee.

SB 364 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE RELATING TO SECTION 9004 AUTHORIZATION OF THE NUMBER OF EMPLOYEES WHO MAY BE EMPLOYED BY THE VIOLENT CRIMES COMPENSATION BOARD. Sponsors: Senator Vaughn, Representatives Hebner, Jester, Spence, B. Ennis; Senators Torbert, Holloway. Assigned to Judiciary Committee.

At 4:50 p.m. on motion of Senator Cordrey, the Senate recessed until 4:59 p.m., Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 463.

HB 463 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Adams:

HB 463 - AN ACT TO AMEND CHAPTER 85, VOLUME 66, LAWS OF DELAWARE, BEING HOUSE BILL NO. 350 OF THE 134TH GENERAL ASSEMBLY, AND BEING AN ACT ENTITLED, "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1988; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BY MAKING ADDITIONS, DELETIONS AND ADJUSTMENTS. Sponsors: Representative Caulk, Senator Adams; Representatives Carey, Mack, West, Clark; Senators Cordrey, Cook, Minner, Vaughn, Connor, Slatcher.

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

Senator Minner introduced to the Senate John J. Gartside of Harrisburgh, Pa., and thanked him for his assistance on the Farm Assistance Task Force.

SB 366 was introduced and assigned to Health-Social Services/Aging Committee.

SB 366 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE BY AUTHORIZING WITHIN THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES A DIVISION OF AUTISTIC SERVICES. Sponsors: Senator Holloway, Representative Oberle; Senators Neal, Vaughn; Representatives D. Ennis, Corrozi, Sills, Plant, Fallon, Roy; Senator McDowell.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 130, HCR 131.

HCR 130 was introduced and considered for adoption on motion of Senator McDowell:

HCR 130 - CONGRATULATING THE WILMINGTON HIGH SCHOOL RED DEVIL BOYS BASKETBALL TEAM UPON WINNING THE 1988 CHAMPIONSHIP. Sponsors: Representatives Jonkiert, George, Plant, Sills, DiPinto; Senators McDowell, Marshall, Holloway.

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

At 5:08 p.m. on motion of Senator Sharp, the Senate recessed until April 12, 1988 at 2:00 p.m.

The Senate reconvened at 2:23 p.m., April 12, 1988, Senator Cordrey presiding.

HB 440 was reported out of the Agriculture Committee: 2 Favorable, 2 Merits.

SB 365 was introduced and assigned to Public Safety Committee:

SB 365 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE, RELATING TO MANDATORY OCCUPANT PROTECTION SYSTEM USAGE. Sponsors: Senator Holloway, Representative Maroney; Senators Bair, Still, Knox, Neal, Bane; Representatives Spence, Petrilli, DiPinto, Hebner, Amick, Smith, Corrozi, Roy, Soles.

The Secretary announced that a message from the House informed the Senate that it had passed HB 433; SB 271; SB 282; SB 312; SB 338; SB 346; HB 360; and adopted SCR 145; SCR 146 SCR 147; SCR 148.

A message was read from Representative Tine Fallon requesting that her name be removed as a co-sponsor of SB 316.

At 2:27 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 16th Legislative Day.

16TH LEGISLATIVE DAY
April 12, 1988

The Senate convened at 2:27 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

Senators Zimmerman and Marshall marked PRESENT.

The following communication was read:

United States Senate
WASHINGTON, D. C.

April 8, 1988

Members of Delaware State Senate
134th General Assembly
Legislative Hall
Dover, DE 19901

Attn: Secretary of Senate

Dear Friends,

I would like to thank you all for your consideration during my illness. The concurrent resolution expressing your concern and good wishes meant a great deal to my family and me, as have your many individual cards and letters.

As fellow legislators, you in the General Assembly provide me with a unique brand of support and friendship. Although I am always conscious of the value of friendship, it has been especially meaningful during these past weeks.

Again, thank you for your concern, your warm wishes and your prayers. I am feeling fine and glad to be home, and I very much look forward to getting back with you and with my colleagues in Washington.

With deep appreciation,

Sincerely,
Joe
Joseph R. Biden, Jr.
United States Senator

* * * * *

The following legislation was introduced:

SA 2 to SB 342. Sponsor: Senator Holloway. Placed with the Bill.

HB 360 - AN ACT TO AMEND TITLE 3, OF THE DELAWARE CODE BY ADDING A NEW CHAPTER 82, RELATING TO RABIES CONTROL IN ANIMAL AND HUMAN POPULATIONS AND TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE, RELATING TO OBSTRUCTING THE CONTROL AND SUPPRESSION OF RABIES.

