

The privilege of the floor was extended to Mark G. Long (representing Dover Mall) 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.

SB 341 was taken up for consideration on motion of Senator Holloway:

SB 341 - AN ACT TO AMEND CHAPTER 1, TITLE 22, DELAWARE CODE, RELATING TO QUALIFICATIONS OF ALDERMEN.

At 4:25 p.m., Senator Cordrey presiding.

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

SB 351 was taken up for consideration on motion of Senator Slatcher:

SB 351 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS.

The privilege of the floor was extended to R. W. McClure (Delaware Association of Professional Engineers) after which 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 308 was taken up for consideration on motion of Senator McDowell:

SB 308 - AN ACT TO PROVIDE A SUPPLEMENTARY APPROPRIATION TO THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS.

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

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

NO: Senators Bair, Cook, Cordrey, Neal - 4.

ABSENT: Senator Knox - 1.

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

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

STATE OF DELAWARE
Office of the Governor
April 14, 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 G. Medd, 11 Michigan Avenue, Lewes, DE 19958, to be appointed as a member of the 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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STATE OF DELAWARE
Office of the Governor
April 14, 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: Mrs. Dorothy M. S. Pritchett, 2108 N. Spurce Street, Wilmington, DE 19802, to be appointed as a member of the New Castle County Board of Elections to serve a term to expire September 18, 1990, to replace Harry S. Thomas, deceased.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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SB 371 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

SB 371 - 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 CERTAIN ADDITIONS, DELETIONS, AND ADJUSTMENTS. Sponsors: Senator Cook, Representative Corrozi; Senators Sharp, Vaughn, Adams, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Torbert, Zimmerman, Berndt, Slatcher; Representatives Bennett, Soles, Quillen, Davis, Smith, George, Gilligan, B. Ennis, Clark, Bunting, VanSant, Campanelli, Spence, Hebner, Oberle, Roy, Taylor.

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

At her request, Senator Bane was added as co-sponsor of SB 371.

HB 332 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 332 - AN ACT TO AMEND CHAPTER 83, TITLE 11 OF THE DELAWARE CODE RELATING TO THE NUMBER OF ACTIVE DUTY STATE POLICE OFFICERS.

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

The following legislation was introduced:

SB 372 - AN ACT TO AMEND CHAPTER 52, TITLE 29, DELAWARE CODE RELATING TO FAMILY LEAVE. Sponsors: Senators Bair, Bane, Knox, Neal; Representatives Spence, DiPinto, Smith, Maroney, Lee. Assigned to Labor and Industrial Relations Committee.

SB 373 - AN ACT TO AMEND VOLUME 66, CHAPTER 92, LAWS OF DELAWARE RELATING TO THE FISCAL YEAR 1988 CAPITAL BUDGET AS AMENDED AND TO AMEND VOLUME 65, CHAPTER 385, LAWS OF DELAWARE, RELATING TO THE FY 1987 CAPITAL BUDGET AS AMENDED. Sponsors: Senators Cook, Sharp; Representatives Roy, Corrozi. Laid on the table on motion of Senator Cook.

SENATE CONSENT CALENDAR #29 was introduced and considered for adoption on motion of Senator Minner. The Calendar consisted of the following:

SR 84 - MOURNING THE DEATH OF MR. IRVIN S. LYNCH, JR., OF LITTLE CREEK, DELAWARE, WHO SUCCEMBED TO HEART FAILURE ON WEDNESDAY, APRIL 6, 1988. Sponsor: Senator Zimmerman.

SR 86 - EXPRESSING SYMPATHY TO FORMER GOVERNOR PIERRE S. DUPONT, IV AND HIS FAMILY UPON LEARNING OF THE DEATH OF HIS FATHER, PIERRE DUPONT, III. Sponsors: Senators Berndt, Cordrey, Sharp, McDowell, Bair, Connor, Adams, Cook, Holloway, Marshall, Martin, McBride, Minner, Torbert, Vaughn, Zimmerman, Bane, Knox, Neal, Slatcher, Still.

HCR 131 - EXPRESSING APPRECIATION AND THANKS TO THE VOCATIONAL STUDENT ORGANIZATIONS FOR THEIR ANNUAL PRESENTATION OF EASTER LILLIES TO MEMBERS OF THE GENERAL ASSEMBLY AND FURTHER EXTENDING TO EACH AND ALL OF THEM THE VERY BEST IN THEIR FUTURE ENDEAVORS. Sponsors: Representatives Petrilli, Buckworth, Spence, George, Gilligan; Senators Cordrey, Sharp, McDowell, Bair, Connor.

HCR 137 - CONGRATULATING AND EXPRESSING APPRECIATION TO BLANCHE L. MORTIMER FOR 38 YEARS OF SELFLESS, UNDAUNTED SERVICE TO THE CITIZENS OF THE NEW CASTLE AREA, PARTICULARLY FOR HER WORK WITH THE YOUNG WOMEN OF OUR COMMUNITY THROUGH VOLUNTEER SERVICE AS A GIRL SCOUT LEADER. Sponsors: Representative Houghton, Senator McBride.

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The roll call vote on SENATE CONSENT CALENDAR #29 was then taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore the Resolutions were declared adopted and the House Concurrent Resolutions were returned to the House.

At 5:13 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 19, 1988.

The Senate reconvened at 2:15 p.m., April 19, 1988, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 137.

The following legislation was introduced:

SA 1 to SB 356. Sponsor: Senator Berndt. Placed with the Bill.

SB 374 - 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, Spence, B. Ennis; Senators Torbert, Holloway. Assigned to Judiciary Committee.

SB 375 - AN ACT TO AMEND TITLE 13, CHAPTER 5, §514 OF THE DELAWARE CODE RELATING TO DETERMINATION OF AMOUNT OF SUPPORT. Sponsor: Senator Holloway. Assigned to Health-Social Services/Aging Committee.

At 2:20 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 19th Legislative Day.

19TH LEGISLATIVE DAY
April 19, 1988

The Senate convened at 2:20 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.

Senator Berndt introduced to the Senate David Ben-Dov (Consul General of the State of Israel) who was granted the privilege of the floor to address the Senate.

Senator Berndt then introduced to the Senate Carol Rudnik (Editor, Jewish Voice) and Dr. Finklestein (ILC DOVER).

SCR 152 was introduced and considered for adoption on motion of Senator Berndt:

SCR 152 - IN RECOGNITION OF THE FORTIETH ANNIVERSARY OF THE INDEPENDENCE OF THE STATE OF ISRAEL. Sponsors: Senator Berndt and all Senators; Representative Spence and all Representatives.

Senators Minner and Zimmerman marked PRESENT.

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

SR 85 was introduced and considered for adoption on motion of Senator Holloway:

SR 85 - CALLING UPON MEMBERS OF DELAWARE'S CONGRESSIONAL DELEGATION TO SUPPORT THE PROPOSED FEDERAL "MINIMUM HEALTH BENEFITS ACT" IN THE U. S. CONGRESS. Sponsor: Senator Holloway.

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

SCR 151 was introduced and laid on the table on motion of Senator Holloway:

SCR 151 - 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 373 was lifted from the table for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

SB 373 - AN ACT TO AMEND VOLUME 66, CHAPTER 92, LAWS OF DELAWARE RELATING TO THE FISCAL YEAR 1988 CAPITAL BUDGET AS AMENDED AND TO AMEND VOLUME 65, CHAPTER 385, LAWS OF DELAWARE, RELATING TO THE FY 1987 CAPITAL BUDGET AS AMENDED.

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 (Berndt) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to George E. Hale (Department of Administrative Services) after which the roll call vote on SB 373 w SA 1 was then 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.

At 3:30 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:38 p.m., Senator Cordrey presiding.

SB 377 was introduced and assigned to Finance Committee:

SB 377 - AN ACT TO AMEND CHAPTER 85, VOLUME 66, LAWS OF DELAWARE, BEING HOUSE BILL NO. 350, AS AMENDED, OF THE 134TH GENERAL ASSEMBLY, AND BEING AN ACT ENTITLED "AN ACT MAKING APPROPRIATION 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 CERTAIN ADDITIONS, DELETIONS, AND ADJUSTMENTS. Sponsors: Senators Vaughn, Adams, Bane, Cook, Holloway, Sharp, Slatcher, Torbert; Representatives B. Ennis, Clark.

A messenger from the Governor was announced and admitted.

SB 376 was introduced and assigned to Public Safety Committee:

SB 376 - AN ACT TO AMEND CHAPTER 41, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS BY ADDING THERETO A NEW SECTION DESIGNATED AS §4177G. Sponsors: Senator Torbert, Representative Ewing; Representatives Spence, Petrilli, Buckworth, Maroney, Caulk, Boykin, Davis, Mack, Corrozi, Lee, Carey, Roy, Smith, DiPinto, Amick, Hebner, Gilligan; Senators Bair, Minner, Bane, Neal, Slatcher, Knox, Berndt, Still.

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

STATE OF DELAWARE
Office of the Governor
April 19, 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: Donald P. Whiteley, 2403 Allendale Road, Wilmington, De 19803, 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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The following legislation was introduced:

SA 1 to SB 326. Sponsor: Senator McDowell. Placed with the Bill.

SB 378 - AN ACT TO AMEND TITLE 24, CHAPTER 21 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF THE PRACTICE OF OPTOMETRY, THE USE OF DRUGS OR SURGERY IN THE PRACTICE OF OPTOMETRY AND THE LICENSING AND CERTIFICATION THEREOF. Sponsors: Senator Vaughn; Representatives D. Ennis, Spence, Petrilli. Assigned to Sunset Committee.

Senator Marshall introduced to the Senate Most Reverend Robert E. Mulvee, Bishop of Wilmington, who addressed the Senate.

Senator Marshall then introduced Rev. Roberto Balducelli, O.S.F.S.; Msgr. Paul J. Taggart; Msgr. Joseph Rebman.

SCR 153 was introduced and considered for adoption on motion of Senator Marshall:

SCR 153 - COMMEMORATING THE THIRD ANNIVERSARY OF THE INSTALLATION OF HIS EXCELLENCY, THE MOST REVEREND ROBERT E. MULVEE, AS LEADER OF THE CATHOLIC DIOCESE OF WILMINGTON, AND WARMLY WELCOMING HIM TO LEGISLATIVE HALL. Sponsors: Senator Marshall, Representative Jonkiert, all Senators, all Representatives.

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

SB 257 which had previously passed the Senate was lifted from the table for reconsideration as returned from the House further amended by HA 1 w HA 1.

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

The roll call vote on SB 257 w HA 1 w HA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed and sent to the Governor for his consideration.

SR 87 was introduced and considered for adoption on motion of Senator Holloway:

SR 87 - CONGRATULATING CONSTANCE S. KRESHTOOL, ENDOWMENT FUND DIRECTOR FOR THE JEWISH FEDERATION OF DELAWARE, AND O. FRANCIS BIONDI, PROMINENT WILMINGTON ATTORNEY, ON BEING NAMED RECIPIENTS OF THE 1988 AWARDS OF THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS, AND COMMENDING NCCJ FOR ITS EFFORTS TO PROMOTE HARMONY, PEACE, AND UNITY AMONG DIFFERENT SEGMENTS OF THE POPULATION. Sponsor: Senator Holloway.

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

SB 362 was stricken at the request of the sponsor, Senator Vaughn.

At 5:00 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., April 20, 1988.

The Senate reconvened at 3:27 p.m., April 20, 1988, Senator Sharp presiding.

The following Committee reports were announced:

From the Corrections Committee: SB 367 - 3 Favorable, 2 Merits; SB 368 - 3 Favorable, 2 Merits; SB 369 - 3 Favorable, 2 Merits; SB 370 - 3 Favorable, 2 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 132; HCR 133; HCR 134; HCR 135; HCR 136; SCR 149; SCR 150.

At 3:29 p.m., Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 414; HB 447 w HA 1; HB 462; SB 224 w SA 1; and adopted HCR 142 and SCR 153.

At 3:30 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 20th Legislative Day.

20TH LEGISLATIVE DAY
April 20, 1988

The Senate convened at 3:30 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:
PRESENT: Senators Adams, Bair, Bane, 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 introduced to the Senate Anne Marie Jarka (Miss Delaware 1987) who was granted the privilege of the floor to address the Senate.

Senator Bane then introduced to the Senate George Lee (President, Miss Delaware Pageant) and Ms. Pat Turbin (Director, Miss Delaware Pageant).

Senator Martin marked PRESENT.

SCR 155 was introduced and considered for adoption on motion of Senator Bane:

SCR 155 - HONORING ANNE MARIE JARKA, MISS DELAWARE OF 1987-1988, UPON THE OCCASION OF HER VISIT TO THE DELAWARE GENERAL ASSEMBLY. Sponsors: Senator Bane, Representative Spence.

Senators Holloway, Marshall, Knox, Neal marked PRESENT.

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

SS 1 for SB 355 was introduced and adopted in lieu of the Original on motion of Senator Adams, acting on behalf of Senator Cordrey:

SS 1 for SB 355 - AN ACT INSERTING A NEW CHAPTER 38 OF TITLE 12 OF THE DELAWARE CODE BY ENACTING A LAW RELATING TO THE TREATMENT OF DELAWARE BUSINESS TRUSTS. Sponsors: Senators Cordrey, Adams; Representative D. Ennis.

The following memo was read:

SENATE
STATE OF DELAWARE
DOVER, DELAWARE

April 20, 1988

TO: B. J. Caniford, Secretary of the Senate
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Senate Legislation

I request that Senate Substitute No. 1 to Senate Bill No. 355 be placed in lieu of Senate Bill No. 355, the original.

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SB 379 was introduced and assigned to Public Safety Committee:

SB 379 - AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF AN ENHANCED 911 EMERGENCY NUMBER SERVICE. Sponsors: Senators Adams, Cook, Cordrey, Holloway, Minner, Sharp, Zimmerman, Vaughn, Slatcher, Still; Representatives Bunting, Carey, Ennis, Ewing, Fallon, Lee, West, Wingate.

Senators Berndt and Slatcher marked PRESENT.

SB 357 was taken up for consideration on motion of Senator Vaughn:

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.

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

SR 88 was introduced and considered for adoption on motion of Senator Minner:

SR 88 - IN APPRECIATION OF DELAWARE'S VOLUNTEERS DURING NATIONAL VOLUNTEER WEEK. Sponsors: Senator Minner, all Senators.

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

SCR 154 was introduced and considered for adoption on motion of Senator Still:

SCR 154 - JOINING THE AMERICAN SOCIETY FOR INDUSTRIAL SECURITY IN RECOGNIZING APRIL 21, 1988 AS LAW ENFORCEMENT APPRECIATION DAY. Sponsors: Senators Still, Vaughn; Representatives Ewing, Bennett, B. Ennis, Spence, VanSant.

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

HB 229 w HA 1 was taken up for consideration on motion of Senator Zimmerman:

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.

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 19 Senators voting YES and 2 (Cordrey, Holloway) ABSENT; therefore, the Amendment was declared adopted.

Senators Zimmerman, Vaughn, McBride, Martin, Marshall requested to be added as co-sponsors of the Bill.

From 4:10 to 4:15 p.m. (Lt. Governor Moo still presiding) the Senate took a standing recess for change of tape.

The privilege of the floor was extended to Ray Buttacavali (General Motors).

Senator Minner announced that she would be recorded as NOT VOTING on the Bill due to a possible conflict of interest.

The roll call vote on HB 229 w HA 1, SA 1 was then taken and revealed 19 Senators voting YES, 1 (Minner) NOT VOTING and 1 (Cordrey) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 433 was taken up for consideration on motion of Senator Minner:

HB 433 - AN ACT TO AMEND VOLUME 63, CHAPTER 272, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE TOWN OF CAMDEN.

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 20 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 433 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 126 and SB 189 were stricken at the request of the sponsor, Senator Torbert.

SB 151 and SB 263 were stricken at the request of the sponsor, Senator McBride.

SB 119 was stricken at the request of the sponsor, Senator Holloway.

At 4:40 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 21, 1988.

The Senate reconvened at 2:23 p.m., April 21, 1988, Senator Cordrey presiding.

The following Committee reports were announced:

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

From the Labor and Industrial Relations Committee: SB 349 - 1 Favorable, 5 Merits.

From the Public Safety Committee: SB 376 - 4 Merits, 1 Unfavorable.

From the Judiciary Committee: SB 359 - 3 Favorable, 2 Merits; SB 364 - 1 Favorable, 4 Merits; SB 374 - 1 Favorable, 4 Merits; HB 166 w HA 1 - 4 Merits, 1 Unfavorable.

The following legislation was introduced:

SB 380 - AN ACT TO AMEND CHAPTER 86, TITLE 29, DELAWARE CODE, TO ESTABLISH A PROGRAM OF RENT SUBSIDY FOR VERY LOW INCOME FAMILIES, AND MAKING AN APPROPRIATION THEREFORE.

Sponsor: Senator Holloway. Assigned to Finance Committee.

SB 381 - AN ACT TO AMEND CHAPTER 19, TITLE 14 OF THE DELAWARE CODE RELATING TO EXEMPTIONS FROM 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 Finance Committee.

SB 382 - AN ACT TO AMEND CHAPTER 56, TITLE 29 OF THE DELAWARE CODE RELATING TO PENSIONS FOR MEMBERS OF THE STATE JUDICIARY. Sponsors: Senator Adams, Representatives Hebner.

Senator Cordrey marked PRESENT.

SB 383 - AN ACT TO AMEND CHAPTERS 26 AND 49, TITLE 9, DELAWARE CODE, RELATING TO RESIDENTIAL FACILITIES FOR DEVELOPMENTALLY DISABLED PERSONS. Sponsor: Senator Holloway. Assigned to Health-Social Services/Aging Committee.

SB 384 - AN ACT TO AMEND CHAPTERS 55 AND 56, TITLE 29, DELAWARE CODE RELATING TO COMPUTATIONS OF JUDICIAL AND STATE EMPLOYEE PENSIONS. Sponsors: Senators Connor, Bair, Cook, Still; Representatives Gilligan, Mack, Corrozi, Dixon. Assigned to Finance Committee.

HB 414 - AN ACT TO AMEND CHAPTER 55, TITLE 18, DELAWARE CODE RELATING TO BENEFITS PROVIDED BY MUTUAL BENEFIT ASSOCIATIONS. Sponsor: Representative Lee. Assigned to Labor and Industrial Relations Committee.

HB 447 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 18, DELAWARE CODE, TO MANDATE THAT HEALTH INSURERS PROVIDE PAP SMEAR AS PART OF PROVIDED COVERAGE. Sponsors: Representatives George, Soles, Bennett, Brady, Buckworth, Bunting, Campanelli, Caulk, Clark, Corrozi, DiPinto, Dixon, B. Ennis, D. Ennis, Ewing, Gilligan, Houghton, Jester, Jonktert, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Roy, Sills, VanSant, West, Wingate; Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman. Assigned to Health-Social Services/Aging Committee.

HB 462 - AN ACT TO AMEND CHAPTER 14, TITLE 14, DELAWARE CODE RELATING TO THE PROCEDURES FOR THE TERMINATION OF PROFESSIONAL SERVICES. Sponsors: Representative Fallon, Senator McBride. Assigned to Administrative Services/Energy Committee.

SA 1 to SB 340. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 365. Sponsors: Senator Holloway, Representative Maroney; Senators Bair, Still, Knox, Neal, Bane; Representatives Spence, Petrilli, DiPinto, Hebner, Amick, Smith, Maroney, Corrozi, Roy, Soles. Placed with the Bill.

SB 385 - AN ACT TO AMEND CHAPTER 50, OF TITLE 15, DELAWARE CODE AND CHAPTERS 10, 19 AND 21 OF TITLE 14, DELAWARE CODE RELATING TO THE MANDATORY REQUIREMENT FOR THE USE OF VOTING MACHINES, WITH CERTAIN EXCEPTIONS, IN ELECTIONS HELD UNDER THE PROVISIONS OF TITLE 14, DELAWARE CODE.. Sponsors: Senators Cook, Vaughn; Representatives Clark, B. Ennis. Assigned to Insurance and Elections Committee.

SA 1 to SS 1 for SB 355. Sponsor: Senator Cordrey. Placed with the Bill.

At 2:32 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 21st Legislative Day.

21ST LEGISLATIVE DAY

April 21, 1988

The Senate convened at 2:32 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.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 139; HCR 140; HCR 141; HCR 143; HCR 144; HCR 145; HCR 146; HCR 147; SCR 152; SCR 155.

SB 367 was taken up for consideration on motion of Senator Vaughn:

SB 367 - AN ACT TO AMEND SUBCHAPTER VI, CHAPTER 65, TITLE 11, DELAWARE CODE, RELATING TO CLASSIFICATION AND EMPLOYMENT OF INMATES.

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

Senators Adams and Zimmerman marked PRESENT.

SB 368 was taken up for consideration on motion of Senator Vaughn:

SB 368 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 65, TITLE 11, DELAWARE CODE, RELATING TO DUTIES AND RESPONSIBILITIES OF THE COMMISSIONER OF CORRECTION.

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

SB 369 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 65, TITLE 11, DELAWARE CODE, RELATING TO SUPERVISED CUSTODY OF INMATES.

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

SB 370 - AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE, RELATING TO WORK BY INMATES.

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.

Senator Berndt introduced Former State Senator Margaret Manning to the Senate.

At 3:00 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:21 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SB 386 - AN ACT TO AMEND CHAPTER 51, TITLE 25, DELAWARE CODE, RELATING TO PAYMENTS, RECEIPTS, SECURITY DEPOSITS AND INTEREST THEREON. Sponsors: Senators Zimmerman, Vaughn, Martin, McDowell, Holloway. Assigned to Small Business Committee.

SS 1 for 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: Senators Neal, Bane, Holloway, Knox, McBride, Sharp, Still; Representatives Carey, Fallon, Maroney, Plant, Roy, Sills, Jester, Brady. Adopted in lieu of the Original.

SB 142 was taken up for consideration on motion of Senator McBride:

SB 142 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO CONSTITUTIONAL AMENDMENTS; AND PROVIDING THAT CONSTITUTIONAL AMENDMENTS BE RATIFIED AT THE POLLS.

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

YES: Senators Cook, Marshall, McBride, McDowell, Sharp, Torbert - 6.

NO: Senators Adams, Bair, Berndt, Connor, Cordrey, Holloway, Knox, Martin, Minner, Neal, Slatcher, Still, Vaughn, Zimmerman - 14.

ABSENT: Senator Bane - 1.

Therefore, the Bill was declared defeated.

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

SB 146 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO LEGISLATIVE AUTHORITY; AND PROVIDING FOR INITIATIVE AND REFERENDUM.

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

YES: Senators Marshall, Martin, McBride, McDowell, Sharp, Torbert, Vaughn - 7.

NO: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Minner, Neal, Slatcher, Still, Zimmerman - 14.

Therefore, the Bill was declared defeated.

SENATE CONSENT CALENDAR #30 was introduced and considered for adoption on motion of Senator Minner. The Calendar consisted of the following:

SR 89 - EXPRESSING BEST WISHES TO EILEEN GILLIGAN, NEWS JOURNAL REPORTER, COVERING NEWS EVENTS AROUND LEGISLATIVE HALL, AS SHE LEAVES THE FIELD OF JOURNALISM TO BECOME AN ENTREPRENEUR. Sponsors: Senators Bair, Cordrey, Bane, Berndt, Connor, Neal, Knox, Still, Slatcher, Adams, Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Torbert, Vaughn.

HCR 132 - RECOGNITION OF "MAY" AS THE "WOMEN IN MEDICINE RECRUITMENT MONTH". Sponsors: Representatives Maroney, Senator Holloway.

HCR 133 - COMMENDING THE STATE BOARD OF EDUCATION AND THE DEPARTMENT OF PUBLIC INSTRUCTION ON THE RESULTS OF THE RECENTLY COMPLETED STUDY BY THE NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION. Sponsors: Representatives Fallon, Buckworth; Senator McBride.

HCR 134 - CONGRATULATING BETTY DAUDT OF SEAFORD, DELAWARE'S MOTHER OF THE YEAR. Sponsors: Representative Fallon, Senator Slatcher.

HCR 135 - CONGRATULATING WILLIAM PENN WRESTLER JEFF DELLI COMPAGNI UPON WINNING THE STATE CHAMPIONSHIP FOR THE 130 POUND WEIGHT CLASS. Sponsors: Representatives Houghton, Brady, Dixon, Mack; Senator Connor.

HCR 136 - HONORING FREDERICA FARM "BISHOP'S CHOICE" AS ONE OF THE OLDEST AMERICAN FARMS IN THE COUNTRY. Sponsors: Representatives Caulk, Ewing; Senator Torbert.

HCR 138 - CONGRATULATING JANET E. DURIG OF GREENWOOD ON HER ELECTION TO A THREE YEAR TERM ON THE BOARD OF DIRECTORS OF THE NATIONAL SCHOOL BOARDS ASSOCIATION. Sponsors: Representative Bennett, Senator Adams.

HCR 139 - SALUTING ALL PROFESSIONAL SECRETARIES IN DELAWARE DURING PROFESSIONAL SECRETARIES WEEK APRIL 24-30, 1988. Sponsors: Representative Mack, all Representatives, all Senators.

HCR 140 - PROCLAIMING MAY 1-7, 1988 AS NATIONAL SUICIDE PREVENTION WEEK. Sponsors: Representatives Maroney, Buckworth; Senator Bair.

HCR 141 - MOURNING THE DEATH OF JOSEPH C. BEHRENS OF SMYRNA, DELAWARE WHO SUCCEDED TO HEART FAILURE ON FRIDAY, APRIL 8, 1988. Sponsors: Representative B. Ennis, Senator Vaughn, Representative Clark, Senator Cook.

HCR 142 - CONGRATULATING VIOLET AND ELLSWORTH WILSON ON THE OCCASION OF THEIR 70TH WEDDING ANNIVERSARY CELEBRATED ON APRIL 20, 1987. Sponsors: Representative VanSant, Senator McBride.

HCR 143 - PROCLAIMING WILLIAM PENN AND HANNAH CALLOWHILL PENN AS HONORARY CITIZENS OF THE STATE OF DELAWARE. Sponsors: Representatives Spence, Petrilli, Buckworth; Senators Bair, Connor.

HCR 144 - EXTENDING CONGRATULATIONS TO RICHARD "DICK" FARMER ON RECEIVING THE 12TH ANNUAL DELAWARE SCHOOL BOARDS ASSOCIATION DISTINGUISHED SERVICE AWARD. Sponsors: Representative Mack, Senator Connor; all Representatives, all Senators.

HCR 145 - CONGRATULATING NEW CASTLE COUNTY COUNCIL PRESIDENT KAREN PETERSON ON RECEIVING THE GOOD GOVERNMENT AWARD. Sponsors: Representatives Soles, Houghton, Amick, Spence, Jester; Senators Berndt, Martin.

HCR 146 - COMMENDING CRAWFORD CARROLL, MAYOR OF DOVER, DELAWARE ON HIS IMPENDING RETIREMENT FROM PUBLIC SERVICE AND WISHING HIM GODSPEED AND BEST WISHES IN HIS FUTURE ENDEAVORS. Sponsors: Representative Bennett, Senator Zimmerman; Representatives Outten, B. Ennis, Clark, Caulk, Buckworth, Quillen, Spence, Petrilli, Carey, Fallon, Corrozi, DePinto, Lee, Ewing, Wingate; Senators Cook, Vaughn, Torbert, Minner.

HCR 147 - COMMENDING JOE A. KLENOSKI, CHIEF OF DOVER CITY POLICE WHO IS RETIRING ON APRIL 30, 1988. Sponsors: Representative Bennett, Senator Zimmerman; Representatives Outten, B. Ennis, Clark, Caulk, Buckworth, Quillen, Petrilli, Wingate, Plant, Ewing; Senators Cook, Vaughn, Torbert, Minner.

The roll call vote on SENATE CONSENT CALENDAR #30 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted and the House Concurrent Resolutions were returned to the House.

SCR 151 was lifted from the table for consideration on motion of Senator Holloway:
SCR 151 - 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.

The following communications were read and made part of this Journal at the request of Senator Holloway:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 1990

April 19, 1988

Honorable Stephen Golding
Secretary, Department of Finance
Thomas Collins Building
Dover, Delaware 19901

Dear Secretary Golding:

On a motion from Senator Herman M. Holloway, Sr., you are hereby requested to appear before the Delaware State Senate on Thursday, April 21, 1988, at 2:30 p.m., to testify in reference to Senate Concurrent Resolution 151.

I am enclosing a copy of SCR 151 for your information. If you have further questions please feel free to contact me.

Sincerely,
Betty Jean Caniford,
Secretary of the Senate

* * * * *
STATE OF DELAWARE
DEPARTMENT OF FINANCE
OFFICE OF THE SECRETARY

April 21, 1988

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

Dear Senator Holloway:

I have to first apologize for my inability to adjust my schedule to be in Dover on Thursday afternoon, April 21. Unfortunately a prior commitment with several out-of-town participants negated my ability to find an alternative solution. I am appreciative of your understanding for my problem.

As to Senate Concurrent Resolution 151, the administration has worked very closely with you on this issue. We are in agreement that a uniformed policy should be established so that State agencies will carry out the intent of the General Assembly regarding current statute. This Resolution is designed to insure that this is effectively what is happening and that no citizen is being charged for State services excessively and that those who have a need receive the best possible service the State can provide without regard to their ability to pay.

The Department of Finance has been appreciative of your willingness to work with us on this matter.

Sincerely,
Stephen T. Golding,
Secretary of Finance

cc: Senator Richard S. Cordrey, President Pro Temp
Senator Myrna L. Bair
William H. Freeborn

* * * * *

The roll call vote on SCR 151 was then taken and revealed 19 Senators voting YES, 1 (Connor) voting NO and 1 (Sharp) NOT VOTING; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Senator McDowell introduced several guests from Round Pond who were present in the Chamber.

The following legislation was introduced:

SA 1 to HB 444. Sponsor: Senator Zimmerman. Placed with the Bill.

SB 387 - AN ACT TO REINCORPORATE THE TOWN OF CLAYTON. Sponsors: Senator Vaughn, Representative B. Ennis. Assigned to Community Affairs Committee.

HB 19 w HA 1 was reported out of the Executive Committee: 6 Merits.

At 4:55 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 26, 1988

The Senate reconvened at 2:31 p.m., April 26, 1988, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 422 w HA 1; HB 423; HB 424; HB 425; HB 457; HB 272.

At 2:33 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 22nd Legislative Day.

22ND LEGISLATIVE DAY

April 26, 1988

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.

LEGISLATIVE ADVISORIES #35, 36, 37, 38, 39 received from the Office of Counsel to the Governor were read:

LEGISLATIVE ADVISORY #35. On April 6, 1988 the Governor vetoed HB 142 w HA 1.

LEGISLATIVE ADVISORY #36. On April 12, 1988 the Governor signed SS 1 for SB 116 w SA 1, 2, 3, HA 2, 3 (Volume 66, Chapter 225, Laws of Delaware).

LEGISLATIVE ADVISORY #37. On April 18, 1988 the Governor signed SB 271 (Volume 66, Chapter 226, Laws of Delaware), SB 282 (Volume 66, Chapter 227, Laws of Delaware), SB 312 (Volume 66, Chapter 228, Laws of Delaware), SB 338 (Volume 66, Chapter 229, Laws of Delaware), SB 346 (Volume 66, Chapter 230, Laws of Delaware), HB 168 (Volume 66, Chapter 231, Laws of Delaware), HB 440 (Volume 66, Chapter 232, Laws of Delaware),

LEGISLATIVE ADVISORY #38. On April 21, 1988 the Governor signed SB 211 (Volume 66, Chapter 233, Laws of Delaware), SB 225 w SA 1 (Volume 66, Chapter 234, Laws of Delaware).

LEGISLATIVE ADVISORY #39. On April 25, 1988 the Governor signed HB 146 w HA 1, SA 1 (Volume 66, Chapter 235, Laws of Delaware), SB 224 w SA 1 (Volume 66, Chapter 236, Laws of Delaware), HB 259 w HA 1 (Volume 66, Chapter 237, Laws of Delaware), HB 220 w SA 1 (Volume 66, Chapter 238, Laws of Delaware), SB 257 w HA 1 w HA 1 (Volume 66, Chapter 239, Laws of Delaware).

A "Thank You" note from the family of Elsie Jenkins was read thanking the Senate for SCR 146.

SB 316 was taken up for consideration on motion of Senator Marshall:

SB 316 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES.

During discussion of the Bill and the various Amendments offered to it, the privilege of the floor was extended to Bill Ward (Small Business), Kathleen L. Irwin, Connie Cutrona (Delaware Federation of Business and Professional Women's Club), Elizabeth Humphreys (Small Business Woman and Delaware Retailers Association), Linda Bly (Delaware Commission for Women), Robert F. Steward, Jr. (Delaware State Chamber of Commerce).

The following communication was read into the record at the request of Senator Marshall:

STATE OF DELAWARE
FOSTER CARE REVIEW BOARD
Carvel State Office Building
P. O. Box 8911
Wilmington, Dela. 19801

April 26, 1988

The Honorable Robert I. Marshall
Senator of the State of Delaware
Legislative Hall
Dover, De 19901

RE 316

Dear Senator Marshall:

The Foster Care Review Board and the Delaware Coalition for Children would like to offer support for the passage of SB 316, The Family Care Act of 1988.

We endorse the purpose of this act and are specifically pleased to see the provision which entitles employees to take reasonable leave for the adoption or foster care of a child. Balancing the demands of the workplace with the needs of families is difficult. SB 316 recognizes the changing patterns of today's families and the importance of protecting our most valuable resource - the children who will shape tomorrow.

On behalf of the Foster Care Review Board and Delaware Coalition for Children, I thank you for the opportunity to speak for the passage of SB 316, The Family Care Act of 1988.

Sincerely,
Barbara A. Brown

* * * * *

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

Senators Connor and Still marked PRESENT.

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

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

NO: Senators Bair, Connor, Knox, Neal, Slatcher, Still - 6.

NOT VOTING: Senators Berndt - 1.

Therefore, the Amendment was declared adopted.

Senators Adams, Holloway, Martin marked PRESENT.

SA 2 to the Bill (sponsor: Senator Marshall) was introduced and considered for adoption on motion of Senator Marshall.

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

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

NO: Senators Bair, Connor, Knox, Minner, Neal, Slatcher, Still - 7.

Therefore, the Amendment was declared adopted.

At 3:21 p.m. Senator Cordrey presiding.

A messenger from the Governor was announced and admitted.

At 4:00 p.m. Senator Adams presiding.

SA 3 to the Bill (sponsor: Senator Cook) was introduced and considered for adoption on motion of Senator Cook.

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

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

NO: Senators Bane, Connor, Knox, Neal, Slatcher, Still - 6.

NOT VOTING: Senators Bair, Berndt - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 316 w SA 1, 2, 3 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Marshall.

At 5:40 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m. April 27, 1988.

The Senate reconvened at 3:53 p.m., April 27, 1988, Senator Cordrey presiding.

The following legislation was introduced:

SB 388 - AN ACT TO AMEND CHAPTER 50, TITLE 29, DELAWARE CODE RELATING TO CHILD CARE FACILITIES. Sponsors: Senator Bane, Representative Maroney; Senators Holloway, Knox, Minner, Neal, Still; Representatives Carey, George, Jester, Spence, Soles. Assigned to Children, Youth and Families.

SB 389 - AN ACT TO AMEND SUBCHAPTER 11, TITLE 11, DELAWARE CODE, RELATING TO EXCLUSION OF PENSION INCOME FROM DELAWARE PERSONAL INCOME TAX. Sponsors: Senator Zimmerman, Representative Amick; Senators Cook, Minner, Torbert, McDowell, Holloway, Adams, Slatcher, Martin, Vaughn, Cordrey, McBride, Knox, Berndt, Marshall; Representatives Bennett, Quillen, Carey, Caulk, Corrozi, Soles, VanSant, Lee, Bunting, Spence, Roy, Outten, Jonklert, George, Campanelli, Brady, Dixon, Houghton, Jester, Plant, Sillis, West, Wingate, B. Ennis. Assigned to Revenue and Taxation Committee.

At 3:55 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 23rd Legislative Day.

23RD LEGISLATIVE DAY
April 27, 1988

The Senate convened at 3:55 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.
Senator Sharp introduced to the Senate and requested the privilege of the floor for Dr. Howard Row (Delaware Heritage Committee) who in turn introduced five winners of the James T. McKinstry Constitutional Scholarship: John B. Mingus (Dover High School), Margaret Anne Lewis (Woodbridge Senior High School) (not present), Alisa Ainbinder (Mt. Pleasant High School), Peter Vagenas, II (Newark High School), Mark Dillman (Christiana High School).

At 4:10 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:42 p.m., Senator Adams presiding.

The following Committee reports were announced:
From the Public Safety Committee: SB 379 - 5 Merits; HB 434 - 4 Merits.
From the Health-Social Services/Aging Committee: SB 234 - 4 Merits.
From the Highways and Transportation Committee: HJR 24 - 6 Merits.
From the Natural Resources and Environmental Control Committee: HJR 22 - 6 Merits; HB 444 - 5 Merits, 1 Unfavorable.

From the Education Committee: SB 279 - 4 Merits; SB 47 - 4 Merits; SB 158 - 4 Merits.
SR 91 was introduced and considered for adoption on motion of Senator Cordrey:

SR 91 - WISHING GOVERNOR MICHAEL N. CASTLE AND HIS FELLOW TRAVELER, SECRETARY OF STATE MICHAEL E. HARKINS, BON VOYAGE AS THEY EMBARK ON A TEN-DAY TRADE MISSION TO KOREA AND CHINA WHILE THE GENERAL ASSEMBLY WRESTLES WITH URGENT PROBLEMS AFFECTING THE CITIZENS OF DELAWARE. Sponsors: Senators Cordrey, Adams, Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman.

Senators Marshall, McDowell, Bane, Neal marked PRESENT.
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 Bair, Bane, Berndt, Connor, Knox, Neal, Slatcher, Still - 8.
Therefore, the Resolution was declared adopted.

At 5:16 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 28, 1988.

The Senate reconvened at 2:12 p.m., April 28, 1988, Senator Cordrey presiding.
The Secretary announced that a message from the House informed the Senate that it had passed HB 456; HB 460; HB 461; SB 166; SB 216; SB 373 w SA 1 and adopted HCR 148; HCR 149; HCR 150.

SB 387 was reported out of the Community Affairs Committee: 5 Merits.
The following letter of nomination for appointment from the Governor was read and assigned to Executive Committee:

STATE OF DELAWARE
Office of the Governor
April 26, 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: Susan C. Del Pesco, 344 Skyline Orchard Drive, Hockessin, DE 19707, to be appointed Associate Judge of the Superior Court of the State of Delaware, in and for New Castle County, to serve a twelve year term to replace Robert C. O'Hara, retired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

SB 266 which had been assigned to Judiciary Committee was reassigned to Community Affairs Committee at the request of the sponsor, Senator Connor.

The following legislation was introduced:

SA 1 to SB 384. Sponsor: Senator Connor. Placed with the Bill.

SA 1 to SB 379. Sponsor: Senator Adams. Placed with the Bill.

SA 1 to SB 309. Sponsor: Senator McBride. Placed with the Bill.

SA 1, SA 2, SA 3, SA 4 to HB 147 w HA 1, 2. Sponsor: Senator Zimmerman. Placed with the Bill.

At 2:16 p.m., Lt. Governor Woo presiding.

SA 1 to HB 19. Sponsor: Senator Berndt. Placed with the Bill.

SA 1 to SB 383. Sponsor: Senator Vaughn. Placed with the Bill.

SA 1, SA 2 to SA 1 to HB 124. Sponsor: Senator Bair. Placed with the Bill.

HB 272 - AN ACT TO AMEND CHAPTER 63, TITLE 7, OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION OF THE STATE'S HAZARDOUS WASTE MANAGEMENT PROGRAM. Sponsors: Representatives Carey, Amick, DiPinto, Lee, Mack, Bunting, West; Senators Zimmerman, Minner. Assigned to Natural Resources and Environmental Control Committee.

HB 422 w HA 1 - AN ACT TO AMEND CHAPTERS 3 AND 11, TITLE 30 OF THE DELAWARE CODE RELATING TO SECRECY OF RETURNS AND INFORMATION, AND PENALTY. Sponsors: Representatives Lee, Taylor, D. Ennis, Roy, DiPinto, Dixon, VanSant. Assigned to Revenue and Taxation Committee.

HB 423 - AN ACT TO AMEND CHAPTER 61, TITLE 29 AND CHAPTER 3, TITLE 21 OF THE DELAWARE CODE RELATING TO CHARGES FOR DISHONORED CHECKS, DRAFTS OR OTHER INSTRUMENTS. Sponsors: Representatives Lee, Taylor, D. Ennis, Roy, DiPinto, Dixon, VanSant. Assigned to Revenue and Taxation Committee.

HB 424 - AN ACT TO AMEND CHAPTER 23, TITLE 30 OF THE DELAWARE CODE RELATING TO FINES FOR NON-DISCLOSURE OF VENDING MACHINE LOCATIONS. Sponsors: Representatives Lee, Taylor, D. Ennis, Roy, DiPinto, Dixon, VanSant. Assigned to Revenue and Taxation Committee.

HB 425 - AN ACT TO AMEND CHAPTER 21, TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS AND OCCUPATIONAL TAXES WITH REGARD TO INTEREST ON OVER AND UNDERPAYMENTS. Sponsors: Representatives Lee, Taylor, D. Ennis, Roy, DiPinto, Dixon, VanSant. Assigned to Revenue and Taxation Committee.

HB 456 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD AND HANDICAPPED PERSONS' PARKING AREAS. Sponsor: Representative Amick. Assigned to Public Safety Committee.

HB 457 - AN ACT TO AMEND CHAPTER 65, TITLE 29 OF THE DELAWARE CODE RELATING TO ADVANCES TO STATE AGENCIES. Sponsors: Representatives Lee, D. Ennis, DiPinto, VanSant, Dixon. Assigned to Executive Committee.

HB 460 - AN ACT TO AMEND CHAPTER 69, TITLE 21, DELAWARE CODE RELATING TO THE REMOVAL OF MOTOR VEHICLES FROM PUBLIC HIGHWAYS BY THE POLICE. Sponsors: Representatives Brady, Outten, Houghton, Jester, Plant, Bennett, West, Wingate, B. Ennis, VanSant, Clark, Bunting, Dixon, Hebner, Caulk, Lee, Quillen, Oberle, Mack. Assigned to Public Safety Committee.

HB 461 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO HANDICAPPED PERSONS' PARKING AREAS. Sponsors: Representatives Brady, Mack, Caulk, Lee, Oberle, Outten, Houghton, Jester, Campanelli, Dixon, Bennett, West, B. Ennis, VanSant, Clark, Bunting, George, Plant, Amick. Assigned to Public Safety Committee.

SB 390 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE RELATING TO CHILD CARE AND DEPENDENT CARE EXPENSE TAX CREDIT. Sponsors: Senators Minner, Neal; Representative West (Senator Bane added at her request). Assigned to Revenue and Taxation Committee.

SB 391 - AN ACT TO AMEND CHAPTER 3, TITLE 22, DELAWARE CODE, RELATING TO RESIDENTIAL FACILITIES FOR DEVELOPMENTALLY DISABLED PERSON. Sponsor: Senator Holloway. Assigned to Community Affairs Committee.

SB 392 - AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE RELATING TO THE COMPENSATION OF MEMBERS OF THE INSTITUTIONAL RELEASE CLASSIFICATION BOARD. Sponsor: Senator Vaughn. Assigned to Judiciary Committee.

SB 393 - AN ACT TO AMEND CHAPTER 7, TITLE 19, DELAWARE CODE, RELATING TO EMPLOYMENT PRACTICES. Sponsor: Senator Holloway. Assigned to Labor and Industrial Relations Committee.

At 2:25 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 24th Legislative Day.

24TH LEGISLATIVE DAY

April 28, 1988

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 Sharp. The Secretary announced that a message from the House informed the Senate that it had adopted HCR 152.

Senator Cordrey introduced to the Senate and requested the privilege of the floor for Nancy Milliken Willis (Delaware Department of Agriculture, Forestry Section and Delaware Tree Farm Committee) who made a presentation of pine tree seedlings.

HB 360 was taken up for consideration on motion of Senator Adams:

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.

At the request of Senator Adams, Senator Torbert floor managed the Bill.

The privilege of the floor was extended to Lyman J. Olsen, M.D. (Division of Public Health), H. W. Towers, Jr., V.M.D. (Delaware Department of Agriculture), H. Lloyd Alexander, Jr. (Division of Fish and Wild Life), Robert Hairgrove (Newark Police).

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

YES: Senators Bair, Bane, Berndt, Connor, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, Still, Torbert - 14.

NO: Senators Adams, Cook, Cordrey, Minner, Slatcher, Vaughn, Zimmerman - 7.

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

Senator Martin marked PRESENT.

At 3:50 p.m., on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:17 p.m., Senator Cordrey presiding.

SENATE CONSENT CALENDAR #31 was introduced and considered for adoption on motion of Senator Minner. The Calendar consisted of the following:

SR 90 - CONGRATULATING ERLA MAE MARSH ON HER RETIREMENT AS OFFICE MANAGER OF THE NEWS-JOURNAL DOVER BUREAU AND EXTENDING BEST WISHES FOR A LONG AND HAPPY FUTURE. Sponsors: Senator Torbert and all Senators.

SR 92 - COMMENDING THE MANAGEMENT OF DELAWARE PARK FOR SCHEDULING THE CHARLES P. STAATS HANDICAP ON MAY 1, 1988, IN MEMORY OF THE LATE SENATE BILL CLERK. Sponsor: Senator Holloway.

SCR 156 - RECOGNIZING MAY 3, 1988 AS NATIONAL TEACHER DAY IN DELAWARE. Sponsors: Senator McBride, Representative Fallon; Senators Torbert, Neal, Still, Zimmerman; Representatives Hebner, Smith, Jester, Wingate.

HCR 148 - RECOGNIZING APRIL 24-30, 1988, AS ORGAN DONOR AWARENESS WEEK AND SUPPORTING THE DIAMOND STATE ORGAN DONOR ASSOCIATION'S EFFORT TO EDUCATE THE PUBLIC OF THE CRITICAL, LIFE SAVING NEED OF ORGAN AND TISSUE DONATION PROGRAMS. Sponsors: Representatives Jester, Maroney, VanSant; Senators McBride, Marshall, Bair.

HCR 149 - EXPRESSING BEST WISHES TO DOM CARUCCI, FORMER OUTSTANDING WILMINGTON ATHLETE, DURING HIS RECOVERY FROM RECENT SURGERY AND SUPPORTING THE UPCOMING "DOM CARUCCI BENEFIT GOLF TOURNAMENT". Sponsors: Representative Jonkiert, Senator Marshall.

HCR 150 - RECOGNIZING THE EFFORTS OF THE HOLLAND VILLAGE, INC. ORGANIZATION AND ITS PROGRAM DEVELOPED TO COMMEMORATE THE 17TH CENTURY DUTCH SETTLEMENT AT LEWES, NEW CASTLE AND WILMINGTON, DELAWARE. Sponsors: Representative VanSant; Senator Minner; Representatives Wingate, Dixon, Bunting.

HCR 152 - CALLING TO THE ATTENTION OF ALL OUR CITIZENS THE FACT THAT ARBOR DAY, 1988, WILL BE OBSERVED ON APRIL 29 AND REQUESTING THEIR PARTICIPATION IN THE CAMPAIGN TO IMPROVE AND INCREASE OUR FORESTS, WOODS AND COPSES. Sponsors: Representatives Quillen, Amick Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, B. Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Roy, Smith, Spence, Taylor, Bennett, Brady, Bunting, Campanelli, Clark, Dixon, Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, VanSant, West, Wingate; Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Bair, Bane, Berndt, Connor, Knox, Neal, Slatcher, Still, Zimmerman.

The roll call vote on SENATE CONSENT CALENDAR #31 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

SB 309 was taken up for consideration on motion of Senator McBride:

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 TRUSTS ACT.

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

The privilege of the floor was extended to Thomas Shiels (Legislative Council Attorney) after which the roll call vote on SB 309 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.

HB 19 w HA 1 was taken up for consideration on motion of Senator Adams:
HB 19 w HA 1 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO MANDATORY RETIREMENT.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of the sponsor, Senator Berndt.

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

SB 234 was taken up for consideration on motion of Senator McBride:

SB 234 - AN ACT TO AMEND CHAPTER 25, PART II, TITLE 16 OF THE DELAWARE CODE RELATING TO A PATIENT'S RIGHT TO TERMINATE TREATMENT.

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

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

NO: Senators Connor, Marshall - 2.

NOT VOTING: Senator McDowell - 1.