Sponsors: Representative DiPinto, Senator Torbert. Assigned to Agriculture Committee.

HB 433 - AN ACT TO AMEND VOLUME 63, CHAPTER 272, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE TOWN OF CAMDEN. Sponsors: Representative Buckworth, Senator Torbert. Assigned to Community Affairs Committee.

HB 168 was lifted from the table for consideration on motion of Senator Torbert.

The privilege of the floor was extended to Edward J. Steiner (Secretary, Department of Public Safety).

From 3:20 to 3:21 p.m. a standing recess was taken for change of tape.

Senators Bane, Connor, Berndt, Martin marked PRESENT.

The roll call vote on HB 168 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 440 was taken up for consideration on motion of Senator Adams:

HB 440 - AN ACT TO AMEND CHAPTER 51, SUBTITLE III, TITLE 6 OF THE DELAWARE CODE RELATING TO FLUID DAIRY PRODUCTS.

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

At 4:03 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:45 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SB 366 which had been assigned to Health-Social Services/Aging Committee, was reassigned to Finance Committee.

SB 367 - AN ACT TO AMEND SUBCHAPTER VI, CHAPTER 65, TITLE 11, DELAWARE CODE, RELATING TO CLASSIFICATION AND EMPLOYMENT OF INMATES. Sponsors: Senators Vaughn, Cook, Holloway, Sharp, Bane, Slatcher; Representatives B. Ennis, Clark. Assigned to Correction Committee.

SB 368 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 65, TITLE 11, DELAWARE CODE, RELATING TO DUTIES AND RESPONSIBILITIES OF THE COMMISSIONER OF CORRECTION. Sponsors: Senators Vaughn, Cook, Holloway, Sharp, Bane, Slatcher; Representatives B. Ennis, Clark. Assigned to Correction Committee.

SB 369 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 65, TITLE 11, DELAWARE CODE, RELATING TO SUPERVISED CUSTODY OF INMATES. Sponsors: Senators Vaughn, Cook, Holloway, Sharp, Bane, Slatcher; Representatives B. Ennis, Clark. Assigned to Correction Committee.

SB 370 - AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE, RELATING TO WORK BY INMATES. Sponsors: Senators Vaughn, Cook, Holloway, Sharp, Bane, Slatcher; Representatives B. Ennis, Clark. Assigned to Correction Committee.

SB 342 was taken up for consideration on motion of Senator Holloway:

SB 342 - AN ACT TO AMEND CHAPTER 93, TITLE 10, DELAWARE CODE, RELATING TO VENUE OF JUSTICES OF THE PEACE IN CIVIL ACTIONS COMMENCED BY SUMMONS.

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

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

The roll call vote on SB 342 w SA 1, 2 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SCR 150 was introduced and considered for adoption on motion of Senator Bair:

EXPRESSING HEARTFELT SYMPATHY TO MRS. CLARICE M. HECKERT AND FAMILY, A FORMER LEGISLATOR, UPON LEARNING OF THE DEATH OF HER HUSBAND, DR. WINFIELD W. HECKERT. RENOWNED AND EARLY PIONEER IN THE FIELD OF NYLON RESEARCH FOR THE DUPONT COMPANY. Sponsors: Senator Bair, Representative Hebner; Senator Berndt, Knox; Representatives Smith, D. Ennis, Maroney, Boykin.

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

SA 1 and SA 2 to HB 124 (sponsor: Senator Sharp) were introduced and placed with the Bill.

At 5:04 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., April 13, 1988.

The Senate reconvened at 3:50 p.m., April 13, 1988, Lt. Governor Woo presiding.

The following Committee reports were announced:

From the Small Business Committee: HB 259 w HA 1 - 4 Merits.

From the Administrative Services/Energy Committee: SB 363 - 5 Merits.

From the Community Affairs Committee: SB 357 - 4 Merits; SB 361 - 4 Merits; HB 433 - 4 Merits.

From the Judiciary Committee: SB 343 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 434; HB 410 w HA 1; HB 403; HB 404; SB 225 w SA 1; SB 257 w HA 1 w HA 1; SB 211.

The following legislation was introduced:

HB 403 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO NOTICE OF NONRENEWAL OF WORKERS' COMPENSATION INSURANCE POLICIES. Sponsors: Representatives Dixon, D. Ennis. Assigned to Labor and Industrial Relations Committee.

HB 404 - AN ACT TO AMEND CHAPTER 39, TITLE 18 OF THE DELAWARE CODE RELATING TO NOTICE OF NONRENEWAL OF CERTAIN CASUALTY INSURANCE CONTRACTS. Sponsors: Representatives Dixon, D. Ennis. Assigned to Labor and Industrial Relations Committee.