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

HB 462 which had been assigned to Administrative Services/Energy Committee was reassigned to Education Committee.

The following Committee reports were announced:

From the Sunset Committee: SB 378 - 4 Merits, 1 Unfavorable.

From the Health-Social Services/Aging Committee: HB 447 w HA 1 - 4 Merits.

The following legislation was introduced:

SS 1 for SB 376 - AN ACT TO AMEND CHAPTER 41, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS BY ADDING THERETO A NEW SECTION DESIGNATED AS §4177G. Sponsors: Senator Torbert, Representative Ewing; Senators Bair, Minner, Bane, Neal, Slatcher, Knox, Berndt, Still; Representatives Spence, Petrilli, Buckworth, Maroney, Caulk, Boykin, Davis, Mack, Corrozi, Lee, Carey, Roy, Smith, DiPinto, Amick, Hebner, Gilligan. Adopted in lieu of the Original.

SA 1 to SS 1 for SB 376. Sponsor: Senator Torbert. Placed with the Bill.

SCR 157 was introduced and considered for adoption on motion of Senator Minner:

SCR 157 - EXTENDING CHEERFUL BENEVOLENCE AND BEST WISHES TO HARRY "CHIP" CROSS, VETERAN LOBBYIST IN LEGISLATIVE HALL FOR ALMOST A THIRD OF A CENTURY. Sponsors: Senators Minner, Holloway, Cook, Adams, Cordrey, Marshall, Martin, McBride, McDowell, Sharp, Torbert, Vaughn, Zimmerman, Bair, Bane, Berndt, Connor, Knox, Neal, Slatcher, Still; Representatives Clark, Outten, Bennett, Petrilli, Corrozi, 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.

At 4:55 p.m. on motion of Senator Sharp, the Senate recessed until May 3, 1988 at 2:00 p.m.

The Senate reconvened at 2:15 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SA 1 to SB 391. Sponsor: Senator Vaughn. Placed with the Bill.

SA 1 to SB 387. Sponsor: Senator Vaughn. Placed with the Bill.

SA 2 to SS 1 for SB 376. Sponsor: Senator Bair. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 215, SB 264, SB 89 w HA 1, 3.

At 2:17 p.m., Lt. Governor Woo presiding.

At 2:17 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 25th Legislative Day.

25TH LEGISLATIVE DAY

May 3, 1988

The Senate convened at 2:17 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.

A "Thank You" note from the family of Irvin S. Lynch in appreciation for SR 84 was read.

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

SB 236 - AN ACT TO AMEND CHAPTER 65, TITLE 29 OF THE DELAWARE CODE, RELATING TO AN INVENTORY OF PROPERTY UNDER AN AGENCIES CONTROL.

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

Senator Bane marked PRESENT.

The roll call vote on SB 236 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Knox, Marshall, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn - 15.

ABSENT: Senators Holloway, Martin, McBride, McDowell, Still, Zimmerman - 6.

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

A messenger from the Governor was announced and admitted.

SB 387 was taken up for consideration on motion of Senator Vaughn:

SB 387 - AN ACT TO REINCORPORATE THE TOWN OF CLAYTON.

Senator Zimmerman marked PRESENT.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Vaughn and the roll call vote taken which revealed 17 Senators voting YES and 4 (Holloway, Martin, McDowell, Still) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 387 w SA 1 was then taken and revealed 17 Senators voting YES and 4 (Holloway, Martin, McDowell, Still) 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 for Party Caucus and reconvened at 3:35 p.m., Senator Cordrey presiding.

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

STATE OF DELAWARE
Office of the Governor
May 3, 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: Myron T. Steele, One Wesley, Camden, DE 19934, to be appointed Associate Judge of the Superior Court of the State of Delaware, in and for Kent County, to replace Henry duPont Ridgely, resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
May 3, 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: Henry duPont Ridgely, 215 E. Camden-Myoming Avenue, Camden, DE 19934, to be appointed Resident Associate Judge of the Superior Court of the State of Delaware, in and for Kent County, to serve a twelve year term to replace William G. Bush, III, retired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
Senators Martin, Still, Holloway marked PRESENT.
HJR 24 was taken up for consideration on motion of Senator Martin:
HJR 24 - NAMING THE NEW BRIDGE ON OLD WILMINGTON ROAD FOR ITS EARLIER PREDECESSOR GOLDING'S BRIDGE.

Senators McDowell, Marshall, Neal, Cook marked PRESENT.
The roll call vote on HJR 24 was then taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and returned to the House.
SB 199 was taken up for consideration on motion of Senator Marshall:

SB 199 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE PERSONAL INCOME TAX WITH RESPECT TO CRIMINAL OFFENSES.

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

SB 359 was taken up for consideration on motion of Senator Sharp:

SB 359 - AN ACT TO AMEND TITLE 11, CHAPTER 13, SUBCHAPTER VII, §1311 AND §1312 OF THE DELAWARE CODE RELATING TO THE OFFENSES OF HARASSMENT AND AGGRAVATED HARASSMENT.

At 3:45 p.m., Lt. Governor Woo presiding.

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 Sharp.

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

HB 177 w HA 1 - AN ACT TO AMEND CHAPTER 15, TITLE 13 OF THE DELAWARE CODE RELATING TO MARITAL PROPERTY.

Senator Slatcher floor-managed the Bill at the request of Senator Sharp.

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:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Knox, Sharp, Slatcher, Still - 11.

NO: Senators Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Torbert, Vaughn, Zimmerman - 10.

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

SB 199 was lifted from the table for consideration on motion of Senator Marshall.

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).

At 5:00 p.m., Senator Cordrey presiding.

SB 199 w SA 1 was then laid on the table on motion of Senator Marshall.

At 5:05 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., May 4, 1988.

The Senate reconvened at 3:30 p.m., May 4, 1988, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 143 w HA 1; HB 459 w HA 1, 2; HB 486 w HA 1; HB 398 w HA 1; HB 53 w HA 1 w HA 1.

The following legislation was introduced:

SS 1 for SB 359 - AN ACT TO AMEND TITLE 11, CHAPTER 5, SUBCHAPTER VII, SUBPART A, §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. Adopted in lieu of the Original.

SA 1 to SB 393. Sponsor: Senator Holloway. Placed with the Bill.

SB 394 - AN ACT TO AMEND TITLE 11 AND TITLE 21 OF THE DELAWARE CODE RELATING TO POLICE PURSUIT PROCEDURES; AND PROVIDING FOR CERTAIN LIMITATIONS ON HIGH-SPEED CHASES. Sponsor: Senator McBride. Assigned to Public Safety Committee.

SB 395 - AN ACT TO AMEND SUBCHAPTER 2, CHAPTER 40, TITLE 10 OF THE DELAWARE CODE RELATING TO COUNTY AND MUNICIPALITY SOVEREIGN IMMUNITY. Sponsor: Senator Sharp (by request). Assigned to Community Affairs Committee.

SB 396 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES. Sponsors: Senator Marshall, Representative Oberle. Assigned to Labor and Industrial Relations Committee.

SB 397 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Senator Marshall, Representative Oberle. Assigned to Labor and Industrial Relations Committee.

SB 398 - AN ACT TO AMEND CHAPTER 83, TITLE 11, DELAWARE CODE RELATING TO POLICE OFFICER DISABILITY PENSIONS. Sponsors: Senators Minner, Vaughn, Adams, McDowell, Marshall; Representatives Spence, Davis, B. Ennis, Ewing, VanSant. Assigned to Public Safety Committee.

SB 399 - AN ACT TO AMEND CHAPTER 264, VOLUME 52, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MAGNOLIA RELATING TO TAX ASSESSMENT. Sponsors: Senator Torbert, Representative Caulk. Assigned to Community Affairs Committee.

SB 400 - AN ACT TO AMEND CHAPTER 68, TITLE 16, DELAWARE CODE, RELATING TO EXEMPTIONS FROM CIVIL LIABILITY. Sponsors: Senators Holloway, Berndt; Representatives Plant, Oberle. Assigned to Judiciary Committee.

SA 1 to HB 447. Sponsor: Senator Minner. Placed with the Bill.

SA 2 and SA 3 to HB 447. Sponsor: Senator Holloway. Placed with the Bill.

The Governor's nomination for the appointment of Susan Del Pesco was reported from the Executive Committee: 2 Favorable, 4 Merits.

At 3:34 p.m on motion of Senator Sharp, the Senate adjourned to immediately convene for the 26th Legislative Day.

26TH LEGISLATIVE DAY
May 4, 1988

The Senate convened at 3:34 p.m., Senator Cordrey 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.

Senator Marshall marked PRESENT.

The following Committee reports were announced:

From the Executive Committee: Henry duPont Ridgely - 5 Favorable, 1 Merits; Myron Steele - 4 Favorable, 2 Merits.

Senators McDowell, Minner, Holloway marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Henry duPont Ridgely was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 19 Senators voting YES and 2 (Neal, Still) ABSENT; therefore, the appointment was declared confirmed.

Senator Cordrey recognized and introduced Judge Ridgely to the Senate.

SB 389 was reported out of the Revenue and Taxation Committee: 4 Merits.

Senators Still and Neal marked PRESENT.

The following legislation was introduced:

HB 53 w HA 1 w HA 1 - AN ACT TO AMEND CHAPTER 3, TITLE 25, DELAWARE CODE RELATING TO REAL ESTATE CONTRACTS OF SALE AND DISCLOSURE OF SLUDGE HAVING BEEN DEPOSITED ON LAND. Sponsors: Representatives Caulk, Mack. Assigned to Natural Resources and Environmental Control Committee.

HB 143 w HA 1 - AN ACT TO AMEND CHAPTER 23, PART III, TITLE 30 OF THE DELAWARE CODE RELATING TO THE OCCUPATIONAL AND BUSINESS TAXES; AND PROVIDING FOR A TICKET SALES AGENT TAX. Sponsor: Representative Campanelli. Assigned to Revenue and Taxation Committee.

HB 398 w HA 1 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE UNIFORM COMMERCIAL CODE; AND PROVIDING FOR THE REGULATION OF CERTAIN LEASES. Sponsor: Representative Amick. Assigned to Judiciary Committee.

HB 459 w HA 1, 2 - AN ACT TO AMEND CHAPTER 70, PART IV, TITLE 25 OF THE DELAWARE CODE RELATING TO MOBILE HOMES AND MOBILE HOME PARKS; AND PROVIDING FOR TENANT'S RECEIVERSHIP. Sponsors: Representatives Bunting, Wingate, Brady, Bennett, Gilligan, Sills, Plant; Senators Cordrey, Holloway. Assigned to Community Affairs Committee.

HB 486 w HA 1 - AN ACT TO AMEND CHAPTER 81, INC. TITLE 9, OF THE DELAWARE CODE BY ADDING THE DISABLED AMERICAN VETERANS TO THE LIST OF REAL PROPERTY OWNED AND USED BY ORGANIZATIONS FOR THE PURPOSE OF TAXATION AND ASSESSMENT. Sponsors: Representatives Quillen, Brady; Senators Vaughn, Slatcher. Assigned to Revenue and Taxation Committee.

SB 400 which had been assigned to Judiciary Committee was reassigned to Health-Social Services/Aging Committee.

On motion of Senator Adams, the Governor's nomination for appointment of Myron T. Steele was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

Senator Cordrey recognized and introduced Judge Steele to the Senate.

Senator McDowell introduced and introduced to the Senate former State Senator "Pete" Hughes.

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

SS 1 for SB 334 was taken up for consideration on motion of Senator Neal:

SS 1 for SB 334 - AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE RELATING TO THE RECRUITMENT OF WOMEN AND ETHNIC MINORITIES WITH PROGRAMS OF ENGINEERING AND APPLIED SCIENCE AT INSTITUTIONS OF HIGHER EDUCATION.

The privilege of the floor was extended to Guizelous O. MoLock (Executive Director, Forum to Advance Minorities in Engineering).

At 4:04 p.m., Senator Sharp presiding.

At 4:16 p.m., Senator Cordrey presiding. At 4:30 p.m., Senator Martin presiding.

The roll call vote on SS 1 for SB 334 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.

HB 447 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 447 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 18, DELAWARE CODE, TO MANDATE THAT HEALTH INSURERS PROVIDE PAP SMEAR AS PART OF PROVIDED COVERAGE.

The privilege of the floor was extended to Francis J. Murphy (Senate Attorney) after which the Bill was laid on the table on motion of Senator Holloway.

HB 444 which had been reported out of Committee, was reassigned to Committee on motion of Senator Zimmerman, no objection.

SS 2 for SB 376 was introduced and adopted in lieu of the Original on motion of Senator Torbert:

SS 2 for SB 376 - AN ACT TO AMEND CHAPTER 41, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS BY ADDING THERETO A NEW SECTION DESIGNATED AS §4177G. Sponsors: Senator Torbert, Representative Ewing; Senators Bair, Minner, Bane, Neal, Slatcher, Knox, Berndt, Still; Representatives Spence, Petrilli, Buckworth, Maroney, Caulk, Boykin, Davis, Mack, Corrozi, Lee, Carey, Roy, Smith, DiPinto, Amick, Hebner, Gilligan.

The following legislation was introduced:

SB 401 - AN ACT TO AMEND CHAPTERS 65, 67 AND 70, TITLE 9, DELAWARE CODE RELATING TO BONDS AND NOTES ISSUED BY SUSSEX COUNTY GOVERNMENT AND DEBT CREATION POWERS OF SUSSEX COUNTY. Sponsors: Senators Adams, Slatcher; Representatives Carey, Bunting; Senators Minner, Cordrey; Representatives Lee, Fallon, Ewing, West, Wingate. Assigned to Community Affairs Committee.

SB 402 - AN ACT TO AMEND CHAPTER 41, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS BY ADDING THERETO A NEW SECTION DESIGNATED AS §4177G. Sponsors: Senator Torbert, Representatives Ewing, Spence, Petrilli, Buckworth, Maroney, Caulk, Boykin, Davis, Mack, Corrozi, Lee, Carey, Roy, Smith, DiPinto, Amick, Hebner, Gilligan; Senators Bair, Minner, Bane, Neal, Slatcher, Knox, Berndt, Still. Assigned to Public Safety Committee.

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

SA 1 to SB 378. Sponsor: Senator Vaughn. Placed with the Bill.

SS 1 for SB 389 - AN ACT TO AMEND SUBCHAPTER II, TITLE 30, DELAWARE CODE, RELATING TO EXCLUSION OF PENSION INCOME FROM DELAWARE PERSONAL INCOME TAX. Sponsors: Senator Zimmerman, Representative Amick; Senators Cook, Minner, Torbert, McDowell, Holloway, Adams, Slatcher, Martin, Vaughn, Cordrey, McBride, Knox, Berndt, Marshall; Representatives B. Ennis, Bennett, Quillen, Carey, Caulk, Corrozi, Soles, VanSant, Lee, Bunting, Spence, Roy, Outten, Jonkiert, George, Campanelli, Brady, Dixon, Houghton, Jester, Petrilli, Plant, Sills, West, Wingate. Adopted in lieu of the Original on motion of Senator Zimmerman.

SR 93 was introduced and considered for adoption on motion of Senator Zimmerman:

SR 93 - CONGRATULATING WINNERS OF THE JAMES T. MCKINSTRY CONSTITUTIONAL SCHOLARSHIPS, SPONSORED BY THE DELAWARE HERITAGE COMMISSION. Sponsors: Senators Zimmerman, Adams, Neal, Berndt, Connor.

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

SCR 159 was introduced and considered for adoption on motion of Senator Berndt:

SCR 159 - EXPRESSING CONDOLENCES UPON LEARNING OF THE SHOCKING DEATH OF RICHARD SINCOCK, FORMER STATE REPRESENTATIVE FROM THE ELEVENTH DISTRICT AND FORMER CHAIRMAN AND VICE-CHAIRMAN OF THE JOINT FINANCE COMMITTEE. Sponsors: Senator Berndt and all Senators; REPRESENTATIVE Boykin and 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.

SCR 158 was introduced and considered for adoption on motion of Senator McBride:

SCR 158 - REQUESTING THE PRESIDENT OF THE UNITED STATES, THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE UNITED STATES SENATE TO SUPPORT LEGISLATION REESTABLISHING MAY 30 AS THE DATE TO OFFICIALLY OBSERVE MEMORIAL DAY. Sponsors: Senator McBride, Representative Quillen; Senator Vaughn; Representatives Bunting, Wingate, Lee, West.

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

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 154.

HCR 154 - MOURNING THE PASSING OF LEWIS J. SENN, LONGTIME DEMOCRATIC PARTY VOLUNTEER AND LABOR UNION ACTIVIST, UPON HIS UNTIMELY DEATH ON MAY 1, 1988. Sponsors: Representative Gilligan, Senator Sharp, Representative VanSant.

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

HB 462 was reported out of the Education Committee: 3 Merits.

At 5:05 p.m on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 5, 1988.

The Senate reconvened at 2:17 p.m., May 5, 1988, Senator Cordrey presiding and on motion of Senator Sharp adjourned to immediately convene for the 27th Legislative Day.

27TH LEGISLATIVE DAY
May 5, 1988

The Senate convened at 2:17 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

The Senate recessed temporarily for lack of a quorum. At 2:18 p.m. Senators Berndt, Slatcher, Connor marked PRESENT. Senate reconvened at 2:19 p.m.

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 2:20 p.m., Senator Sharp presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 151; HCR 153; HCR 155; HCR 156; HCR 157; HCR 158; HCR 159; SCR 156; SCR 157.

LEGISLATIVE ADVISORY #40 received from the Office of the Counsel to the Governor was read which informed the Senate that the Governor signed the following legislation on April 26, 1988: SB 373 w SA 1 (Volume 66, Chapter 240, Laws of Delaware) and HB 332 (Volume 66, Chapter 241, Laws of Delaware).

The following Committee reports were announced:

From the Public Safety Committee: SB 394 - 4 Merits, 1 Unfavorable; SB 398 - 5 Merits; SB 402 - 4 Merits, 1 Unfavorable.

At 2:21 p.m., Lt. Governor Woo presiding.

Senators McDowell, Knox, Still, Zimmerman, Bair, Bane, Marshall marked PRESENT.

SB 89 which had previously passed the Senate, was taken up for reconsideration as further amended by HA 1, 3 on motion of Senator Cordrey under suspension of the necessary rules (no objection). The roll call vote on SB 89 w HA 1, 3 was therefore taken and revealed 17 Senators voting YES and 4 (Cook, Holloway, Martin, Minner) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

SB 374 was taken up for consideration on motion of Senator Vaughn:

SB 374 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE RELATING TO THE COMPENSATION OF DELAWARE RESIDENTS WHO ARE THE VICTIMS OF VIOLENT CRIMES.

The privilege of the floor was extended to Oakley M. Banning, Jr. (Executive Director, Violent Crimes Compensation Board).

Senators Holloway and Cook marked PRESENT.

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

SB 364 was taken up for consideration on motion of Senator Vaughn:

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.

The privilege of the floor was extended to Oakley M. Banning, Jr. (Executive Director, Violent Crimes Compensation Board).

Senator Martin marked PRESENT.

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

HB 182 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 182 w HA 1 - AN ACT TO AMEND CHAPTERS 33 AND 35, TITLE 18, DELAWARE CODE RELATING TO IN VITRO FERTILIZATION.

The privilege of the floor was extended to Charles Twardowski after which the Bill was laid on the table on further motion of Senator Holloway.

At 3:37 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:10 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SB 403 - AN ACT TO AMEND CHAPTER 19, TITLE 7, DELAWARE CODE, RELATING TO UNLAWFUL TAKING OF SHELLFISH. Sponsors: Senators Vaughn, Sharp; Representative Mack. Assigned to Judiciary Committee.

SS 1 for 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. Laid on the table on motion of Senator Holloway.

HB 182 w HA 1 was lifted from the table for consideration on motion of Senator Holloway and the roll call vote taken which revealed:

YES: Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Still, Torbert, Vaughn, Zimmerman - 17.

NO: Senators Adams, Neal, Slatcher - 3.

NOT VOTING: Senator Knox - 1.

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

Senator Zimmerman moved that SB 403 be reassigned to Natural Resources and Environmental Control Committee. Senator Sharp objected; however, before action was taken on the motion, the Senate recessed for Party Caucus at 4:19 p.m., on motion of Senator Sharp and reconvened at 4:35 p.m., Senator Cordrey presiding.

Senator Zimmerman withdrew his motion on the reassignment of SB 403.

Senator Cordrey announced that the Chair was reassigning SB 403 to Natural Resources and Environmental Control Committee.

SS 1 for SB 358 was lifted from the table for consideration on motion of Senator Holloway. The Bill was adopted in lieu of the Original:

SS 1 for 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.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Robert W. Frelick, M.D. (Delaware Department of Public Health), A. Judson Wells, Ph.D. (American Lung Association), Michael J. Conway (Kent General Hospital) and Patricia P. Hoge, R.N., Ph. D. (American Cancer Society).

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 19 Senators voting YES and 2 (Berndt, Zimmerman) voting NO; therefore, the Amendment was declared adopted.

The roll call vote on SS 1 for SB 358 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Zimmerman) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SENATE CONSENT CALENDAR #32 was introduced and considered for adoption on motion of Senator Minner. The Calendar consisted of the following:

SCR 160 - RECOGNIZING THE WEEK OF MAY 9 THROUGH MAY 15, 1988 AS NATIONAL STUTTERING AWARENESS WEEK IN THE STATE OF DELAWARE. Sponsors: Senator Bane; Representatives Gilligan, Roy.

SCR 153 - CONGRATULATING MRS. JAY HUKILL, A 4-H LEADER FROM SUSSEX COUNTY ON RECEIVING THE 4-H SALUTE TO EXCELLENCE AWARD FOR OUTSTANDING VOLUNTEER LEADERSHIP TO THE YOUTH OF DELAWARE. Sponsors: Representatives Fallon, Wingate, Ewing; Senator Minner.

SCR 155 - CONGRATULATING MR. WILLIAM THOMAS MANNING OF LEWES, DELAWARE UPON THE CELEBRATION OF HIS 95TH BIRTHDAY. Sponsors: Representative Wingate, Senator Minner.

SCR 156 - CONGRATULATING SAMUEL AND DOROTHY MILIOTI ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY CELEBRATED ON APRIL 23, 1988. Sponsors: Representative VanSant; Senator McBride.

SCR 157 - COMMENDING THE UNIVERSITY OF DELAWARE FOR DEALING WITH THE ISSUE OF AFFORDABILITY OF CHILD CARE BY OFFERING A DEPENDENT CARE VOUCHER SYSTEM AS PART OF THE BENEFITS PACKAGE FOR ITS EMPLOYEES. Sponsors: Representative Maroney, Senator Bane; Representatives Spence, Buckworth, Fallon, Amick, Boykin, Smith, DiPinto, Taylor Corrozi, Gilligan, Wingate, Bunting; Senators Bair, Slatcher, Neal, Knox, Still.

SCR 158 - COMMENDING THE STUDENTS SELECTED AS STATE SUPERINTENDENT'S SCHOLARS FOR 1988. Sponsors: Representatives Fallon, Ewing; Senator McBride.

SCR 159 - PRAISING THE OUTSTANDING SERVICE OF DELAWARE'S 972 CORRECTIONAL OFFICERS. Sponsors: Representative Davis, Senator Vaughn.

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The roll call vote on SENATE CONSENT CALENDAR #32 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

The following legislation was introduced:

SA 1 to SB 400. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 313. Sponsor: Senator Torbert. Placed with the Bill.

SA 2 to SS 1 for SB 355. Sponsors: Senators Cordrey, Adams; Representative D. Ennis. Placed with the Bill.

SB 404 - AN ACT TO AMEND SUBCHAPTER II, TITLE 30, DELAWARE CODE, RELATING TO EXCLUSION OF PENSION INCOME FROM DELAWARE PERSONAL INCOME TAX. Sponsors: Senator Zimmerman, Representative Amick; Senators Cook, Minner, Torbert, McDowell, Holloway, Adams, Slatcher, Martin, Vaughn, Cordrey, McBride, Knox, Berndt, Marshall; Representatives B. Ennis, Bennett, Carey, Soles, Quillen, Corrozi, Caulk, Roy, VanSant, Lee, Bunting, Spence, Outten, Jonkiert, George, Campanelli, Brady, Dixon, Houghton, Jester, Petrilli, Plant, Sills, West, Wingate. Assigned to Finance Committee.

SB 405 - AN ACT TO AMEND CHAPTERS 33 AND 35, TITLE 18, DELAWARE CODE RELATING TO MIDWIFERY. Sponsors: Senator Neal, Representative D. Ennis; Senators Bair, Bane, Berndt, Connor, Holloway, Knox, Marshall, Minner, Slatcher, Still, Torbert; Representatives Amick, Buckworth, Carey, B. Ennis, Fallon, Jonkiert, Maroney, Oberle, Soles. Assigned to Health-Social Services/Aging Committee.

SCR 161 was introduced and considered for adoption on motion of Senator Martin:

SCR 161 - COMMEMORATING THE LIFE AND CAREER OF AMERICA'S TUNESMITH IRVING BERLIN AS HE CELEBRATES HIS CENTENNIAL ANNIVERSARY. Sponsors: Senator Martin, Representative Fallon. The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (Knox, Still) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 6:08 p.m. on motion of Senator Sharp, the Senate recessed until May 10, 1988 at 2:00 p.m.

The Senate reconvened at 2:24 p.m., May 10, 1988, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 371 and adopted SCR 159.

At 2:25 p.m., on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 28th Legislative Day.

28TH LEGISLATIVE DAY
May 10, 1988

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, Slatcher, Still, Torbert, Vaughn, Zimmerman - 20.

ABSENT: Senator Sharp - 1.

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

LEGISLATIVE ADVISORY #41 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed the following on May 7, 1988: HB 433 w SA 1 (Volume 66, Chapter 242, Laws of Delaware); SB 216 (Volume 66, Chapter 243, Laws of Delaware); SB 166 (Volume 66, Chapter 244, Laws of Delaware).

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The following communication was read:

CONSULATE GENERAL OF ISRAEL
Lewis Tower
Philadelphia, Pa. 19102

May 5, 1988

Senator Richard S. Cordrey
President Pro Tem
The Senate of Delaware
Box 486 River Drive
Millsboro, DE 19966

Dear Senator Cordrey:

May I thank you for the kind hospitality you extended to me when I visited your Senate on April 19th.

It was very gracious of you to invite me to address your Senate on the occasion of Israel's 40th Anniversary.

Many thanks,

Yours sincerely,
David Ben-Dov
Consul General

* * * * *

Senators Neal, McBride marked PRESENT.

SB 378 was taken up for consideration on motion of Senator Vaughn:

SB 378 - AN ACT TO AMEND TITLE 24, CHAPTER 21 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF THE PRACTICE OF OPTOMETRY, THE USE OF DRUGS OR SURGERY IN THE PRACTICE OF OPTOMETRY AND THE LICENSING AND CERTIFICATION THEREOF.

During discussion of the Bill and the various Amendments offered to it, the privilege of the floor was extended to Carl Maschauer (Delaware Optometric Association), Michele B. Medwin (Delaware Optometric Association), Robert D. Reinecke, M.D. (Wills Eye Hospital, Philadelphia), Alton A. Williams (Delaware Optometric Association), Charles R. Rickards (Delaware Academy of Ophthalmology).

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

A messenger from the Governor was announced and admitted.

Senator Knox marked PRESENT.
The roll call vote on SA 1 to SB 378 was then taken and revealed:
YES: Senators Adams, Bane, Berndt, Cook, Cordrey, Knox, Marshall, Martin, McBride, McDowell, Minner, Slatcher, Still, Torbert, Vaughn, Zimmerman - 16.
NO: Senators Bair, Connor, Neal - 3.
ABSENT: Senators Holloway, Sharp - 2.
Therefore, the Amendment was declared adopted.
SA 2 to SB 378 (sponsor: Senator Minner) was introduced and immediately stricken on motion of the sponsor.
SA 3 to SB 378 (sponsor: Senator Minner) 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, Marshall, McBride, McDowell, Minner, Neal, Slatcher, Torbert, Vaughn, Zimmerman - 15.
NO: Senators Bair, Knox, Martin, Still - 4.
ABSENT: Senators Holloway, Sharp - 2.
Therefore, the Amendment was declared adopted.
SB 378 w SA 1, 3 was briefly laid on the table on motion of Senator Vaughn.
Senator Berndt introduced to the Senate Kelly C. Young (Youth in Government), Mrs. Young and Mr. Cameron (Coordinator of Program for the YMCA).
SB 378 w SA 1, 3 was lifted from the table for consideration on motion of Senator Vaughn.
Senators Holloway and Martin marked PRESENT.
The roll call vote on SB 378 w SA 1, 3 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Vaughn.
Senator Marshall marked PRESENT.
At 5:20 p.m on motion of Senator McDowell, the Senate recessed until 3:30 p.m., May 11, 1988.
The Senate reconvened at 3:45 p.m., May 11, 1988, Senator Cordrey presiding.
The Secretary announced that a message from the House informed the Senate that it had passed HB 492; SB 335; SB 336; SB 337 w SA 1 and adopted HJR 26 w HA 1.
The following legislation was introduced:
SCR 162 - CONGRATULATING THE JUNIOR LEAGUE OF WILMINGTON, INC. AS IT CELEBRATES ITS 70TH ANNIVERSARY ON MAY 17, 1988. Sponsors: Senator Bair, Representative Maroney; Senators Bane, Holloway, Knox, McDowell; Representatives Corrozi, Petrilli, Smith, DiPinto, Gilligan, George, Bennett. Laid on the table.
SCR 163 - WELCOMING DEBORAH SEIDEL, FORMER EXECUTIVE DIRECTOR OF THE ASSOCIATION OF JUNIOR LEAGUES, UPON THE OCCASION OF HER VISIT TO THE DELAWARE GENERAL ASSEMBLY. Sponsors: Senator Bair, Representative Maroney; Senators Bane, Holloway, Knox, McDowell; Representatives Corrozi, Petrilli, Smith, DiPinto, Gilligan, George, Bennett. Laid on the table.
SB 406 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO TERRITORIAL APPLICATION OF WORKMEN'S COMPENSATION. Sponsors: Senator Marshall, Representative Oberle. Assigned to Labor and Industrial Relations Committee.
SB 407 - AN ACT TO AMEND CHAPTER 23, TITLE 12, OF THE DELAWARE CODE RELATING TO THE FILING OF DEATH CERTIFICATES. Sponsors: Senator Marshall, Representative Lee. Assigned to Judiciary Committee.
SB 408 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO LICENSING REQUIREMENTS FOR SUBCONTRACTORS ON PUBLIC WORKS PROJECTS. Sponsors: Senators Marshall, Martin; Representatives Oberle, Davis. Assigned to Labor and Industrial Relations Committee.
SA 3 to SS 1 for SB 355. Sponsors: Senators Cordrey, Adams; Representative D. Ennis. Placed with the Bill.
SA 1 to SB 399. Sponsor: Senator Torbert. Placed with the Bill.
SA 1 to SB 402. Sponsor: Senator Torbert. Placed with the Bill.
HB 492 - AN ACT TO AMEND CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" RELATING TO INCREASING THE AMOUNT FOR WHICH CONTRACTS CAN BE EXECUTED WITHOUT THE NECESSITY OF COMPETITIVE BIDDING. Sponsors: Representative Wingate, Senator Cordrey. Assigned to Community Affairs Committee.
HJR 26 w HA 1 - ESTABLISHING A PUBLIC TRANSIT TASK FORCE TO INVESTIGATE WAYS IN WHICH TO BEGIN A PARTNERSHIP OF THE PRIVATE SECTOR AND PUBLIC SECTOR IN THE AREA OF TRANSPORTATION SYSTEM MANAGEMENT AND TRAFFIC MITIGATION. Sponsors: Representative Roy; Senators Martin, Neal, Still; Representatives Taylor, Amick, Smith, Davis, Oberle, Outten, Brady, VanSant, Jonkiert, Soles, West. Assigned to Highways and Transportation Committee.

STATE OF DELAWARE
Office of the Governor
May 10, 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 R. McClelland, 2504 Fould Woods Road, Wilmington, DE 19810, to be reappointed as a member of the Public Service Commission to serve a five year term to expire May 1, 1993.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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At 3:50 p.m. on motion of Senator McDowell the Senate adjourned to immediately convene for the 29th Legislative Day.

29TH LEGISLATIVE DAY
May 11, 1988

The Senate convened at 3:50 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, Slatcher, Still, Torbert, Vaughn, Zimmerman - 20.

ABSENT: Senator Sharp - 1.

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

Senators Neal and Minner marked PRESENT.

SS 1 for SB 355 was taken up for consideration on motion of Senator Cordrey:

SS 1 for SB 355 - AN ACT INSERTING A NEW CHAPTER 38 OF TITLE 12 OF THE DELAWARE CODE BY ENACTING A LAW RELATING TO THE TREATMENT OF DELAWARE BUSINESS TRUSTS.

SA 1 and SA 2 to the Bill which had been placed with the Bill were stricken on motion of Senator Cordrey.

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

At 3:55 p.m., Lt. Governor Woo presiding.

Senators McBride, Zimmerman, Connor marked PRESENT.

The roll call vote on SA 3 to SS 1 for SB 355 was taken and revealed 17 Senators voting YES and 4 (Bair, Holloway, Neal, Sharp) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Joseph Moran (Wilmington Trust Company).

Senators Bair and Holloway marked PRESENT.

The roll call vote on SS 1 for SB 355 w SA 3 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.

A messenger from the Governor was announced and admitted.

SB 402 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules:

SB 402 - AN ACT TO AMEND CHAPTER 41, PART III, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS BY ADDING THERETO A NEW SECTION DESIGNATED AS §4177G.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Torbert and the roll call vote taken which revealed 19 Senators voting YES, 1 (Minner) voting NO and 1 (Sharp) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Gary Dalton (Senate Attorney) after which the roll call vote on SB 402 w SA 1 was taken and revealed:

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

NO: Senators Adams, Vaughn - 2.

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senator Sharp - 1.

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

HB 462 was taken up for consideration on motion of Senator McBride:

HB 462 - AN ACT TO AMEND CHAPTER 14, TITLE 14, DELAWARE CODE RELATING TO THE PROCEDURES FOR THE TERMINATION OF PROFESSIONAL SERVICES.

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.

HJR 22 was taken up for consideration on motion of Senator Minner:

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."

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.

SB 345 and SB 179 were stricken on motion of Senator Holloway.

HB 434 was taken up for consideration on motion of Senator Torbert:

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.

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.

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

STATE OF DELAWARE
Office of the Governor
May 11, 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: Keith H. Ellis, 5920 N. 4th Road, Arlington, VA 22203, to be appointed as State Bank Commissioner to serve until January 12, 1989, filling the unexpired term of John E. Malarkey, deceased.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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SR 94 was introduced and considered for adoption on motion of Senator McBride:

SR 94 - IN REFERENCE TO THE RULES OF THE DELAWARE STATE SENATE. Sponsors: Senators McBride, Adams, Minner.

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

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

NO: Senators Berndt, Vaughn, Zimmerman - 3.

ABSENT: Senator Sharp - 1.

Therefore, the Resolution was declared adopted.

SCR 164 was introduced and considered for adoption on motion of Senator Minner:

SCR 164 - EXTENDING CONGRATULATIONS TO THE OFFICERS, DIRECTORS, AND STAFF OF THE JCPENNEY NATIONAL BANK ON THE BANK'S ONE HUNDREDTH ANNIVERSARY. Sponsors: Senator Minner, Representative Quillen.

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

SS 2 to SB 376 was stricken on motion of the sponsor, Senator Torbert.

SA 1 to SS 2 for SB 376 was stricken on motion of the sponsor, Senator Bair.

At 5:00 p.m. on motion of Senator McDowell, the Senate recessed until 2:30 p.m., May 11, 1988.

The Senate reconvened at 2:31 p.m., May 12, 1988, Senator Cordrey presiding.

The following legislation was introduced:

SB 409 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, RELATING TO THE SPECIAL TAX ON GROSS PREMIUMS FOR BENEFIT OF POLICE AND THE DISTRIBUTION OF PAYMENTS BASED THEREON. Sponsors: Senators Holloway, Bane, Marshall, McDowell, Slatcher; Representatives George, Gilligan, Jonkiert, Roy. Assigned to Revenue and Taxation Committee. Reassigned to Public Safety Committee.

SB 410 - AN ACT TO AMEND CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES. Sponsors: Senator Adams, Representative Caulk. Assigned to Agriculture Committee.

SB 411 - AN ACT TO AMEND CHAPTER 76, TITLE 3 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF LIVESTOCK DEALERS. Sponsors: Senator Adams, Representative Caulk. Assigned to Agriculture Committee.

SB 412 - AN ACT TO AMEND CHAPTERS 3 AND 25, TITLE 30 OF THE DELAWARE CODE RELATING TO CONTRACTORS' LICENSING AND BONDING REQUIREMENTS. Sponsors: Senator Marshall, Representative Lee. Assigned to Administrative Services/Energy Committee

SB 413 - AN ACT TO AMEND CHAPTER 13, TITLE 30 AND CHAPTER 23, TITLE 12, OF THE DELAWARE CODE RELATING TO THE INHERITANCE TAX. Sponsors: Senator Marshall, Representative Lee. Assigned to Revenue and Taxation Committee.

At 2:34 p.m. on motion of Senator McDowell, the Senate adjourned to immediately convene for the 30th Legislative Day.

30TH LEGISLATIVE DAY
May 12, 1988

The Senate convened at 2:34 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 McDowell.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 160; HCR 161; HCR 162; HCR 163; HCR 164; HCR 165; SCR 160; SCR 161.

LEGISLATIVE ADVISORY #42 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor vetoed HB 229 w HA 1, SA 1 on May 10, 1988.

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A letter from former Governor Pierre duPont, IV was read, thanking the Senate for the Resolution of condolences on the death of his father.

Senator Knox marked PRESENT.

SB 379 was taken up for consideration on motion of Senator Adams:

SB 379 - AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO THE ESTABLISHMENT OF AN ENHANCED 911 EMERGENCY NUMBER SERVICE.

During discussion of the Bill and the Amendments offered to it, the privilege of the floor was extended to Col. Clifford M. Graviet (Delaware State Police) and a letter from Alex J. Smalls (Public Safety Director, City of Wilmington) to Senator Holloway was read.

Senators Holloway, Martin, McBride marked PRESENT.

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

At 2:50 p.m., Lt. Governor Moo presiding.

SA 2 to the Bill (sponsor: Senator Adams) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Sharp) ABSENT; therefore, the Amendment was declared adopted.

Senator Marshall marked PRESENT.

The roll call vote on SB 379 w SA 1, 2 was then taken and revealed 19 Senators voting YES and 2 (Sharp, Zimmerman) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:30 p.m on motion of Senator McDowell, the Senate recessed for Party Caucus and reconvened at 4:25 p.m., Senator Cordrey presiding.

SB 365 was reported out of the Public Safety Committee: 1 Favorable, 2 Merits, 2 Unfavorable.

The following legislation was introduced:

SB 414 - AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE RELATING TO CONSTRUCTION OR LOADING OF VEHICLES TO PREVENT ESCAPE OF CONTENTS. Sponsor: Senator Bair. Assigned to Public Safety Committee.

SB 415 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE RELATING TO THE DEFINITION OF CANDIDATE. Sponsors: Senators Still, Neal. Assigned to Insurance and Elections Committee.

SB 416 - AN ACT TO AMEND CHAPTER 48, TITLE 29, DELAWARE CODE, PERTAINING TO THE STATE LOTTERY. Sponsors: Senator Marshall, Representative Lee. Assigned to Executive Committee.

SB 417 - AN ACT TO AMEND SECTION 513, TITLE 31 OF THE DELAWARE CODE RELATING TO RECOUPMENT OF ASSISTANCE PAYMENTS. Sponsors: Senator Holloway, Representative Maroney. Assigned to Health-Social Services/Aging Committee.

SB 418 - AN ACT TO AMEND CHAPTER 1, TITLE 31 OF THE DELAWARE CODE AND RELATING TO THE RECOVERY OF PUBLIC ASSISTANCE OVERPAYMENTS. Sponsors: Senator Holloway, Representative Maroney. Assigned to Health-Social Services/Aging Committee.

SB 419 - AN ACT TO AMEND CHAPTER 1, TITLE 31 OF THE DELAWARE CODE RELATING TO THE SUBPOENA POWER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsors: Senator Holloway, Representative Maroney. Assigned to Health-Social Services/Aging Committee.

SS 1 for SB 313 - AN ACT TO AMEND CHAPTER 25, TITLE 18, DELAWARE CODE, RELATING TO REDUCED COMPREHENSIVE INSURANCE RATES FOR MOTOR VEHICLES EQUIPPED WITH THEFT DETERRENT DEVICES OR SYSTEMS. Sponsor: Senator Torbert. Laid on the table on motion of Senator McDowell.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 166.

HCR 166 was introduced and considered for adoption on motion of Senator Bair:

HCR 166 - SALUTING THE SEVEN NEWEST MEMBERS TO BE INDUCTED INTO THE DELAWARE SPORTS HALL OF FAME. Sponsors: Representative Petrilli, Senator Bair; Representatives Spence, Taylor, Roy, George, Gilligan, Buckworth; Senator Cordrey.

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.

On motion of Senator Adams (no objection), the roll call vote on SB 379 w SA 1, 2 was rescinded and a new roll call vote taken which 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.

On motion of Senator Adams, the Governor's nomination for appointment of Abigayle E. Truitt 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 (Sharp) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Howard W. Mulvaney, III, 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 (Sharp) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Donald P. Whitely 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 (Sharp) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Norman G. Powell 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 (Sharp) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Robert G. Medd 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 (Sharp) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Dorothy M. S. Pritchett 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 (Sharp) ABSENT; therefore, the appointment was declared confirmed.

SENATE CONSENT CALENDAR #33 was introduced and considered for adoption on motion of Senator Minner. The Calendar consisted of the following:

SR 96 - COMMENDING JAMES H. GILLIAM JR., CHAIRMAN OF THE 1988 UNITED NEGRO COLLEGE FUND CAMPAIGN IN DELAWARE, AND ALL DELAWAREANS WHO CONTRIBUTED TO MAKING THE CAMPAIGN A SUCCESS. Sponsor: Senator Holloway.

SR 95 - EXTENDING CONGRATULATIONS AND BEST WISHES TO THE BETHEL A. M. E. CHURCH OF WILMINGTON, DELAWARE AND ITS PASTOR, THE REVEREND DR. JAMES K. BALDWIN, ON ITS FORTIETH PASTORIAL ANNIVERSARY CELEBRATION BANQUET TO BE HELD SUNDAY, MAY 15, 1988 AT THE RADISSON HOTEL. Sponsor: Senator Holloway.

HCR 160 - CONGRATULATING DR. CAROL E. HOFFECKER, CHAIRPERSON OF THE UNIVERSITY OF DELAWARE HISTORY DEPARTMENT UPON RECEIVING THE DISTINGUISHED FACULTY LECTORSHIP IN THE COLLEGE OF ARTS AND SCIENCE. Sponsors: Representative Roy, Senator Still, Representative Soles.

HCR 161 - COMMENDING ETHEL M. COOPER FOR HER COURAGE IN HER BATTLE WITH CANCER AND FOR REPRESENTING THE STATE OF DELAWARE WITH DISTINCTION DURING THE AMERICAN CANCER SOCIETY'S 75TH ANNIVERSARY IN WASHINGTON. Sponsors: Representative Corrozi, Senator Still, Representative VanSant, Senator Sharp.

HCR 162 - CONGRATULATING GRACE K. AND RUSSELL G. WEISS ON THE OCCASION OF THEIR 55TH WEDDING ANNIVERSARY, CELEBRATED ON APRIL 26, 1988. Sponsors: Representative VanSant, Senator McBride.

HCR 163 - PROCLAIMING MAY 15-21, 1988 AS DELAWARE TOURISM WEEK. Sponsors: Representative DiPinto, Senator Berndt, all Representatives, all Senators.

HCR 164 - CONGRATULATING YOUTH IN GOVERNMENT GOVERNOR KELLY YOUNG AND ALL STUDENTS WHO PARTICIPATED IN THE 1988 MOCK LEGISLATIVE SESSION APRIL 15-17, 1988 SPONSORED BY THE YMCA. Sponsors: Representative Brady, Senator Berndt, all Representatives, all Senators.

HR 165 - EXTENDING BEST WISHES AND A RAPID RECOVERY TO FORMER REPRESENTATIVE WILLIAM H. BRADY, II, OF MIDDLETOWN, DELAWARE WHO UNDERWENT SURGERY TODAY AT ELKTON, MARYLAND HOSPITAL. Sponsors: Representatives Jester, Bennett, Soles; Senator Vaughn.

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The roll call vote on SENATE CONSENT CALENDAR #33 was then taken and revealed 20 Senators voting YES and 1 (Sharp) ABSENT; therefore, the Resolutions were declared adopted and the House Concurrent Resolutions were returned to the House.

SS 1 for SB 313 was lifted from the table on motion of Senator Torbert and adopted in lieu of the Original.

SB 315 and SB 94 were stricken on motion of Senator Holloway.

SB 377 was reported out of the Finance Committee: 1 Favorable, 3 Merits.

At 4:52 p.m. on motion of Senator McDowell, the Senate recessed until 2:00 p.m., May 17, 1988.

The Senate reconvened at 2:10 p.m., May 17, 1988, Senator Cordrey presiding.

Senator Sharp marked PRESENT.

The following Committee reports were announced:

From the Executive Committee: SB 325 - 2 Favorable, 3 Merits; SB 416 - 4 Merits.

From the Agriculture Committee: SB 410 - 5 Merits; SB 411 - 5 Merits.

From the Public Safety Committee: HB 169 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 473 w HA 1; HB 503; HB 499; HB 464 and adopted SCR 164.

At 2:11 p.m., Lt. Governor Woo presiding.

The following legislation was introduced:

HB 464 - AN ACT TO AMEND CHAPTER 5, TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ORDERS. Sponsors: Representatives Maroney, Corrozi, Boykin, Amick, Lee, Ewing, Smith, Fallon, DiPinto, Carey, Soles, Sills, Jester, Plant; Senators Bair, Connor, Berndt, Still, Slatcher, Neal, Knox. Assigned to Judiciary Committee.

HB 473 w HA 1 - AN ACT TO AMEND SECTION 6919, CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO RETAINAGES UNDER PUBLIC WORKS CONTRACTS. Sponsors: Representative Roy, Senator Martin. Assigned to Highways and Transportation Committee.

HB 499 - AN ACT TO AMEND CHAPTER 174, VOLUME 23, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF TOWNSEND" RELATING TO THE POWER TO ANNEX CONTIGUOUS TERRITORY. Sponsors: Representatives B. Ennis, Jester; Senator Vaughn. Assigned to Community Affairs Committee.

HB 503 - AN ACT TO ALLOW ANDREW JAY GREENFIELD TO MARRY DENISE ANN SCHWARTZ. Sponsor: Representative Maroney. Assigned to Executive Committee.

At 2:14 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 31st Legislative Day.

31ST LEGISLATIVE DAY
May 17, 1988

The Senate convened at 2:14 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.

The following veto message from the Governor was read:

STATE OF DELAWARE
Office of the Governor
May 13, 1988

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

I am returning Senate Bill No. 215 which I received on May 3, 1988, and which is entitled: AN ACT TO AMEND TITLE 10, SECTION 921, RELATING TO DISPOSITION OF FORMER MARITAL PROPERTY.

This bill transfers jurisdiction from the Court of Chancery to the Family Court for hearings regarding the partition of any marital property where a disposition of that property did not take place pursuant to an agreement by the parties or by virtue of a divorce proceeding in Family Court. In addition, it provides for a rebuttable presumption that marital property should be divided equally and that the disposition of such marital property should not be effected by the provisions of Title 13 Del. C. §1513 which establishes the criteria for the Family Court regarding the disposition of marital property during divorce proceedings.

The bill creates certain legal problems and ambiguities which I feel need to be addressed. The bill provides that any spouse may seek a partition for real or personal property acquired during or in contemplation of marriage where the property was not disposed of by agreement of the parties or by the Family Court during the course of the divorce action. However, 25 Del. C. Chapter 7 specifically states that only real property is subject to such a partition. Since this bill clearly includes other property, it creates an ambiguity in the law as to what property is subject to a partition. In addition, this legislation would change the ongoing practice with regard to property which is inherited during the time of a separation. Under current law, a spouse would not have a claim for property inherited years after separation if the Family Court had failed to retain ancillary jurisdiction over the matter. Also, the ordinary practice of Family Court regarding property inherited during the course of the separation is that the beneficiary would maintain the property free of any claim from the other spouse. This legislation would force the Court to deal with such property in a different fashion than it now does due to the presumption of equal distribution.