HB 410 w HA 1 - AN ACT TO AMEND CHAPTER 32, TITLE 29, OF THE DELAWARE CODE RELATING TO THE DELAWARE HERITAGE COMMISSION. Sponsors: Representatives Oberle, Hebner, Soles. Assigned to Executive Committee.

HB 434 - AN ACT TO AMEND PART I, CHAPTER 1, TITLE 21, DELAWARE CODE, RELATING TO THE DEFINITION OF CERTAIN WORDS AND PHRASES IN THE MOTOR VEHICLE CODE. Sponsor: Representative B. Ennis. Assigned to Public Safety Committee.

SB 257 as returned from the House with HA 1, w HA 1 was laid on the table on motion of Senator Zimmerman.

At 3:58 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY
April 13, 1988

The Senate convened at 3:58 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

LEGISLATIVE ADVISORIES #34 and #35 received from the Office of Counsel to the Governor were read:

LEGISLATIVE ADVISORY #34: On April 6, 1988 the Governor signed HB 280 (Volume 66, Chapter 218, Laws of Delaware); HB 436 (Volume 66, Chapter 219, Laws of Delaware). On April 8 the Governor signed HB 455 w HA 1 (Volume 66, Chapter 220, Laws of Delaware); HB 330 (Volume 66, Chapter 221, Laws of Delaware); HJR 23; HB 139 w HA 1 (Volume 66, Chapter 222, Laws of Delaware); HB 406 (Volume 66, Chapter 223, Laws of Delaware); HB 463 (Volume 66, Chapter 224, Laws of Delaware).

LEGISLATIVE ADVISORY #35: on April 6, 1988 the Governor vetoes HB 142 w HA 1.

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At 4:00 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:23 p.m., Lt. Governor Woo presiding.

Senator Holloway marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Charles H. Toliver, IV, was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Michael J. Axe, M.D., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of William M. W. Sharp was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 19 Senators voting YES, 1 (Sharp) NOT VOTING, and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

Senator Sharp announced that he was recorded as NOT VOTING on the above nomination due to possible conflict of interest.

On motion of Senator Adams, the Governor's nomination for appointment of Eugene Bookhammer was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

Senator McDowell marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of John D. Super was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of John V. Flynn, Jr. was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Weston E. Nellius was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Earle J. Lester was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed:

YES: Senators Adams, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Slatcher, Still, Torbert, Vaughn, Zimmerman - 18.

NOT VOTING: Senators McDowell, Sharp - 2.

ABSENT: Senator Bair - 1.

Therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Marie D. Rapposelli was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of William T. Sperry, Jr., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Robert S. Smith was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Howard R. Ogden was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Lewis Trivits was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of R. R. M. Carpenter, Jr., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Virginia M. Dennis was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

At 4:55 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 14, 1988

The Senate reconvened at 2:55 p.m., April 14, 1988 Lt. Governor Woo presiding.

The following Committee reports were announced:

From the Banking Committee: SB 355 - 3 Favorable, 2 Merits.

From the Health-Social Services/Aging Committee: SB 358 - 5 Merits.

From the Public Safety Committee: HB 332 - 4 Merits.

From the Agriculture Committee: HB 360 - 4 Merits.

The following legislation was introduced:

SA 1 to SB 257. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 1 to SB 343. Sponsor: Senator Holloway. Placed with the Bill.

SB 308 was reported out of the Natural Resources and Environmental Control Committee: 4 Merits, 1 Unfavorable.

At 2:57 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 18th Legislative Day.

18TH LEGISLATIVE DAY April 14, 1988

The Senate convened at 2:57 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

SB 343 was taken up for consideration on motion of Senator Holloway:

SB 343 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 5, TITLE 13, DELAWARE CODE, RELATING TO DESERTION AND SUPPORT.

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

At 3:17 p.m., Senator Cordrey presiding.

Senator Marshall marked PRESENT.

SB 343 w SA 1 was then laid on the table on motion of Senator Holloway.

SB 257 which had previously passed the Senate, was lifted from the table for further consideration as returned from the House with HA 1 w HA 1 on motion of Senator Zimmerman.

The privilege of the floor was extended to Gary Dalton (Senate Attorney) and Representative Steven Amick.

At 3:40 p.m., Senator Minner presiding.

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

HB 259 w HA 1 was taken up for consideration on motion of Senator Zimmerman:

HB 259 w HA 1 - AN ACT TO AMEND CHAPTER 47, TITLE 6 OF THE DELAWARE CODE RELATING TO TRANSIENT RETAILERS.