Another significant change in the law created by the bill is with regard to how property acquired in contemplation of marriage is treated. Family Court currently has jurisdiction over property acquired during the marriage. Senate Bill No. 215 gives exclusive original jurisdiction in the Family Court to the property acquired in contemplation of marriage as well. This is certainly a major change in the law which requires significant scrutiny.

Therefore, in conjunction with this veto message I would urge the sponsor of the legislation and the Delaware State Bar Association through the Family Law Section to convene in order to prepare a draft of the legislation which would address these problems. The concept of transferring jurisdiction for property partitions from Chancery Court to Family Court is certainly appropriate and I support that concept in general.

For all of the reasons stated above, I feel that a veto of this bill is required and I hereby return Senate Bill No. 215 without my signature.

Respectfully submitted,
Michael N. Castle, Governor

* * * * *

The following communication was read:
United States Senate
Washington, D. C. 20510

May 12, 1988

Ms. Betty Jean Caniford
Secretary of the Senate
State of Delaware Senate
Legislative Hall
Dover, Delaware 19901

Dear Ms. Caniford:

Thank you for your correspondence regarding the Delaware Senate Resolution 85 "Calling Upon Members of Delaware's Congressional Delegation to Support the Proposed Federal Minimum Health Benefits Act: in the U.S. Congress."

The "Minimum Health Benefits for All Workers Act of 1987," S.1265, was referred to the Senate Labor and Human Resources Committee, of which I am not a member. The Committee held several hearings concerning the bill, and on February 17, 1988, the bill was marked-up by the committee.

I understand that Senator Kennedy's bill would mandate that all nongovernmental employers provide minimum health care coverage to their employees and families. In addition, the bill states that persons with pre-existing conditions may not be excluded from coverage.

If the bill is brought before the full Senate for consideration, I assure you that I will keep your views in mind. I appreciate having the benefit of the views of the Delaware Senate on this important matter.

Sincerely,
Bill
William V. Roth, Jr., United States Senate

* * * * *

Senator Connor marked PRESENT.

SCR 163 was lifted from the table for consideration on motion of Senator Bair:

SCR 163 - WELCOMING DEBORAH SEIDEL, FORMER EXECUTIVE DIRECTOR OF THE ASSOCIATION OF JUNIOR LEAGUES, UPON THE OCCASION OF HER VISIT TO THE DELAWARE GENERAL ASSEMBLY.

Senators Knox, Neal, Marshall, McDowell, Still marked PRESENT.

Senator Bair introduced Deborah Seidel to the Senate after which the roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Cook, Martin, McBride) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 162 was lifted from the table for consideration on motion of Senator Bair:

SCR 162 - CONGRATULATING THE JUNIOR LEAGUE OF WILMINGTON, INC. AS IT CELEBRATES ITS 70TH ANNIVERSARY ON MAY 17, 1988.

Senator Bair introduced to the Senate Lynn Newsom and Fran Maguire of the Junior League after which the roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Cook, Martin, McBride) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At the request of Senator Holloway a letter from Jeffrey Chait, M.D. (OB-GYN ASSOCIATES OF DOVER, P.A) in support of SB 405 was read.

SB 87 was taken up for consideration on motion of Senator Marshall:

SB 87 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO FEES FOR THE REGISTRATION OF VEHICLES.

Senator McBride marked PRESENT.

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

YES: Senators Holloway, Marshall, McBride, McDowell, Minner, Torbert, Vaughn, Zimmerman - 8.

NO: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Knox, Neal, Sharp, Slatcher, Still - 12.

ABSENT: Senator Martin - 1.

Therefore, the Bill was declared defeated.

SB 147 was taken up for consideration on motion of Senator Marshall:

SB 147 - AN ACT TO AMEND SECTION 1106, CHAPTER 11, TITLE 30, OF THE DELAWARE CODE RELATING TO STATE PERSONAL INCOME TAXES; AND TO PROVIDE FOR A MODIFICATION FOR EDUCATIONAL EXPENSES.

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

The Bill was immediately lifted from the table for consideration on motion of Senator Marshall.

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

Senator Martin marked PRESENT.

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

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

NO: Senators Bair, Bane, Connor, Cook, Knox, Minner, Neal, Slatcher, Still - 9.

NOT VOTING: Senator Berndt - 1.

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

SB 404 was reported out of the Finance Committee: 5 Favorable, 1 Merits.

SB 404 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules (no objection):

SB 404 - AN ACT TO AMEND SUBCHAPTER II, TITLE 30, DELAWARE CODE, RELATING TO EXCLUSION OF PENSION INCOME FROM DELAWARE PERSONAL INCOME TAX.

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

HB 169 was taken up for consideration on motion of Senator Torbert:

HB 169 - AN ACT TO AMEND CHAPTER 29, TITLE 21 OF THE DELAWARE CODE RELATING TO THE SUSPENSION OF VEHICLE REGISTRATIONS BECAUSE OF JUDGEMENTS.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Richard Dillard (Senate Attorney) and T. Marvel Everett (Motor Vehicle Division).

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

HB 169 w SA 1 was then laid on the table on motion of Senator Torbert.

SB 403 was reported out of the Natural Resources and Environmental Control Committee: 2 Merits, 2 Unfavorable.

SB 403 was taken up for consideration on motion of Senator Vaughn under suspension of the necessary rules (no objection):

SB 403 - AN ACT TO AMEND CHAPTER 19, TITLE 7, DELAWARE CODE, RELATING TO UNLAWFUL TAKING OF SHELLFISH.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Richard Dillard (Senate Attorney), Jack K. Russell (Assistant to the Majority Party), Robert Wisowaty (Commercial Fisherman), Bill Wagner (Department of Fish and Wild Life).

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

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

YES: Senators Adams, Berndt, Connor, Cook, Holloway, Marshall, Martin, McBride, Neal, Sharp, Vaughn - 11.

NO: Senators Bane, Cordrey, Knox, Minner, Torbert, Zimmerman - 6.

NOT VOTING: Senators Bair, McDowell, Slatcher, Still - 4.

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

SB 377 was taken up for consideration on motion of Senator Vaughn:

SB 377 - AN ACT TO AMEND CHAPTER 85, VOLUME 66, LAWS OF DELAWARE, BEING HOUSE BILL NO. 350, AS AMENDED, 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 CERTAIN ADDITIONS, DELETIONS, AND ADJUSTMENTS.

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

The roll call vote on SB 377 w SA 1 was then taken and revealed:

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

NO: Senators Bair, Berndt, Connor, Knox, Still, Zimmerman - 6.

NOT VOTING: Senator Bane - 1.

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

SB 87 was restored to the Calendar on motion of Senator Sharp (no objection).

On motion of Senator Marshall (and without objection), the roll call vote on the Bill was rescinded and a new roll call vote taken; however, the roll call was laid on the table before being announced on further motion of Senator Marshall.

The following legislation was introduced:

SB 420 - AN ACT TO AMEND CHAPTERS 1 AND 21 OF TITLE 21, DELAWARE CODE, RELATING TO THE DEFINITION OF "OPERATION, MAINTENANCE OR USE OF A MOTOR VEHICLE" FOR THE PURPOSE OF CLEARLY ENFORCING THE PROVISIONS OF CHAPTER 21 OF TITLE 21, DELAWARE CODE. Sponsors: Senators Cordrey, Representative Buckworth. Assigned to Public Safety Committee.

SB 421 - AN ACT TO AMEND TITLE 29, DELAWARE CODE BY ADDING ENVIRONMENTAL CONSULTING AND INDUSTRIAL HYGIENE TO THE LIST OF SERVICES DESCRIBED AS PROFESSIONAL SERVICES. Sponsors: Senator Minner, Representative Boykin. Assigned to Administrative Services/Energy Committee.

SB 422 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY BOARD OF ADJUSTMENT. Sponsors: Senators Minner, Torbert, Cook, Zimmerman, Adams, Vaughn; Representatives Bennett, Outten, B. Ennis, Buckworth. Assigned to Community Affairs Committee.

SB 423 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY PERSONNEL BOARD. Sponsors: Senators Minner, Torbert, Cook, Zimmerman, Adams, Vaughn; Representatives Bennett, Outten, B. Ennis, Buckworth. Assigned to Community Affairs Committee.

SB 424 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY PARKS AND RECREATION COMMISSION. Sponsors: Senators Minner, Torbert, Cook, Zimmerman, Adams, Vaughn; Representatives Bennett, Outten, B. Ennis, Buckworth. Assigned to Community Affairs Committee.

SB 425 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY REGIONAL PLANNING COMMISSION. Sponsors: Senators Minner, Torbert, Cook, Zimmerman, Adams, Vaughn; Representatives Bennett, Outten, B. Ennis, Buckworth. Assigned to Community Affairs Committee.

SB 426 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO KENT COUNTY STREET LIGHT TAXES. Sponsors: Senators Minner, Torbert, Cook, Zimmerman, Adams, Vaughn; Representatives Bennett, Outten, B. Ennis, Buckworth. Assigned to Community Affairs Committee.

SA 1 to SB 325. Sponsor: Senator Bane. Placed with the Bill.

SA 2 to HB 444. Sponsor: Senator Zimmerman. Placed with the Bill.

HCR 151 - URGING EFFORTS BY DELAWARE'S CONGRESSIONAL DELEGATION AND THE UNITED STATES DEPARTMENT OF COMMERCE TO INCLUDE IN THE 1990 DECENNIAL CENSUS UNITED STATES MILITARY PERSONNEL STATIONED ABROAD. Sponsors: Representatives Petrilli, Spence, Buckworth, Hebner, George; Senators Cook, Martin, Minner, Vaughn, Torbert, Bair, Connor, Knox. Assigned to Executive Committee.

The privilege of the floor was extended to Michael Harkins (Secretary of State) at the request of Senator Zimmerman regarding HB 444.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 162, SCR 163.

The following Committee reports were announced:

From the Health-Social Services/Aging Committee: SB 375 - 5 Merits; SB 417 - 5 Merits; SB 418 - 5 Merits; SB 419 - 5 Merits.

At 5:00 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., May 18, 1988.

The Senate reconvened at 3:35 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Administrative Services/Energy Committee: HB 170 w HA 1 w HA 1, HA 2 - 4 Merits.

From the Community Affairs Committee: HB 459 w HA 1, 2 - 3 Merits; HB 492 - 3 Merits; HB 499 - 3 Merits; SB 391 - 3 Merits; SB 395 - 3 Merits; SB 399 - 3 Merits; SB 401 - 3 Merits.

From the Executive Committee: Keith H. Ellis - 1 Favorable, 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 453 w HA 1 w HA 1; HB 522 w HA 1.

The following legislation was introduced:

SR 13 - PROCLAIMING SATURDAY, JUNE 18, 1988 TO BE DOLLARS AGAINST DIABETES DAY IN THE STATE OF DELAWARE. Sponsors: Senator Sharp, Representative VanSant. Assigned to Executive Committee.

HB 453 w HA 1 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 13 DELAWARE CODE RELATING TO CHILD CUSTODY PROCEEDINGS. Sponsors: Representatives Outten, Amick, Bennett, Brady, Buckworth, Bunting, Campanelli, Carey, Clark, Corrozi, Davis, DiPinto, Dixon, B. Ennis, E. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonklert, Lee, Oberle, Plant, Sills, Smith, Soles, VanSant, West, Wingate; Senators Berndt, Holloway, Zimmerman. Assigned to Health-Social Services/Aging Committee.

HB 522 w HA 1 - AN ACT TO AMEND CHAPTER 35, TITLE 18, DELAWARE CODE, TO MANDATE THAT HEALTH INSURERS PROVIDE PAP SMEAR AS PART OF PROVIDED COVERAGE. Sponsors: Representatives George, Soles, Bennett, Brady, Buckworth, Bunting, Campanelli, Caulk, Clark, Corrozi, DiPinto, Dixon, B. Ennis, D. Ennis, Ewing, Gilligan, Houghton, Jester, Jonklert, Lee, Mack, Oberle, Outten, Petrilli, Plant, Quillen, Roy, Sills, VanSant, West, Wingate; Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman. Assigned to Health-Social Services/Aging Committee; reassigned to Insurance and Elections Committee.

At 3:40 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 32nd Legislative Day.

32ND LEGISLATIVE DAY May 18, 1988

The Senate convened at 3:40 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.

Sensors Knox, Neal marked PRESENT.

LEGISLATIVE ADVISORIES #43 and 44 received from the Office of Counsel to the Governor was read.

LEGISLATIVE ADVISORY #43: on May 13, 1988 the Governor vetoed SB 215.

LEGISLATIVE ADVISORY #44: on May 13, 1988 the Governor signed HB 19 w HA 1 (Volume 66, Chapter 245, Laws of Delaware), HB 177 w HA 1 (Volume 66, Chapter 246, Laws of Delaware), HB 360 (Volume 66, Chapter 247, Laws of Delaware), SB 89 w HA 1, 3 (Volume 66, Chapter 248, Laws of Delaware), SB 264 (Volume 66, Chapter 249, Laws of Delaware).

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The privilege of the floor was extended to former Governor of Delaware, Elbert N. Carvel to speak on the Seat Belt Bill.

At 3:55 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:12 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Administrative Services/Energy Committee: SB 421 - 4 Merits.

From the Community Affairs Committee: SB 422 - 3 Merits; SB 423 - 3 Merits; SB 424 - 3 Merits; SB 425 - 3 Merits; SB 426 - 3 Merits.

SA 3 to SB 160 (sponsor: Senator Torbert). Placed with the Bill.

On motion of Senator Adams, the Governor's nomination for appointment of Anna A. Lewis 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 (McDowell) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Ruth L. Oates-Graham 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 (McDowell) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Keith H. Ellis was taken up for consideration and the roll call vote taken which revealed 20 Senators voting YES and 1 (McDowell) ABSENT; therefore, the appointment was declared confirmed.

SB 325 was taken up for consideration on motion of Senator Bane:

SB 325 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO GENDER DISCRIMINATION IN PENALTIES FOR ELECTION OFFENSES.

SA 1 to the Bill which had been placed with the Bill was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

Senator McDowell marked PRESENT.

The roll call vote on SB 325 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 158 was taken up for consideration on motion of Senator McBride:

SB 158 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC WORKS CONTRACTS.

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

SB 160 was taken up for consideration on motion of Senator Torbert:

SB 160 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE, AND CHAPTER 9, TITLE 28, DELAWARE CODE, RELATING TO CRUELTY TO ANIMALS AND COCK-FIGHTING.

During discussion of the Bill and the various Amendments offered to it, the privilege of the floor was extended to Gary Dalton (Senate Attorney).

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

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Torbert and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill (sponsor: Senator Torbert) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 4 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 160 w SA 1, 2, 3, 4 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 410 was taken up for consideration on motion of Senator Adams:

SB 410 - AN ACT TO AMEND CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES.

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 Adams.

SB 411 was taken up for consideration on motion of Senator Adams:

SB 411 - AN ACT TO AMEND CHAPTER 76, TITLE 3 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF LIVESTOCK DEALERS.

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

SJR 13 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

SJR 13 - PROCLAIMING SATURDAY, JUNE 18, 1988 TO BE DOLLARS AGAINST DIABETES DAY IN THE STATE OF DELAWARE.

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 166 was introduced and considered for adoption on motion of Senator Adams:
SCR 166 - EXPRESSING THANKS OF THE SENATE AND HOUSE OF REPRESENTATIVES TO THE DELAWARE FARM BUREAU AND JOSEPH JACKEWICZ OF RISING SUN FOR THEIR GENEROUS GIFT OF DELAWARE ASPARAGUS. Sponsors: Senator Adams, Representative Caulk; Senators Cook, Cordrey, Vaughn, Connor, Slatcher; Representatives Carey, Mack, Clark, West.

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 165 was introduced and considered for adoption on motion of Senator Still:
SCR 165 - COMMENDING RICHARD CORDREY AND JOSHUA PERRY ON ACHIEVING THE RANK OF EAGLE SCOUT. Sponsors: Senators Still, Bane, Cordrey; Representative Petrilli, Roy.

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 317 was stricken at the request of the sponsor, Senator Vaughn.
At 5:15 p.m., on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 18, 1988.

The Senate reconvened at 2:25 p.m., May 19, 1988, Senator Cordrey presiding, then Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 167, HCR 168 SCR 151.

SB 427 - AN ACT TO AMEND CHAPTER 10, TITLE 14, DELAWARE CODE, RELATING TO THE QUALIFICATIONS OF VOTERS IN SCHOOL ELECTIONS. Sponsors: Senators McBride, Senator Bair; Representative Roy. Assigned to Insurance and Elections Committee.

SA 1 to SB 417. Sponsor: Senator Holloway. Placed with the Bill.
SA 1 to SB 418. Sponsor: Senator Holloway. Placed with the Bill.
SA 1 to SB 419. Sponsor: Senator Holloway. Placed with the Bill.
SA 1 to SS 1 for SB 359. Sponsor: Senator Sharp. Placed with the Bill.

At 2:30 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 33rd Legislative Day.

33RD LEGISLATIVE DAY
May 19, 1988

The Senate convened at 2:30 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 ADVISORY #45 received from the Office of Counsel to the Governor was read which informed the Senate that the Governor signed HJR 24 on May 16, 1988.

* * * * *

Senator Knox marked PRESENT.
The privilege of the floor was extended to Michael Harkins (Secretary of State) to speak on the Phoenix Steel Bill.

SB 365 was taken up for consideration on motion of Senator Holloway:
SB 365 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE, RELATING TO MANDATORY OCCUPANT PROTECTION SYSTEM USAGE.

During discussion of the Bill and the various Amendments offered to it, the privilege of the floor was extended to Gary Dalton (Senate Attorney), Robert C. Veit (Motor Vehicle Manufacturers Association), Col. Clifford Graviet (Delaware State Police) and Steve Tanzer (Administrative Assistant to the Majority Caucus).

Senators Cook and 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 17 Senators voting YES and 4 (Bair, Connor, McDowell, Neal) ABSENT; therefore, the Amendment was declared adopted.

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

Senator Bair marked PRESENT.
SB 365 w SA 1, 2 was laid on the table on motion of Senator Holloway (no objection). The Bill was then immediately lifted from the table on further motion of the Senator.

SA 3 to the Bill (sponsor: Senator Torbert) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed:
YES: Senators Cook, Marshall, Minner, Sharp, Torbert, Vaughn - 6.

NO: Senators Adams, Bair, Bane, Berndt, Cordrey, Holloway, Knox, Martin, McBride, Neal, Slatcher, Still, Zimmerman - 13.

ABSENT: Senators Connor, McDowell - 2.

Therefore, the Amendment was declared defeated.

SA 4 to the Bill (sponsor: Senator Zimmerman) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Berndt, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, Minner, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 17.

NO: Senator Neal - 1.

ABSENT: Senators Bane, Connor, McDowell - 3.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 365 w SA 1, 2, 4 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Holloway.

Senator McDowell marked PRESENT.

At 4:45 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 6:05 p.m., Senator Cordrey presiding.

HCR 167 was introduced and considered for adoption on motion of Senator Torbert:

HCR 167 - PROCLAIMING MAY 1988 AS "MOTORCYCLE SAFETY AND AWARENESS MONTH". Sponsors: Representative Ewing, Senator Torbert.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Berndt, Marshall, Slatcher) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

Senator Connor marked PRESENT.

On motion of Senator Holloway (without objection) the roll call vote on SB 365 w SA 1, 2, 4 was lifted; however, before it was announced, the roll call was again laid on the table on further motion of the Senator.

HCR 168 was introduced and considered for adoption on motion of Senator Torbert:

HCR 168 - CONGRATULATING THE ALL STAR CHILDREN AND THEIR BUDDIES AS THEY PREPARE FOR THE THIRTY-THIRD ANNUAL DELAWARE ALL-STAR FOOTBALL GAME. Sponsors: Representatives Buckworth, Roy, Taylor; Senators Sharp, Torbert, Still.

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

On motion of Senator Holloway, the roll call vote on SB 365 w SA 1, 2, 4 was lifted from the table and announced:

YES: Senators Bair, Bane, Berndt, Connor, Knox, Martin, McDowell, Neal, Slatcher, Still, Zimmerman - 11.

NO: Senators Cook, Cordrey, Holloway, McBride, Minner, Torbert, Vaughn - 7.

NOT VOTING: Senators Adams, Marshall, Sharp - 3.

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

At 6:15 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 31, 1988.

The Senate reconvened at 2:10 p.m., May 31, 1988, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 465 w HA 1; HB 490 w HA 1; HB 540 w HA 3; SB 350 and adopted SCR 165; SCR 166.

The following legislation was introduced:

HB 465 w HA 1 - AN ACT TO AMEND SECTIONS 1133, 1902 AND 2031 OF TITLE 30 OF THE DELAWARE CODE RELATING TO REAL ESTATE MORTGAGE INVESTMENT CONDUITS. Sponsors: Representative D. Ennis; Senator Cordrey. Assigned to Banking Committee.

HB 490 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE TO PROVIDE FOR A MORE COMPREHENSIVE AUTHORITY FOR BANKING ORGANIZATIONS TO ACCEPT DEPOSITS IN TRUST. Sponsors: Representative D. Ennis; Senator Cordrey. Assigned to Banking Committee.

HB 540 w HA 3 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO THE DISPLAY, LENDING OR POSSESSION OF FICTITIOUS, FRAUDULENT, OR COUNTERFEIT DRIVERS LICENSES OR IDENTIFICATION CARDS AND THE PENALTIES THEREFOR. Sponsors: Representative Ewing, Senator Torbert, Representatives Spence, Petrilli, Buckworth, Maroney, Caulk, Davis, Quillen, Mack, Boykin, Corrozi, Lee, Carey, Roy, Hebner, DiPinto, Amick, Smith, Gilligan, Bunting, Wingate, Clark, West, Houghton, Jester, Bennett, Dixon, Soles, Outten; Senators Minner, Bair, Still, Slatcher, Knox, Berndt, Bane. Assigned to Public Safety Committee.

SB 428 - AN ACT TO AMEND SECTION 15, CHAPTER 161, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF DAGSBORO" AS AMENDED BY CHAPTER 254, VOLUME 52, LAWS OF DELAWARE AND CHAPTER 171, VOLUME 61, LAWS OF DELAWARE, RELATING TO THE AMOUNT WHICH THE TOWN COUNCIL IS AUTHORIZED TO RAISE ANNUALLY BY TAXATION. Sponsors: Senator Cordrey; Representative West. Assigned to Community Affairs Committee.

On motion of Senator Holloway (no objection), SB 365 w SA 1, 2, 4 was restored to the calendar and laid on the table.

SB 429 - AN ACT TO AMEND TITLE 10 AND TITLE 11 OF THE DELAWARE CODE RELATING TO DOMESTIC VIOLENCE; AND PROVIDING FOR THE DOMESTIC VIOLENCE PREVENTION ACT OF 1988. Sponsors: Senator Holloway, Representative Oberle; Senator Marshall, Martin, Bane, Berndt, Knox; Representatives George, Plant, Sills, West. Assigned to Judiciary Committee.

SB 430 - AN ACT TO AMEND CHAPTER 31, TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS; AND PROVIDING FOR A PRESIDENTIAL PRIMARY ELECTION. Sponsors: Senator Marshall, Representative Jonkiert; Senator McDowell; Representatives Oberle, Brady, Campanelli, Clark, Jester, Plant, Sills. Assigned to Insurance and Elections Committee.

SB 431 - AN ACT TO AMEND TITLE 11, DELAWARE CODE BY ADDING A NEW CHAPTER 93 RELATING TO POLICE CHIEF DUE PROCESS. Sponsors: Senators Adams, Cordrey, Sharp, Vaughn; Representatives Oberle, Brady, Campanelli, Bennett, Spence, B. Ennis, DiPinto, Hebner, Caulk, Boykin, Petrilli, Buckworth, Bunting, Taylor, VanSant, Houghton, Dixon, Outten, Corrozi, Roy, Clark, Carey. Assigned to Public Safety Committee.

SA 1 to SB 421. Sponsor: Senator Minner. Placed with the Bill.
At 2:17 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 34th Legislative Day.

34TH LEGISLATIVE DAY
May 31, 1988

The Senate convened at 2:17 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Slatcher.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Berndt, 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 Zimmerman marked PRESENT.

LEGISLATIVE ADVISORIES #46, 47, 48, 49 and 50 received from the Office of Counsel to the Governor were read:

LEGISLATIVE ADVISORY #46 - On May 19, 1988 the Governor signed SB 371 (Volume 66, Chapter 250, Laws of Delaware).

LEGISLATIVE ADVISORY #47 - On May 19, 1988 the Governor vetoed HB 182.

LEGISLATIVE ADVISORY #48 - On May 19, 1988 the Governor signed SB 336 (Volume 66, Chapter 251, Laws of Delaware); SB 337 w SA 1 (Volume 66, Chapter 252, Laws of Delaware); SB 335 (Volume 66, Chapter 253, Laws of Delaware).

LEGISLATIVE ADVISORY #49 on May 20, 1988 the Governor signed HJR 22 and on May 23, 1988 the Governor signed HB 434 (Volume 66, Chapter 254, Laws of Delaware).

LEGISLATIVE ADVISORY #50 - On May 23, 1988 the Governor signed HB 462 (Volume 66, Chapter 255, Laws of Delaware).

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

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 ELECTROARCHTERMAL, OR AIR SEPARATION MANUFACTURING PROCESS.

The privilege of the floor was extended to William A. Fertig, Jr. (Occidental Chemical Corporation).

Senators Berndt, Marshall, McBride marked PRESENT.

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

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

NO: Senators Connor, McDowell - 2.

ABSENT: Senator Martin - 1.

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

At 2:43 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:51 p.m., Lt. Governor Woo presiding.

Senator Martin marked PRESENT.

A messenger from the Governor was announced and admitted.

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

STATE OF DELAWARE
Office of the Governor
May 31, 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, elected by the Board of Trustees to be members of the Board:

John E. Burris, 714 North Shore Drive, Milford, DE 19963, 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, 1994.

Yolanda D. Jones, P. O. Box 600, Dover DE 19903, reappointed as a member of the Board of Trustees of the University of Delaware to serve a one year term to expire on June 30, 1989.

Donald J. Lynch, 221 Gumboro Road, Selbyville, DE 19975, appointed as a member of the Board of Trustees of the University of Delaware to serve a six year term to expire on May 19, 1994.

Sherman Townsend, 539 Pennsylvania Avenue, Dover, DE 19901, appointed as a member of the Board of Trustees of the University of Delaware to serve a six year term to expire on May 19, 1994.

The above appointees are not gubernatorial appointments.

Your consideration of these nominations is appreciated.

Sincerely,
Michael N. Castle, Governor

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HB 444 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules:

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.

During discussion of the Bill and the various Amendments offered to it, the privilege of the floor was extended to Grover C. Brown (Wal Hing & Company), Gary Dalton (Senate Attorney) and Michael Harkins (Secretary of State).

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

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

SA 3 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption. The roll call vote on the Amendment was taken and announced:

YES: Senators Holloway, Marshall, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman - 9.

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

NOT VOTING: Senator Martin - 1.

Therefore, the Amendment was declared defeated.

From 5:52 p.m. to 5:55 p.m. a standing recess was taken for tape change.

On motion of Senator Zimmerman the roll call vote on HB 444 was then taken and revealed:

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

NO: Senators Cordrey, Minner, Sharp, Zimmerman - 4.

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

Senator Bane introduced her brother, Tom, to the Senate.

Lt. Governor Woo introduced the wife of Senator Adams to the Senate.

At 6:05 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., June 1, 1988.

The Senate reconvened at 3:36 p.m., June 1, 1988, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 515; HB 516 w HA 1; HB 517; HB 518.

The following legislation was introduced:

SB 432 - AN ACT TO AMEND SECTION 9606, TITLE 16 OF THE DELAWARE CODE AND RELATING TO THE ACCRUAL OF VENDING MACHINE INCOME FROM VENDING MACHINES IN A PUBLIC OFFICE BUILDING. Sponsors: Senators Cordrey, Adams, Holloway; Representatives Spence, Gilligan. Assigned to Executive Committee.

SB 433 - AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE RELATING TO PAYMENT OF CORPORATION INCOME TAX. Sponsor: Senator Cordrey. Assigned to Revenue and Taxation Committee.

SB 434 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 27, TITLE 21, DELAWARE CODE RELATING TO REVOCATION OF LICENSE. Sponsor: Senator Holloway. Assigned to Public Safety Committee.

SB 435 - AN ACT TO AMEND CHAPTER 15, PART I, TITLE 11 OF THE DELAWARE CODE RELATING TO ORGANIZED CRIME AND RACKETEERING; AND PROVIDING AMENDMENTS TO THE DELAWARE RACKETEER-INFLUENCED AND CORRUPT ORGANIZATIONS ACT. Sponsor: Senator Connor. Assigned to Judiciary Committee.

SB 436 - AN ACT TO AMEND CHAPTER 48, TITLE 21, DELAWARE CODE RELATING TO MANDATORY OCCUPANT PROTECTION SYSTEM USAGE. Sponsors: Senators Neal, Bane, Berndt, Holloway, Knox, Still. Assigned to Public Safety Committee.

SB 437 - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A LIMITED, THREE DAY, NON-RESIDENT HUNTING LICENSE FOR THE PURPOSE OF HUNTING UPLAND GAME, EXCLUSIVE OF WATERFOWL, DEER AND WILD TURKEY. Sponsors: Senator Vaughn, Representative Clark. Assigned to Natural Resources and Environmental Control Committee.

SB 438 - AN ACT TO AMEND CHAPTER 13, TITLE 19 OF THE DELAWARE CODE RELATING TO THE RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE. Sponsors: Senators Marshall, Martin, McDowell, McBride; Representatives Oberle, Campanelli, Jonkiert. Assigned to Labor and Industrial Relations Committee.

SB 439 - AN ACT TO AMEND CHAPTER 70, TITLE 7, DELAWARE CODE (THE COASTAL ZONE ACT) TO CONTINUE A NON-CONFORMING USE IN THE COASTAL ZONE. Sponsors: Senator Holloway, Representative Davis. Assigned to Natural Resources and Environmental Control Committee.

SB 440 - AN ACT TO AMEND CHAPTER 13, TITLE 19 OF THE DELAWARE CODE RELATING TO THE RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE AND THE SUBMISSION OF DISPUTES TO ARBITRATION. Sponsors: Senator Marshall, Representative Oberle. Assigned to Labor and Industrial Relations Committee.

SA 1 to SB 208. Sponsors: Senators Minner, Connor; Representatives Lee, Jonkiert. Placed with the Bill.

HB 515 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND DEFINITIONS FOR EMPLOYMENT. Sponsors: Representatives Oberle, Davis, Campanelli; Senator Marshall. Assigned to Labor and Industrial Relations Committee.

HB 516 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND WAGES. Sponsors: Representatives Oberle, Davis, Campanelli; Senator Marshall. Assigned to Labor and Industrial Relations Committee.

HB 517 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND CRITERIA FOR DISQUALIFICATION FOR BENEFITS. Sponsors: Representatives Oberle, Davis, Campanelli; Senator Marshall. Assigned to Labor and Industrial Relations Committee.

HB 518 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND DISQUALIFICATION FOR BENEFITS. Sponsors: Representatives Oberle, Davis, Campanelli; Senator Marshall. Assigned to Labor and Industrial Relations Committee.

The following Committee reports were announced:

From the Judiciary Committee: SB 392 - 5 Merits; SB 407 - 5 Merits; SB 429 - 5 Merits; HS 1 for HB 100 w HA 2 - 5 Merits; HB 34 w HA 3, HA 4 w HA 1, HA 6 w HA 1 - 5 Merits; HB 124 - 2 Favorable, 3 Merits; HB 364 w HA 1 - 5 Merits; HB 398 w HA 1 - 5 Merits; HB 464 - 5 Merits.

From the Executive Committee: HB 503 - 6 Merits.

From the Insurance and Elections Committee: SB 345 - 5 Merits; SB 385 - 5 Merits; SB 427 - 3 Merits, 2 Unfavorable; SB 430 - 3 Merits, 2 Unfavorable; HB 121 - 4 Merits; HB 522 w HA 1 - 5 Merits.

At 3:46 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 35th Legislative Day.

35TH LEGISLATIVE DAY
June 1, 1988

The Senate convened at 3:46 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 #51 received from the Office of the Counsel to the Governor was read:

LEGISLATIVE ADVISORY #51: on May 31, 1988 the Governor signed HB 444 (Volume 66, Chapter 256, Laws of Delaware).

* * * * *

SB 417 was taken up for consideration on motion of Senator Holloway:

SB 417 - AN ACT TO AMEND SECTION 513, TITLE 31 OF THE DELAWARE CODE RELATING TO RECOUPMENT OF ASSISTANCE PAYMENTS.

Senators Connor and Minner marked PRESENT.

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 (Marshall) ABSENT; therefore, the Amendment was declared adopted.

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

The roll call vote on SB 417 w SA 1 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 418 was taken up for consideration on motion of Senator Holloway:

SB 418 - AN ACT TO AMEND CHAPTER 1, TITLE 31 OF THE DELAWARE CODE AND RELATING TO THE RECOVERY OF PUBLIC ASSISTANCE OVERPAYMENTS.

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.

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

The roll call vote on SB 418 w SA 1 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 419 was taken up for consideration on motion of Senator Holloway:

SB 419 - AN ACT TO AMEND CHAPTER 1, TITLE 31 OF THE DELAWARE CODE RELATING TO THE SUBPOENA POWER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

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.

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

The roll call vote on SB 419 w SA 1 was taken and revealed:

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

NO: Senators Marshall, McBride, McDowell, Slatcher, Vaughn, Zimmerman - 6.

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

SCR 167 was introduced:

SCR 167 - COMMENDING PENNY T. SHOCKLEY FOR BEING SELECTED DELAWARE TEACHER OF THE YEAR. Sponsors: Senator McBride, Representative Fallon.

The privilege of the floor was extended to Penny Shockley, Teacher of the Year.

Senator McBride introduced Dr. William Keene, State Superintendent of Schools.

The roll call vote on SCR 167 was then taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 5:05 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:25 p.m., Senator Cordrey presiding.

SB 421 was taken up for consideration on motion of Senator Minner:

SB 421 - AN ACT TO AMEND TITLE 29, DELAWARE CODE BY ADDING ENVIRONMENTAL CONSULTING AND INDUSTRIAL HYGIENE TO THE LIST OF SERVICES DESCRIBED AS PROFESSIONAL SERVICES.

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

The roll call vote on SB 421 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Bane, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 422 was taken up for consideration on motion of Senator Minner:

SB 422 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY BOARD OF ADJUSTMENT.

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

The roll call vote on SB 422 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Martin, McBride, Minner, Neal, Slatcher, Torbert, Vaughn, Zimmerman - 17.

NO: Senators Marshall, McDowell, Sharp - 3.

NOT VOTING: Senator Still - 1.

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

SB 423 was taken up for consideration on motion of Senator Minner:

SB 423 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY PERSONNEL BOARD.

SA 1 to the Bill (sponsor: Senator Minner) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Marshall, Sharp) voting NO; therefore, the Amendment was declared adopted.

The roll call vote on SB 423 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 424 was taken up for consideration on motion of Senator Minner:

SB 424 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY PARKS AND RECREATION COMMISSION.

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

The roll call vote on SB 424 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 425 was taken up for consideration on motion of Senator Minner:

SB 425 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE KENT COUNTY REGIONAL PLANNING COMMISSION.

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

SB 426 was taken up for consideration on motion of Senator Minner:

SB 426 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO KENT COUNTY STREET LIGHT TAXES.

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

The roll call vote on SB 426 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 425 was lifted from the table for consideration on motion of Senator Minner and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 499 was taken up for consideration on motion of Senator Minner:

HB 499 - AN ACT TO AMEND CHAPTER 174, VOLUME 23, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF TOWNSEND" RELATING TO THE POWER TO ANNEX CONTIGUOUS TERRITORY.

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

HB 492 was taken up for consideration on motion of Senator Minner:

HB 492 - AN ACT TO AMEND CHAPTER 504, VOLUME 57, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HENLOPEN ACRES" RELATING TO INCREASING THE AMOUNT FOR WHICH CONTRACTS CAN BE EXECUTED WITHOUT THE NECESSITY OF COMPETITIVE BIDDING.

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

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

NO: Senators McBride, McDowell, Zimmerman - 3.

ABSENT: Senator Knox - 1.

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

On motion of Senator Vaughn, and without objection, the roll call vote on SB 378 w SA 1, 3 was lifted and rescinded. The Bill was then laid on the table on further motion of the Senator.

SA 4 to SB 378 w SA 1, 3 (sponsor: Senator Vaughn) was introduced and placed with the Bill.

At 5:55 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 2, 1988.

The Senate reconvened at 2:13 p.m., June 2, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 435 w HA 1, 2; HB 476 w HA 2; SB 364; SB 374 and adopted HCR 169; HCR 170; HCR 171; HCR 172.

The following Committee reports were announced:

From the Public Safety Committee: SB 420 - 5 Merits; SB 431 - 5 Merits.

From the Labor and Industrial Relations Committee: SB 393 - 4 Merits; SB 406 - 4 Merits; SB 408 - 4 Merits; HB 414 - 4 Merits.

The following legislation was introduced:

SB 441 - AN ACT TO AMEND CHAPTER 21 OF TITLE 23, DELAWARE CODE AND CHAPTER 80 OF TITLE 29, DELAWARE CODE AND CHAPTER 82 OF TITLE 29, DELAWARE CODE, RELATING TO STATE GOVERNMENT, BY PROVIDING FOR THE TRANSFER OF POWERS, DUTIES AND FUNCTIONS OF THE DELAWARE MARINE POLICE OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE, TO INCLUDE ALL PERSONNEL BOOKS, RECORDS, PAPERS, MAPS, CHARTS, PLANS AND OTHER MATERIAL INCLUDING, BUT NOT LIMITED TO, ANY EQUIPMENT AND/OR PROPERTY IN THE POSSESSION OF ANY AGENCY OF STATE GOVERNMENT AND USED IN CONNECTION WITH ANY FUNCTION HEREBY TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY. Sponsors: Senator Zimmerman, Representative B. Ennis. Assigned to Natural Resources and Environmental Control Committee.

SB 442 - AN ACT TO AMEND DELAWARE CODE TITLE 29, CHAPTER 50, BY CREATING THE DELAWARE TECHNICAL INNOVATION PROGRAM. Sponsors: Senators Bair, Zimmerman, Cordrey, Neal; Representatives Lee, Boykin, Outten. Assigned to Executive Committee.

SB 443 - AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE CODE, RELATING TO THE EXEMPTION FROM THE REALTY TRANSFER TAX OF NON-PROFIT, PERPETUAL CARE CEMETERY CORPORATIONS. Sponsor: Senator Cordrey. Assigned to Revenue and Taxation Committee.

SB 444 - AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE, RELATING TO SIZE AND WEIGHT OF VEHICLES AND LOADS. Sponsors: Senator Torbert, Representative Ewing. Assigned to Public Safety Committee.

SA 1 to HB 540 w HA 3. Sponsor: Senator Minner. Placed with the Bill.

HB 435 w HA 1, 2 - AN ACT TO AMEND CHAPTER 5, TITLE 17, DELAWARE CODE, RELATING TO THE INSTALLATION OF BLUE RAISED PAVEMENT MARKERS ON REPAVED PUBLIC HIGHWAYS AND STREETS IN THIS STATE. Sponsor: Representative B. Ennis. Assigned to Highways and Transportation Committee.

HB 476 w HA 2 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO VIDEO PRIVACY PROTECTION. Sponsor: Representative Quillen. Assigned to Judiciary Committee.

The following Committee reports were announced:

From the Banking Committee: HB 465 w HA 1 - 5 Merits; HB 490 w HA 1 - 5 Merits.

At 2:20 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 36th Legislative Day.

36TH LEGISLATIVE DAY
June 2, 1988

The Senate convened at 2:20 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, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 20.

ABSENT: Senator Connor - 1.

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

On motion of Senator Vaughn, SB 378 w SA 1, 3 was lifted from the table for consideration (no objection).

During discussion of the Bill and the additional Amendment offered to it, the privilege of the floor was extended to Dr. Carl Maschauer; Dr. Courtland J. Hall (Ophthalmology); Thomas C. Taylor and Dr. Brett Elliott (Ophthalmology).

At 2:30 p.m., Senator Cordrey presiding.

Senators Neal, Berndt, Holloway, Knox, Marshall marked PRESENT.

Senators Cook, McBride, Martin marked PRESENT.

SA 4 to SB 378 w SA 1, 3 which had been placed with the Bill was taken up for consideration on motion of Senator Vaughn and the roll call vote taken which revealed:

YES: Senators Adams, Berndt, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Still, Torbert, Vaughn - 15.

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

NOT VOTING: Senator Zimmerman - 1.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 378 w SA 1, 3, 4 was then taken and revealed:

YES: Senators Adams, Cordrey, Marshall, McBride, McDowell, Sharp, Torbert, Vaughn - 8.

NO: Senators Bair, Bane, Cook, Knox, Martin, Neal - 6.

NOT VOTING: Senators Berndt, Holloway, Minner, Slatcher, Still, Zimmerman - 6.

ABSENT: Senator Connor - 1.

Therefore, the Bill was declared defeated.

At 3:47 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:20 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SB 445 - AN ACT TO AMEND CHAPTER 21, TITLE 12, AND CHAPTER 81, TITLE 10, OF THE DELAWARE CODE RELATING TO CLAIMS AGAINST ESTATES. Sponsors: Senators Vaughn, Zimmerman; Representatives Hebner, Plant. Assigned to Judiciary Committee.

SB 446 - AN ACT TO AMEND CHAPTER 13, TITLE 30, DELAWARE CODE, RELATING TO THE INHERITANCE TAX. Sponsors: Senators Vaughn, Zimmerman; Representatives Hebner, Plant. Assigned to Revenue and Taxation Committee.

SB 447 - AN ACT TO AMEND CHAPTER 2, TITLE 12 OF THE DELAWARE CODE RELATING TO THE DEVOLUTION OF PROPERTY AND THE ADMINISTRATION OF DECEDENTS' ESTATES. Sponsors: Senators Vaughn, Zimmerman; Representatives Hebner, Plant. Assigned to Judiciary Committee

SB 448 - AN ACT TO AMEND CHAPTER 13 OF TITLE 12, DELAWARE CODE TO CLARIFY THE TIME PERIOD IN WHICH BOND MUST BE POSTED IN CONNECTION WITH A CAVEAT AGAINST ALLOWANCE OF AN INSTRUMENT AS A WILL. Sponsors: Senators Vaughn, Zimmerman; Representatives Hebner, Plant. Assigned to Judiciary Committee

SA 5 to SB 365. Sponsor: Senator Holloway. Placed with the Bill.

HB 459 w HA 1, 2 was taken up for consideration on motion of Senator Minner:

HB 459 w HA 1, 2 - AN ACT TO AMEND CHAPTER 70, PART IV, TITLE 25 OF THE DELAWARE CODE RELATING TO MOBILE HOMES AND MOBILE HOME PARKS; AND PROVIDING FOR TENANT'S RECEIVERSHIP.

At 4:24 p.m., Lt. Governor Woo presiding.

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.

HB 170 w HA 1 w HA 1; HA 2 was taken up for consideration on motion of Senator Minner:

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.

The privilege of the floor was extended to Joseph G. Cvar (Division of Boiler Safety) 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.

SB 410 was stricken at the request of Senator Adams.

HB 503 was taken up for consideration on motion of Senator Adams:

HB 503 - AN ACT TO ALLOW ANDREW JAY GREENFIELD TO MARRY DENISE ANN SCHWARTZ.

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.

HB 169 w SA 1 was lifted from the table for consideration on motion of Senator Torbert (no objection).

The privilege of the floor was extended to Robert J. Voshell (Division of Motor Vehicles) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SENATE CONSENT CALENDAR #34 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

SCR 168 - COMMENDING SHERRY SCZUBELEK, OF MONTCHANIN, A NEW CASTLE COUNTY POLICE OFFICER, ON HER RECENT PROMOTION TO THE PRESTIGIOUS AND DISTINGUISHED RANK OF LIEUTENANT IN THE NEW CASTLE COUNTY POLICE DEPARTMENT. Sponsors: Senators Bair, Bane, Vaughn; Representatives Smith, Boykin, Ewing, Soles, Jester, Houghton, VanSant, B. Ennis.

SCR 169 - EXTENDING CONGRATULATIONS TO THE SPECIAL EDUCATION STUDENTS PARTICIPATING IN THE RECENT "SPECIAL" NATIONAL INDUSTRIAL CLUBS OF DELAWARE CONFERENCE AND OFFERING OUR BEST WISHES TO EACH OF THEM AS THEY PURSUE THEIR CAREER PREPARATORY TRAINING. Sponsors: Senator McBride, Representative Fallon.

HCR 169 - COMMEMORATING THE LIFE AND TIMES OF OUR FRIEND AND COLLEAGUE, CHARLES W. STEELE JR. WHO DIED THURSDAY, MAY 26, 1988. Sponsors: Representatives Quillen, Bunting; Senator Adams; Representatives Spence, Petrilli, Buckworth, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Roy, Smith, Taylor, George, Gilligan, Bennett, Brady, Campanelli, Clark, Dixon, B. Ennis, Houghton, Jester, Jonkiert, Outten, Plant, Sills, Soles, VanSant, West, Wingate.

HCR 170 - HONORING THE NORTH BOWERS VOLUNTEER FIRE COMPANY UPON REACHING ITS GOLDEN ANNIVERSARY OF SERVICE TO THE COMMUNITY AND TO THE STATE. Sponsors: Representative Caulk, Senator Torbert; Representatives B. Ennis, Lee.

HCR 171 - HONORING THE HEROISM OF MILTON'S OWN ROBERT L. CARTER, WHO FOUGHT BRAVELY TO SAVE THE LIFE OF A SEVEN YEAR OLD BOY. Sponsors: Representative Carey, Senator Minner; Representatives Bunting, Wingate; Senator Adams.

HCR 172 - CONGRATULATING FRANCIS A. DIMONDI, SR. UPON WINNING THE CENTRAL DELAWARE CHAMBER OF COMMERCE'S SMALL BUSINESS PERSON OF THE YEAR AWARD. Sponsors: Representative Buckworth, Senator Bair; Representatives Spence, Petrilli, DiPinto, D. Ennis, Smith, Hebner, Maroney, Boykin, Corrozi, Mack, Roy, Taylor, Oberle, Amick, Davis, Quillen, Caulk, Ewing, Carey, Fallon, Lee, Bennett, Outten; Senators Bane, Berndt, Connor, Knox, Neal, Slatcher, Still.

The roll call vote on the Consent Calendar was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Resolutions were declared adopted; the Senate Resolutions were sent to the House for consideration and the House Resolutions were returned to the House.

SCR 170 - ESTABLISHING A TASK FORCE ON PATIENT CARE COST RESPONSIBILITY AND AUTHORIZING AND DIRECTING SAID TASK FORCE TO STUDY IN DEPTH DELAWARE'S STATUTORY REQUIREMENTS THAT RELATIVE PAY THE FULL COST OF PATIENT CARE IN STATE INSTITUTIONS AND MAKE RECOMMENDATIONS, IF APPROPRIATE, FOR EASING THE TRAUMA OFTEN RESULTING FROM SUCH STATUTORY REQUIREMENTS. Sponsors: Senator Holloway, Representative Maroney.

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

SB 449 was introduced:

SB 449 - AN ACT TO AMEND AN ACT, BEING CHAPTER 276, VOLUME 65, LAWS OF DELAWARE ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN" TO INCREASE THE HOURS FOR VOTING AT THE ANNUAL MUNICIPAL ELECTION, TO CHANGE THE DATE OF THE ANNUAL MUNICIPAL ELECTION, TO PROVIDE FOR ABSENTEE VOTING AT THE ANNUAL MUNICIPAL ELECTION, AND TO PROVIDE FOR THE TAKING OF THE OATH OF OFFICE AT THE FIRST REGULAR MEETING FOLLOWING THE ANNUAL MUNICIPAL ELECTION. Sponsors: Senator Adams, Representative West. Assigned to Insurance and Elections Committee; reassigned to Community Affairs Committee.

At 4:55 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 7, 1988.

The Senate reconvened at 2:10 p.m., June 7, 1988, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HS 1 for HB 491; HB 181 w HA 2; SB 103 w HA 2; SB 348; SB 379 w SA 1, 2 and adopted SCR 167.

The following legislation was introduced:

SB 103 (returned from the House with HA 1) laid on the table on motion of Senator Minner.

HB 181 w HA 2 - 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, Carey, Fallon; Senators Berndt, Knox, Holloway, Martin, McBride, Minner, Slatcher, Still, Vaughn Assigned to Insurance and Elections Committee.

HS 1 for HB 491 - AN ACT TO AMEND CHAPTER 385, VOLUME 63, LAWS OF DELAWARE AS AMENDED BY CHAPTER 111, VOLUME 64, LAWS OF DELAWARE AND CHAPTER 16, VOLUME 65 OF THE LAWS OF DELAWARE AND CHAPTERS 60 AND 64, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF BEVERAGE CONTAINER AND THE DEVELOPMENT OF A MATERIAL AND ENERGY RECOVERY PROJECT IN KENT COUNTY OR SUSSEX COUNTY. Sponsors: Representative Carey, Senator Marshall; Representatives Boykin, Lee, Ewing, Fallon, Caulk, Quillen, Petrilli, Mack, Davis, Bennett, Bunting, Clark, West; Senators Slatcher, Berndt, Cook, Minner, Torbert. Assigned to Natural Resources and Environmental Control Committee.

At 2:13 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 37th Legislative Day.

37TH LEGISLATIVE DAY
June 7, 1988

The Senate convened at 2:13 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, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 19.

ABSENT: Senators Connor, Still - 2.

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

A letter from the secretary of Irving Berlin was read thanking the Senate for SCR 161.

At 2:16 p.m., Senator Sharp presiding.

SB 385 was laid on the table on motion of Senator Cook.

HB 465 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 465 w HA 1 - AN ACT TO AMEND SECTIONS 1133, 1902 and 2031 OF TITLE 30 OF THE DELAWARE CODE RELATING TO REAL ESTATE MORTGAGE INVESTMENT CONDUITS.

Senator Slatcher marked PRESENT.

The privilege of the floor was extended to Joseph M. Moran (Wilmington Trust Company).

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

Senators Berndt, Cook marked PRESENT.

Senator Cook introduced Dr. VanSiver and Mr. Roberts of the Lake Forest School District to the Senate.

HB 490 w HA 1 was taken up for consideration on motion of Senator Cordrey:

HB 490 w HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 5, DELAWARE CODE TO PROVIDE FOR A MORE COMPREHENSIVE AUTHORITY FOR BANKING ORGANIZATIONS TO ACCEPT DEPOSITS IN TRUST.

The privilege of the floor was extended to Joseph M. Moran (Wilmington Trust Company).

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

At 3:34 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:04 p.m., Lt. Governor Woo presiding.

SB 420 was taken up for consideration on motion of Senator Cordrey:

SB 420 - AN ACT TO AMEND CHAPTERS 1 AND 21 OF TITLE 21, DELAWARE CODE, RELATING TO THE DEFINITION OF "OPERATION, MAINTENANCE OR USE OF A MOTOR VEHICLE" FOR THE PURPOSE OF CLEARLY ENFORCING THE PROVISIONS OF CHAPTER 21 OF TITLE 21, DELAWARE CODE.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to Francis L. Winslow and Gary Dalton (Senate Attorney).

Senator Martin marked PRESENT.

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:

YES: Senators Adams, Bair, Bane, Berndt, Cordrey, Holloway, Knox, Minner, Neal, Slatcher, Torbert, Zimmerman - 12.

NOT VOTING: Senators Martin, McBride, McDowell, Sharp, Vaughn - 5.

ABSENT: Senators Connor, Cook, Marshall, Still - 4.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 420 w SA 1 was then taken and revealed:

YES: Senators Bair, Berndt, Cordrey, Knox, Neal - 5.

NO: Senators Adams, Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 13.

ABSENT: Senators Bane, Connor, Still - 3.

Therefore, the Bill was declared defeated.

SCR 171 was introduced and considered for adoption on motion of Senator Zimmerman:

SCR 171 - EXPRESSING CONDOLENCES WITH DEEPEST SYMPATHY UPON LEARNING OF THE DEATH OF HARRY R. "CHIP" CROSS, VETERAN LOBBYIST AROUND LEGISLATIVE HALL FOR WELL OVER THIRTY YEARS. Sponsors: Senators Zimmerman and Holloway and all Senators; Representatives Outten and Bennett and all Representatives.

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

SB 103 which had been returned from the House as further amended by HA 2 was lifted from the table for consideration on motion of Senator Minner.

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

YES: Senators Adams, Bair, Bane, Berndt, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 17.

NO: Senators McBride, Neal - 2.

ABSENT: Senators Connor, Still - 2.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Richard Dillard (Senate Attorney).

The roll call vote on SB 103 w HA 2, SA 1 was then taken and revealed 19 Senators voting YES and 2 (Connor, Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration of the Senate Amendment.

The following legislation was introduced:

SB 450 - AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO TRANSFER TO THE TOWN OF SMYRNA APPROXIMATELY 35,504 ACRES OF LAND, MORE OR LESS, FOR THE PURPOSE OF UTILIZING IT FOR CURRENT RECREATION PURPOSES AND FURTHER WAIVING THE PROVISIONS OF §137, CHAPTER 1, TITLE 7, DELAWARE CODE AND §1309, CHAPTER 13, TITLE 17, DELAWARE CODE. Sponsors: Senators Vaughn, Cook, Holloway; Representative B. Ennis. Assigned to Natural Resources and Environmental Control Committee.

SB 451 - AN ACT TO AMEND CHAPTER 74, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE UNDERGROUND STORAGE TANK ACT. Sponsor: Senator Zimmerman. Assigned to Natural Resources and Environmental Control Committee.

SB 452 - AN ACT TO AMEND CHAPTER 1, TITLE 8, OF THE DELAWARE CODE TO AMEND THE GENERAL CORPORATION LAW AND CHAPTER 23, TITLE 29 OF THE DELAWARE CODE, TO ESTABLISH A SECRETARY OF STATE SPECIAL OPERATIONS FUND AND FEES FOR REMOTE ACCESS TO ELECTRONIC FILES. Sponsors: Senator Sharp, Representative Hebner. Assigned to Judiciary Committee.

SB 453 - AN ACT TO AMEND CHAPTER 74, TITLE 7 OF THE DELAWARE CODE RELATING TO DELAWARE UNDERGROUND STORAGE TANK ACT. Sponsors: Senator Zimmerman, Representative Carey; Senators Berndt, Cordrey, Knox, McDowell, Minner; Representatives Caulk, Clark, Mack. Assigned to Natural Resources and Environmental Control Committee.

SB 454 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO ELIMINATE THE MAXIMUM CONTRIBUTION BY THE CITY FOR THE PENSION PLAN AND HEALTH AND WELFARE PLAN. Sponsors: Senator Minner, Representative Wingate. Assigned to Community Affairs Committee.

Senator Bair introduced former State Senator George Jarvis to the Senate.

The following legislation was introduced:

SA 1 to SB 431. Sponsor: Senator Adams. Placed with the Bill.

SA 3 and SA 4 to HS 1 for HB 100. Sponsor: Senator Sharp. Placed with the Bill.

The following Committee reports were announced:

From the Health-Social Services/Aging Committee: SB 405 - 1 Favorable, 3 Merits.

From the Executive Committee: SB 432 - 4 Merits.

SB 450 was stricken at the request of the sponsor, Senator Vaughn.

SCR 172 was introduced and considered for adoption on motion of Senator Bane:

SCR 172 - COMMENDING MARVIN S. BALICK ON HIS DISTINGUISHED SERVICE TO EDUCATION AS HE RETIRES AS PRINCIPAL OF HERITAGE ELEMENTARY SCHOOL. Sponsors: Senator Bane, Representative Roy; Senator Sharp, Representatives Taylor, Petrilli.

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

SA 1 to SB 385 (sponsor: Senator Cook) was introduced and placed with the Bill.

At 5:15 p.m. on motion of Senator Sharp, the Senate recessed until 3:00 p.m., June 8, 1988

The Senate reconvened at 3:00 p.m., June 8, 1988 Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 551 w HA 1; HB 562; HB 478 w HA 1; HB 498 w HA 2; HB 537 w HA 2; SB 299 w HA 1.

The following legislation was introduced:

HB 562 - AN ACT TO AMEND SUBCHAPTERS II AND III OF CHAPTER 9 OF TITLE 5 OF THE DELAWARE CODE RELATING TO BANK REVOLVING AND CLOSED END CREDIT. Sponsors: Representatives D. Ennis, DiPinto, Lee, Dixon, VanSant; Senators Cordrey, Still. Assigned to Banking Committee.

HB 537 w HA 2 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO THE REGULATION OF VESSEL SEWAGE PUMPOUT AND VESSEL SEWAGE DISCHARGE INTO OR UPON TIDAL WATERS OF THE STATE OF DELAWARE. Sponsors: Representatives Wingate, Bunting, Caulk, Carey, Clark; Senators Cordrey, Knox, Minner, Zimmerman. Assigned to Natural Resources and Environmental Control Committee.

HB 498 w HA 2 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO REMOVAL AND STORAGE OF VEHICLES FROM HANDICAPPED PARKING AREAS. Sponsor: Representative Amick. Assigned to Public Safety Committee.

HB 478 w HA 1 - AN ACT TO AMEND CHAPTER 19, TITLE 14, DELAWARE CODE RELATING TO LOCAL SCHOOL TAXES. Sponsors: Representatives Clark, Taylor, Davis, Quillen, Hebner, Boykin, Lee, Spence, Ewing, Amick, Corrozi, Brady, Bunting, Campanelli, Dixon, B. Ennis, Gilligan, Houghton, Jester, Plant, Sills, Soles, West; Senators Adams, Cook, McDowell, Minner, Slatcher, Vaughn, Zimmerman. Assigned to Education Committee.

HB 551 - AN ACT TO AMEND CHAPTER 23, TITLE 18, DELAWARE CODE, RELATING TO DISCRIMINATION BY INSURANCE COMPANIES. Sponsor: Representative Plant. Assigned to Insurance and Elections Committee.

SB 299 (returned from the House with HA 1). Laid on the table.

The following Committee reports were announced:

From the Community Affairs Committee: SB 208 - 1 Favorable, 3 Merits; SB 428 - 4 Merits; SB 449 - 4 Merits.

From the Public Safety Committee: SB 444 - 4 Merits.

At 3:08 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 38th Legislative Day.

38TH LEGISLATIVE DAY
June 8, 1988

The Senate convened at 3:08 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, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 19.

ABSENT: Senators Connor, Still - 2.

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

SB 395 was taken up for consideration on motion of Senator Sharp:

SB 395 - AN ACT TO AMEND SUBCHAPTER 2, CHAPTER 40, TITLE 10 OF THE DELAWARE CODE RELATING TO COUNTY AND MUNICIPALITY SOVEREIGN IMMUNITY.

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

HB 364 w HA 1 was taken up for consideration on motion of Senator Sharp:

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.

Senators McDowell, Zimmerman, Berndt, McBride, Holloway marked PRESENT.

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

HB 166 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 166 w HA 1 - AN ACT TO AMEND CHAPTER 51, TITLE 30 OF THE DELAWARE CODE RELATING TO THE SPECIAL FUEL TAX LAW.

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

SB 431 was taken up for consideration on motion of Senator Adams:

SB 431 - AN ACT TO AMEND TITLE 11, DELAWARE CODE BY ADDING A NEW CHAPTER 93 RELATING TO POLICE CHIEF DUE PROCESS.

Senator Cook marked PRESENT.

SA 1 to the Bill (sponsor: Senator Adams) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Connor, Still) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Martin W. Johnson, III (Delaware Police Chiefs Council) after which the roll call vote on SB 431 w SA 1 was taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Zimmerman - 17.

NO: Senators Neal, Slatcher - 2.

ABSENT: Senators Connor, Still - 2.

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

At 3:35 p.m., Senator Sharp presiding.

SB 432 was taken up for consideration on motion of Senator Cordrey:

SB 432 - AN ACT TO AMEND SECTION 9606, TITLE 16 OF THE DELAWARE CODE AND RELATING TO THE ACCRUAL OF VENDING MACHINE INCOME FROM VENDING MACHINES IN A PUBLIC OFFICE BUILDING.

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

SB 430 was taken up for consideration on motion of Senator Marshall:

SB 430 - AN ACT TO AMEND CHAPTER 31, TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS; AND PROVIDING FOR A PRESIDENTIAL PRIMARY ELECTION.

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

YES: Senators Adams, Bair, Bane, Berndt, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 17.

NO: Senators Cook, Neal - 2.

ABSENT: Senators Connor, Still - 2.

Therefore, the Amendment was declared adopted.

Senator Martin was added as co-sponsor of the Bill

The roll call vote on SB 430 w SA 1 was then taken and revealed:

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

NO: Senators Bair, Bane, Berndt, Knox, McDowell, Neal - 6.

NOT VOTING: Senator McBride - 1.

ABSENT: Senators Connor, Still - 2.

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

SB 416 was taken up for consideration on motion of Senator Marshall:

SB 416 - AN ACT TO AMEND CHAPTER 48, TITLE 29, DELAWARE CODE, PERTAINING TO THE STATE LOTTERY.

The privilege of the floor was extended to Otho R. Brown (Delaware State Lottery) after which the Bill was laid on the table on further motion of the Senator.

SB 408 was taken up for consideration on motion of Senator Marshall:

SB 408 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO LICENSING REQUIREMENTS FOR SUBCONTRACTORS ON PUBLIC WORKS PROJECTS.

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

SB 407 was taken up for consideration on motion of Senator Marshall:

SB 407 - AN ACT TO AMEND CHAPTER 23, TITLE 12, OF THE DELAWARE CODE RELATING TO THE FILING OF DEATH CERTIFICATES.

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

SB 406 was taken up for consideration on motion of Senator Marshall:

SB 406 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO TERRITORIAL APPLICATION OF WORKMEN'S COMPENSATION.

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

SB 299 which had been returned from the House as further amended by HA 1 was taken up for reconsideration on motion of Senator Adams. The roll call vote on SB 299 w HA 1 was then taken and revealed 18 Senators voting YES and 3 (Connor, Cordrey, Still) ABSENT; therefore, the Bill was declared passed and sent to the Governor for consideration.

At 4:45 p.m., Senator Adams presiding.

HB 522 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 522 w HA 1 - AN ACT TO AMEND CHAPTER 35, TITLE 18, DELAWARE CODE, TO MANDATE THAT HEALTH INSURERS PROVIDE PAP SMEAR AS PART OF PROVIDED COVERAGE.

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

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

NO: Senators Adams, Neal - 2.

NOT VOTING: Senator Knox - 1.

ABSENT: Senators Connor, Still - 2.

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

HB 235 was taken up for consideration on motion of Senator Martin:

HB 235 - AN ACT TO AMEND CHAPTER 5, TITLE 17, DELAWARE CODE RELATING TO THE MAXIMUM MONETARY AMOUNT PERMITTED IN THE JUSTICE OF THE PEACE COURT AND THE COURT OF COMMON PLEAS.

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

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

HB 236 was taken up for consideration on motion of Senator Martin:

HB 236 - AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE ALLOWING POLICE OFFICERS TO ATTACH SUMMONSES TO CERTAIN UNATTENDED VEHICLES.

The privilege of the floor was extended to Frederick H. Schranck (Delaware Department of Transportation).

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

YES: Senators Adams, Bair, Bane, Berndt, Cook, Cordrey, Holloway, Knox, Marshall, Martin, Neal, Sharp, Slatcher, Vaughn, Zimmerman - 15.

NO: Senators McBride, Minner - 2.

NOT VOTING: Senator Torbert - 1.

ABSENT: Senators Connor, McDowell, Still - 3.

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

SB 392 was taken up for consideration on motion of Senator Vaughn:

SB 392 - AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE RELATING TO THE COMPENSATION OF MEMBERS OF THE INSTITUTIONAL RELEASE CLASSIFICATION BOARD.

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 19 Senators voting YES and 2 (Connor, Still) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 392 w SA 1 was then taken and revealed 19 Senators voting YES AND 2 (Connor, Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 416 was lifted from the table for consideration on motion of Senator Marshall. SA 1 to the Bill (sponsor: Senator Zimmerman) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed:
YES: Senators Adams, Bane, Berndt, Cordrey, Marshall, Martin, McDowell, Minner, Slatcher, Vaughn, Zimmerman - 11.

NO: Senators Bair, Cook, Holloway, Knox, McBride, Sharp, Torbert - 7.

ABSENT: Senators Connor, Neal, Still - 3.
Therefore, the Amendment was declared adopted.

The roll call vote on SB 416 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Connor, Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The following Committee reports were announced:

From the Community Affairs Committee: SB 454 - 4 Merits.

From the Education Committee: SB 52 - 3 Merits.

From the Natural Resources and Environmental Control Committee: HB 147 w HA 1, 2 - 6 Merits; HB 272 - 6 Merits; HB 295 w HA 1 - 6 Merits; HB 328 w HA 1 - 6 Merits; SB 437 - 6 Merits; HS 1 for HB 491 6 Merits; SB 453 - 6 Merits; HB 297 - 6 Merits; SB 441 1 Favorable, 4 Merits.

From the Judiciary Committee: SB 452 - 6 Merits; HB 476 w HA 2 - 5 Merits.

From the Insurance and Elections Committee: HB 181 w HA 1 - 4 Merits.

From the Revenue and Elections Committee: HB 424 - 4 Merits; HB 422 w HA 1 - 4 Merits; HB 423 - 4 Merits; HB 486 - 4 Merits; SB 390 - 4 Merits; SB 433 - 4 Merits; SB 326 - 4 Merits; SB 443 - 4 Merits; SB 413 - 4 Merits.

From the Labor and Industrial Relations Committee: SB 438 - 5 Merits; SB 396 - 5 Merits; SB 397 - 5 Merits; SB 440 - 4 Merits; HB 403 - 4 Merits; HB 225 - 4 Merits; HB 404 - 4 Merits; HB 517 - 4 Merits; HB 518 - 1 Favorable, 3 Merits; HB 516 w HA 1 - 1 Favorable, 3 Merits; HB 515 w HA 1 - 4 Merits.

From the Revenue and Taxation Committee: HB 143 w HA 1 - 4 Merits; HB 425 - 4 Merits.

From the Natural Resources and Environmental Control Committee: HB 537 w HA 2 - 5 Merits.

SB 106 was stricken at the request of the sponsor, Senator Vaughn.

At 5:30 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 9, 1988

The Senate reconvened at 2:10 p.m., June 9, 1988, Senator Cordrey presiding.

The following Committee reports were announced:

From the Highways and Transportation Committee: SB 360 - 5 Merits.

From the Finance Committee: HB 12 - 4 Merits.

From the Public Safety Committee: HB 540 w HA 3 - 6 Merits.

The following legislation was introduced:

SB 455 - AN ACT AUTHORIZING, EMPOWERING AND DIRECTING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO TRANSFER TO THE TOWN OF SMYRNA APPROXIMATELY 35.504 ACRES OF LAND, MORE OR LESS, FOR THE PURPOSE OF UTILIZING IT FOR CURRENT RECREATION PURPOSES AND FURTHER WAIVING THE PROVISIONS OF §137, CHAPTER 1, TITLE 7, DELAWARE CODE AND §1309, CHAPTER 13, TITLE 17, DELAWARE CODE. Sponsors: Senators Vaughn, Cook, Holloway; Representative B. Ennis. Assigned to Highways and Transportation Committee.

SB 456 - AN ACT TO AMEND TITLE 28 BY ADDING THERETO A NEW CHAPTER 10 RELATING TO THE EXEMPTION OF OWNERS OF SHOOTING RANGES FROM ANY CIVIL OR CRIMINAL ACTIONS RELATING TO NOISE POLLUTION. Sponsor: Senator Adams. Assigned to Community Affairs Committee.

At 2:14 p.m., Lt. Governor Woo presiding.

The following legislation was introduced:

SB 457 - AN ACT TO AMEND TITLE 11 AND TITLE 16 OF THE DELAWARE CODE TO PROVIDE FOR TRUTH IN SENTENCING. Sponsors: Senator Vaughn, Representative Davis. Assigned to Public Safety Committee.

SB 458 - AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE, RELATING TO SIZE AND WEIGHT OF VEHICLES AND LOADS. Sponsors: Senator Torbert, Representative Ewing. Assigned to Public Safety Committee.

SA 1 to SB 444. Sponsor: Senator Torbert. Placed with the Bill.

SA 2 to SS 1 for SB 359. Sponsor: Senator Sharp. Placed with the Bill.

SA 4 to SB 316. Sponsor: Senator Marshall. Placed with the Bill.

SA 1 to SB 453. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 1 to SB 429. Sponsor: Senator Holloway. Placed with the Bill.

At 2:17 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 39th Legislative Day.

39TH LEGISLATIVE DAY

June 9, 1988

The Senate convened at 2:17 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, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 20.

ABSENT: Senator Connor - 1.

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

LEGISLATIVE ADVISORIES #51 and 52 received from the Office of Counsel to the Governor were read:

LEGISLATIVE ADVISORY #51: On May 31, 1988 the Governor signed HB 444 (Volume 66, Chapter 256, Laws of Delaware).

LEGISLATIVE ADVISORY #52: On June 8, 1988 the Governor signed SB 350 (Volume 66, Chapter 257, Laws of Delaware); HB 499 (Volume 66, Chapter 258, Laws of Delaware); HB 492 (Volume 66, Chapter 259, Laws of Delaware); HB 503 (Volume 66, Chapter 260, Laws of Delaware); SB 364 (Volume 66, Chapter 261, Laws of Delaware); SB 374 (Volume 66, Chapter 262, Laws of Delaware)

* * * * *

SB 385 was taken up for consideration on motion of Senator Cook:

SB 385 - AN ACT TO AMEND CHAPTER 50, OF TITLE 15, DELAWARE CODE AND CHAPTERS 10, 19 AND 21 OF TITLE 14, DELAWARE CODE RELATING TO THE MANDATORY REQUIREMENT FOR THE USE OF VOTING MACHINES, WITH CERTAIN EXCEPTIONS, IN ELECTIONS HELD UNDER THE PROVISIONS OF TITLE 14, DELAWARE CODE.

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 16 Senators voting YES and 5 (Connor, Holloway, Marshall, Martin, McDowell) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to McDonald Coker (Deputy Director of Legislative Council) and William Walls (Senate Attorney).

Senator Berndt marked PRESENT.

The roll call vote on SB 385 w SA 1 was then taken and revealed 17 Senators voting YES and 4 (Connor, Holloway, Martin, McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SCR 174 was introduced and considered for adoption on motion of Senator Bair:

SCR 174 - EXPRESSING COMMENDATIONS TO MICHAEL E. HARKINS, SECRETARY OF STATE, THE RECIPIENT OF ARCHMERE ACADEMY'S 16TH ANNUAL ALUMNUS OF THE YEAR AWARD RECEIVED ON SUNDAY, JUNE 5, 1988. Sponsors: Senators Bair, Cordrey, Sharp, Bane; Representatives Buckworth, Petrilli, George, Gilligan, Spence, Corrozi.

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

Senators Neal and Marshall marked PRESENT.

A messenger from the Governor was announced and admitted.

SR 97 was introduced and considered for adoption on motion of Senator Torbert:

SR 97 - COMMENDING AND CONGRATULATING THE CAESAR RODNEY HIGH SCHOOL FUTURE FARMERS OF AMERICA CHAPTER ON THEIR WIN IN STATE-WIDE COMPETITION AND ON THEIR EFFORTS ON BEHALF OF THE GIBSON FAMILY. Sponsor: Senator Torbert.

Senator Martin marked PRESENT.

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

Senator Torbert introduced several members of the Future Farmers of America to the Senate.

SR 98 was introduced and considered for adoption on motion of Senator Bair:

SR 98 - RECOGNIZING THE EFFORTS BY DELAWAREANS IN THE RECENT SUCCESSFUL NEGOTIATIONS FOR THE SALE OF PHOENIX STEEL TO THE CHINA INTERNATIONAL TRUST AND INVESTMENT CORPORATION AND WAI HING AND COMPANY. Sponsors: Senators Bair, Berndt, Cordrey, Sharp.

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

YES: Senators Bair, Bane, Berndt, Cordrey, Holloway, Knox, Sharp, Slatcher, Still - 9.
NO: Senators Marshall, Neal, Zimmerman - 3.

NOT VOTING: Senators Adams, Cook, Martin, McBride, Minner, Torbert, Vaughn - 7.

ABSENT: Senators Connor, McDowell - 2.

Therefore, the Resolution was declared defeated.

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

SB 47 - AN ACT TO AMEND CHAPTER 10, PART 1, TITLE 14 OF THE DELAWARE CODE RELATING TO ELECTIONS TO REORGANIZED SCHOOL DISTRICTS; AND PROVIDING FOR ABSENTEE VOTING.

SA 1 to the Bill (sponsor: Senator Bair) was introduced.

The privilege of the floor was extended to Richard Dillard (Senate Attorney).

At 3:15 p.m. Senator Sharp presiding.

The roll call vote on SA 1 to the Bill was taken and revealed 19 Senators voting YES and 2 (Connor, McDowell) ABSENT; therefore, the Amendment was declared adopted.

At 3:23 p.m., Senator Cordrey presiding.

The roll call vote on SB 47 w SA 1 was taken and revealed 19 Senators voting YES and 2 (Connor and McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 52 was taken up for consideration on motion of Senator McBride:

SB 52 - AN ACT TO AMEND CHAPTER 10, PART I, TITLE 14 OF THE DELAWARE CODE RELATING TO SCHOOL BOARDS OF REORGANIZED SCHOOL DISTRICTS; AND PROVIDING FOR SPECIAL ELECTIONS UNDER CERTAIN CIRCUMSTANCES.

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

YES: Senators Marshall, Martin, McBride, Neal, Zimmerman - 5.

NO: Senators Adams, Bair, Berndt, Cordrey, Holloway, Minner, Slatcher, Torbert, Vaughn - 9.

NOT VOTING: Senators Bane, Knox, Still - 3.

ABSENT: Senators Connor, Cook, McDowell, Sharp - 4.

Therefore, the Bill was declared defeated.

SCR 173 was introduced and considered for adoption on motion of Senator Zimmerman:

SCR 173 - CONGRATULATING RICK MCCALL OF DOVER HIGH SCHOOL FOR WINNING INDIVIDUAL HONORS IN THE 1988 DELAWARE HIGH SCHOOL GOLF TOURNAMENT AND THE DOVER HIGH SCHOOL GOLF TEAM FOR WINNING THE TEAM CHAMPIONSHIP. Sponsors: Senator Zimmerman; Representatives Outten, Bennett.

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

HS 1 for HB 491 was taken up for consideration on motion of Senator Zimmerman:

HS 1 for HB 491 - AN ACT TO AMEND CHAPTER 385, VOLUME 63, LAWS OF DELAWARE AS AMENDED BY CHAPTER 111, VOLUME 64, LAWS OF DELAWARE AND CHAPTER 16, VOLUME 65 OF THE LAWS OF DELAWARE AND CHAPTERS 60 AND 64, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF BEVERAGE CONTAINER AND THE DEVELOPMENT OF A MATERIAL AND ENERGY RECOVERY PROJECT IN KENT COUNTY OR SUSSEX COUNTY.

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

SB 453 was taken up for consideration on motion of Senator Zimmerman:

SB 453 - AN ACT TO AMEND CHAPTER 74, TITLE 7 OF THE DELAWARE CODE RELATING TO DELAWARE UNDERGROUND STORAGE TANK ACT.

During discussion of the Bill and the various Amendments offered to it, the privilege of the floor was extended to Gary Molchan (Department of Natural Resources and Environmental Control) and Gary Patterson (Delaware Petroleum Council).

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 17 Senators voting YES and 4 (Connor, Marshall, McDowell, Slatcher) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator Zimmerman) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Connor, McDowell, Slatcher) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill (sponsor: Senator Zimmerman) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Connor, McDowell, Slatcher) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 453 w SA 1, 2, 3 was then taken and revealed 19 Senators voting YES and 2 (Connor, McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HS 1 for HB 491 was lifted from the table for consideration on motion of Senator Zimmerman.

The privilege of the floor was extended to Pasquale S. Canzano (Delaware Solid Waste Authority).

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

SR 99 was introduced and considered for adoption on motion of Senator Neal:

SR 99 - COMMENDING TIMOTHY BRADEN, ANTHONY SIMPSON, AND JAMES DEARNORTH OF TROOP 56 ON ATTAINING THE RANK OF EAGLE SCOUT. Sponsor: Senator Neal.

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

The following legislation was introduced:

SB 459 - AN ACT TO AMEND TITLE 30, DELAWARE CODE RELATING TO GROSS RECEIPTS TAXES. Sponsor: Senator Cordrey. Assigned to Revenue and Taxation Committee.

SB 460 - AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" RELATING TO MISCELLANEOUS MATTERS. Sponsor: Senator Slatcher. Assigned to Community Affairs Committee.

SB 461 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, PART IV, CHAPTER 69, SECTION 6901, REGARDING THE SELECTION OF TOWERS BY COUNTY AND MUNICIPAL AS WELL AS STATE POLICE OFFICERS. Sponsors: Senators Torbert, Bair, Neal; Representative Ewing. Assigned to Public Safety Committee.

SB 462 - AN ACT TO AMEND TITLE 21 AND TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES WHICH ARE EXEMPT FROM CERTAIN FEES; AND PROVIDING THAT GOODWILL INDUSTRIES OF DELAWARE, INC. VEHICLES SHALL BE EXEMPT FROM SUCH FEES. Sponsors: Senator Marshall; Representatives Jonkiert, DiPinto, Oberle. Assigned to Public Safety Committee.

SA 1 to SB 452. Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to HB 237. Sponsor: Senator Bair. Placed with the Bill.

SA 2 to HB 238. Sponsor: Senator Bair. Placed with the Bill.

SA 1 to SB 360. Sponsor: Senator Martin. Placed with the Bill.

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

STATE OF DELAWARE
Office of the Governor
June 9, 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 M. Stump, 8 Railroad Avenue, Wyoming, DE 19934, to be reappointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term ending June 5, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 9, 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 P. McLaughlin, 1004 Linda Road, Wilmington, DE 19810, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term ending May 22, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 9, 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: Ronald E. Cheeseman, 572 Old Summit Bridge Rd., Middletown, DE 19709, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term ending May 22, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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HB 562 was reported out of the Banking Committee: 5 Merits.

At 4:50 p.m., on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 14, 1988.

The Senate reconvened at 2:33 p.m., Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 174; SCR 168; SCR 169; SCR 171; SCR 172; SCR 173; SJR 13 and passed HB 494; HS 1 for HB 222; SB 31 w SA 1, 2, HA 1; SS 1 for SB 355 w SA 3.

SB 31 w SA 1, 2, HA 1 was laid on the table.

The following legislation was introduced:

SB 463 - AN ACT TO PROVIDE THAT A REFERENDUM BE HELD IN THE NOVEMBER 1988 GENERAL ELECTION ON THE QUESTION WHETHER THE UNITED STATES SHOULD ENTER INTO AN AGREEMENT WITH THE SOVIET UNION FOR AN IMMEDIATE AND VERIFIABLE END TO NUCLEAR WEAPONS TESTING. Sponsors: Senator Marshall, Representative D. Ennis. Assigned to Executive Committee; reassigned to Elections and Insurance Committee.

HS 1 for HB 222 - AN ACT TO AMEND TITLE 6, DELAWARE CODE TO PROVIDE SAFEGUARDS FOR HEALTH SPA MEMBERS. Sponsors: Representatives Roy, Gilligan, Spence, D. Ennis, Davis, Mack, Taylor, Campanelli, Jonklert; Senators Marshall, Bair, Bane, Berndt, Still, Connor. Assigned to Judiciary Committee.

HB 494 - AN ACT TO AMEND CHAPTER 7, TITLE 24, OF THE DELAWARE CODE RELATING TO THE BOARD OF CHIROPRACTIC EXAMINERS. Sponsors: Representative Amick, Senator McDowell. Assigned to Sunset Committee.

SB 464 - AN ACT PROPOSING AN AMENDMENT TO ARTICLES III AND IV OF THE DELAWARE CONSTITUTION TO PROVIDE FOR THE APPOINTMENT BY THE SUPERIOR COURT OF A PROTHONOTARY IN EACH COUNTY. Sponsors: Senators Sharp, Cook, Bane; Representatives Hebner, Houghton. Assigned to Judiciary Committee.

SB 465 - AN ACT TO AMEND CHAPTER 17 OF TITLE 24 OF THE DELAWARE CODE RELATING TO HEALTH MAINTENANCE ORGANIZATIONS. Sponsors: Senator Holloway, Representative Maroney. Assigned to Health-Social Services/Aging Committee.

SB 466 - AN ACT TO AMEND TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO ZONING REQUIREMENTS FOR FACILITIES FOR MENTALLY ILL PERSONS. Sponsors: Senators Berndt, Holloway; Representatives Smith, Plant. Assigned to Health-Social Services/Aging Committee; reassigned to Community Affairs Committee.

SA 1 to SS 1 for SB 313. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 363. Sponsor: Senator Torbert. Placed with the Bill.

Senator McDowell marked PRESENT.

SA 1 to SB 441. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 1 to SB 434. Sponsor: Senator Holloway. Placed with the Bill.

SA 2 to SB 208. Sponsors: Senators Minner, Connor; Representatives Lee, Jonkiert. Placed with the Bill.

At 2:40 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 40th Legislative Day.

40TH LEGISLATIVE DAY

June 14, 1988

The Senate convened at 2:40 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, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 20.

ABSENT: Senator Connor - 1.

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

SB 382 was reported out of the Finance Committee: 4 Merits.

SB 363 was taken up for consideration on motion of Senator Torbert:

SB 363 - AN ACT TO AMEND CHAPTER 9, TITLE 4 OF THE DELAWARE CODE RELATING TO OFFENSES CONCERNING CERTAIN PERSONS AND FINES PERTAINING THERETO.

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 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Amendment was declared adopted.

Senators Holloway, McBride, Zimmerman marked PRESENT.

The roll call vote on SB 363 w SA 1 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.

SS 1 for SB 313 was taken up for consideration on motion of Senator Torbert:

SS 1 for SB 313 - AN ACT TO AMEND CHAPTER 25, TITLE 18, DELAWARE CODE, RELATING TO REDUCED COMPREHENSIVE INSURANCE RATES FOR MOTOR VEHICLES EQUIPPED WITH THEFT DETERRENT DEVICES OR SYSTEMS.

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

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

The roll call vote on SS 1 for SB 313 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Cook, Knox, Marshall, Martin, McDowell, Minner, Neal, Slatcher, Still, Torbert, Vaughn, Zimmerman - 16.

NO: Senators Cordrey, McBride - 2.

NOT VOTING: Senators Holloway, Sharp - 2.

ABSENT: Senator Connor - 1.

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

SB 405 was taken up for consideration on motion of Senator Neal:

SB 405 - AN ACT TO AMEND CHAPTERS 33 AND 35, TITLE 18, DELAWARE CODE RELATING TO MIDWIFERY.

The privilege of the floor was extended to William E. Kirk, III (Blue Cross Blue Shield of Delaware) and Edith B. Wonnell (Nurse-midwives in Delaware).

At 3:35 p.m., Senator Sharp presiding.

SB 405 was then laid on the table on motion of Senator Neal.

HB 537 w HA 2 was taken up for consideration on motion of Senator Zimmerman:

HB 537 w HA 2 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO THE REGULATION OF VESSEL SEWAGE PUMPOUT AND VESSEL SEWAGE DISCHARGE INTO OR UPON TIDAL WATERS OF THE STATE OF DELAWARE.

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

The Governor's Inland Bays Monitoring Committee
P. O. Box 1401
Dover, Delaware 19903
June 14, 1988

The Honorable Richard S. Cordrey,
President Pro-Tem of the Delaware State Senate
Legislative Hall
Dover, DE 19903

Dear Senator Cordrey:

On behalf of the Governor's Inland Bays Monitoring Committee, I hereby request that this letter be read into Senate floor testimony in support of H.B. No. 537. The Inland Bays Monitoring Committee was charged by Governor Castle to ensure that the recommendations of the Governor's Task Force on the Inland Bays are implemented. Two of those recommendations call for the protection of shellfish and recreational waters. H.B. No. 537 will assist in this goal.

Wastes from overboard dumping of marine sanitation devices have a great potential for introducing bacteria and viruses to the water. Once introduced, people swimming in the water or eating shellfish have a greater chance of contracting intestinal illnesses. The potential for illness is even greater in areas like the Inland Bays which attract great numbers of boaters, shellfishermen, and bathers, yet are shallow and poorly flushed.

The cost to marinas and boat owners in complying with this bill is nominal when compared with the human health benefits and long-term environmental improvement that the bill affords. Thank you for regarding the Committee's concerns.

Sincerely,
Patricia Campbell-White, Chair
Inland Bays Monitoring Committee

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

At 4:00 p.m., on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:39 p.m., Senator Cordrey presiding.

SB 455 was reported out of the Highways and Transportation Committee: 1 Favorable, 5 Merits.

The following legislation was introduced:

SA 1 to SA 2 to SB 208. Sponsor: Senator Minner. Placed with the Bill.

SB 467 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION. Sponsors: Senator Martin, Representative Campanelli. Assigned to Labor and Industrial Relations Committee.

SR 100 was introduced and considered for adoption on motion of Senator Sharp acting on request of Senator Cordrey:

SR 100 - CONGRATULATING THE SUSSEX CENTRAL JUNIOR HIGH SCHOOL KNIGHT BRIGADE BAND UPON THEIR OUTSTANDING SHOWING AT THE SUN FUN FESTIVAL PARADE IN MYRTLE BEACH. Sponsor: Senator Cordrey.

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

HCR 174 was introduced and considered for adoption on motion of Senator McDowell:

HCR 174 - PLEDGING CONTINUED EFFORTS IN THE CAUSE OF WORLD PEACE. Sponsors: Representative Amick, Senator McDowell.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Bane, Connor, Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 208 was taken up for consideration on motion of Senator Minner:

SB 208 - AN ACT TO AMEND TITLE 6, TITLE 11, TITLE 14 AND TITLE 19 OF THE DELAWARE CODE RELATING TO DOOR-TO-DOOR SOLICITATIONS; AND PROVIDING FOR A SALES SOLICITATIONS ACT.

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

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

SA 1 to SA 2 (sponsor: Senator Minner) to the Bill was introduced.

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

On motion of Senator Marshall and without objection, the roll call vote on SB 316 w SA 1, 2, 3 was lifted from the table and rescinded.

SA 4 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Marshall; however, before action was taken, the Bill was laid on the table on further motion of Senator Marshall.

At 4:55 p.m., Senator Sharp presiding.

SB 428 was taken up for consideration on motion of Senator Cordrey:

SB 428 - AN ACT TO AMEND SECTION 15, CHAPTER 161, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF DAGSBORO" AS AMENDED BY CHAPTER 254, VOLUME 52, LAWS OF DELAWARE AND CHAPTER 171, VOLUME 61, LAWS OF DELAWARE, RELATING TO THE AMOUNT WHICH THE TOWN COUNCIL IS AUTHORIZED TO RAISE ANNUALLY BY TAXATION.

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.

SB 405 was lifted from the table for consideration on motion of Senator Neal.

SA 1 to the Bill (sponsor: Senator Neal) was introduced. The Bill and the Amendment were then laid on the table on further motion of Senator Neal.

SB 454 was taken up for consideration on motion of Senator Minner:

SB 454 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO ELIMINATE THE MAXIMUM CONTRIBUTION BY THE CITY FOR THE PENSION PLAN AND HEALTH AND WELFARE PLAN.

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.

SB 31 w SA 1, 2 which had been returned from the House further amended by HA 1 was lifted from the table for consideration on motion of Senator Bair. The roll call vote on SB 31 w SA 1, 2, HA 1 was therefore taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for consideration.

SB 405 was lifted from the table for consideration on motion of Senator Neal.

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

The roll call vote on SB 405 w SA 1 was then taken and revealed:

YES: Senators Bair, Bane, Berndt, Cook, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert - 16.

NO: Senators Adams, Cordrey, Vaughn, Zimmerman - 4.

ABSENT: Senator Connor - 1.

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

SR 101 was introduced and considered for adoption on motion of Senator Torbert:

SR 101 - CONGRATULATING SENATOR RUTH ANN MINNER OF MILFORD AS THE RECIPIENT OF THE FIRST GOOD GOVERNMENT AWARD EVER BESTOWED BY COMMON CAUSE OF DELAWARE. Sponsor: Senator Torbert.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES, 1 (Minner) NOT VOTING, and 1 (Connor) ABSENT; therefore, the Resolution was declared adopted.

At 5:35 p.m. on motion of Senator Cordrey, the Senate recessed until 3:00 p.m., June 15, 1988

The Senate reconvened at 3:07 p.m., June 15, 1988, Senator Sharp presiding.

SB 442 was reported out of the Executive Committee: 5 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 443; HB 502; HB 552 w HA 1; HB 553 w HA 1; HB 549; HB 560; HB 561; HB 532; HB 556; HB 539; SB 309 w SA 1; SB 297.

The following legislation was introduced:

SB 468 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE AUTHORITY OF NURSES TO PRONOUNCE INDIVIDUALS DEAD. Sponsors: Senator McBride and Representative Buckworth (by request). Assigned to Health-Social Services/Aging Committee.

SA 5 to SB 316. Sponsor: Senator Marshall. Placed with the Bill.

SA 2 to SA 2 to SB 208. Sponsor: Senator Minner. Placed with the Bill.

HB 443 - AN ACT TO AMEND CHAPTER 74, TITLE 7, DELAWARE CODE, RELATING TO THE EXEMPTION OF VOLUNTEER FIRE COMPANIES AND AMBULANCE COMPANIES FROM THE ANNUAL REGISTRATION FEE ASSESSED FOR UNDERGROUND STORAGE TANKS. Sponsors: Representative B. Ennis, Senator Minner; Representative Jester, Senator Vaughn. Assigned to Public Safety Committee.

HB 502 - AN ACT TO AMEND CHAPTER 17, TITLE 7, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A CRIMINAL PENALTY FOR HARM INFLICTED ON THE DOGS OWNED BY LAW ENFORCEMENT AGENCIES, TO INCLUDE ANY POLITICAL SUBDIVISIONS, THE CORRECTIONS DEPARTMENT, AND DOGS PRIVATELY OWNED AND USED TO ASSIST THE BLIND OR VISUALLY IMPAIRED AND THE HANDICAPPED. Sponsors: Representative B. Ennis; Senator Vaughn; Representatives VanSant, Brady, Dixon, Houghton, Davis, West. Assigned to Corrections Committee.

HB 532 - AN ACT TO AMEND CHAPTER 19, TITLE 11 OF THE DELAWARE CODE RELATING TO POLICE MUTUAL AID AGREEMENTS. Sponsor: Representative Ewing. Assigned to Public Safety Committee.

HB 539 - AN ACT TO AMEND CHAPTER 79, TITLE 29, OF THE DELAWARE CODE, TO CHANGE THE RESIDENCY REQUIREMENT OF THE AT-LARGE REPRESENTATIVES APPOINTED TO THE COUNCIL ON THE AGING. Sponsors: Representative Maroney, Senator Holloway. Assigned to Health-Social Services/Aging Committee.

HB 549 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO CLASSIFIED SERVICE AND EXEMPTIONS FROM THE STATE MERIT SYSTEM OF PERSONNEL ADMINISTRATION. Sponsors: Representatives Gilligan, Oberle; Senators Still, Neal. Assigned to Executive Committee.

At 3:12 p.m. Lt. Governor Woo presiding.

HB 552 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO KIDNAPPING. Sponsors: Representatives Buckworth, Quillen, Petrilli, Spence, Clark, Caulk; Senators Adams, Neal. Assigned to Judiciary Committee.

HB 553 w HA 1 - AN ACT TO AMEND CHAPTER 3, TITLE 25, DELAWARE CODE RELATING TO TITLES AND CONVEYANCES. Sponsors: Representative Carey, Senator Minner; Representatives Caulk, Bunting, Clark. Assigned to Administrative Services/Energy Committee.

HB 556 - AN ACT TO AMEND CHAPTER 19, TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATEWIDE AUTHORITY OF POLICE OFFICERS. Sponsor: Representative Ewing. Assigned to Judiciary Committee.

HB 560 - AN ACT TO AMEND CHAPTER 51, PART II, TITLE 14 OF THE DELAWARE CODE RELATING TO THE UNIVERSITY OF DELAWARE; AND PROVIDING FOR THE CREATION OF A UNIVERSITY OF DELAWARE POLICE DEPARTMENT. Sponsors: Representatives Ewing, Buckworth, D. Ennis, Hebner, Lee, Spence, Roy, Boykin, Carey, Bennett, George. Assigned to Education Committee.

HB 561 - AN ACT TO AMEND CHAPTER 19, TITLE 11 OF THE DELAWARE CODE RELATING TO FRESH PURSUIT BY PEACE OFFICERS. Sponsors: Representatives Ewing, Buckworth, Lee, Hebner, Spence, Roy, D. Ennis, Boykin, Carey, Bennett, George. Assigned to Judiciary Committee.

At 3:15 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 41ST Legislative Day.

41ST LEGISLATIVE DAY June 15, 1988

The Senate convened at 3:15 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, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 20.

ABSENT: Senator Connor - 1.

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

SB 441 was taken up for consideration on motion of Senator Zimmerman:

SB 441 - AN ACT TO AMEND CHAPTER 21 OF TITLE 23, DELAWARE CODE AND CHAPTER 80 OF TITLE 29, DELAWARE CODE AND CHAPTER 82 OF TITLE 29, DELAWARE CODE, RELATING TO STATE GOVERNMENT, BY PROVIDING FOR THE TRANSFER OF POWERS, DUTIES AND FUNCTIONS OF THE DELAWARE MARINE POLICE OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF STATE POLICE, TO INCLUDE ALL PERSONNEL BOOKS, RECORDS, PAPERS, MAPS, CHARTS, PLANS AND OTHER MATERIAL INCLUDING, BUT NOT LIMITED TO, ANY EQUIPMENT AND/OR PROPERTY IN THE POSSESSION OF ANY AGENCY OF STATE GOVERNMENT AND USED IN CONNECTION WITH ANY FUNCTION HEREBY TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY.

Senators McBride, Minner, Still, Martin marked PRESENT.

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 17 Senators voting YES and 4 (Connor, Cook, Cordrey, McDowell) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Walter J. Moulder (Delaware Boating Council), James R. Neal (Delaware Boating Council), John E. Wilson, III (Delaware Natural Resources and Environmental Control).

At 5:15 p.m., Senator Sharp presiding.

The privilege of the floor was extended to William Walls (Senate Attorney) and McDonald Coker (Deputy Director of Legislative Council).

SB 441 w SA 1 was then laid on the table on motion of Senator Zimmerman.

The following Committee reports were announced:

From the Public Safety Committee: SB 434 - 4 Merits; SB 457 - 4 Merits; SB 458 - 4 Merits; SB 461 - 4 Merits; SB 462 - 4 Merits.

From the Health-Social Services/Aging Committee: SB 465 - 6 Merits.

A messenger from the Governor was announced and admitted.

The Secretary read the following communication from the House:

House of Representatives
State of Delaware
Legislative Hall
Dover, Delaware 19901

MEMORANDUM

TO: B. J. Caniford, Secretary of the Senate
FROM: Terry R. Spence, Speaker of the House
RE: Regarding HB 540 w HA 3
DATE: June 15, 1988

Pursuant to a vote on the House floor today, please return HB 540 w HA 3 to the House of Representatives at your earliest opportunity

Thank you.

* * * * *

The Secretary informed the Senate that the Bill was returned as requested.

Senators Cook, Neal, McDowell marked PRESENT.

SR 103 was introduced and considered for adoption on motion of Senator Minner:

SR 103 - CONGRATULATING SENATOR JACOB W. "JAKE" ZIMMERMAN OF DOVER ON HIS SELECTION AS "LEGISLATOR OF THE YEAR" BY THE DELAWARE WILDLIFE FEDERATION. Sponsor: Senator Minner.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES, 1 (Zimmerman) NOT VOTING, and 2 (Connor, Cordrey) ABSENT; therefore, the Resolution was declared adopted.

SR 104 was introduced and considered for adoption on motion of Senator Martin:

SR 104 - EXTENDING THE BEST WISHES OF THE SENATE TO JACK K. RUSSELL, LEGISLATIVE ASSISTANT TO THE SENATE MAJORITY CAUCUS UPON THE OCCASION OF HIS SIXTY-SECOND BIRTHDAY. Sponsor: Senator Martin.

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

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

STATE OF DELAWARE
Office of the Governor
June 15, 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: Jeannette C. Gebhart, P.O. Box 413, New Castle, DE 19720, to be reappointed as a member of the Unemployment Insurance Appeals Board to serve a six-year term expiring May 20, 1994.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 14, 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 B. Hopkins, 310 Laws Street, Bridgeville, DE 19933, to be reappointed as a member of the Sussex County Board of Elections to serve a four year term expiring January 31, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 14, 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: Verdle B. West, R.D. #1, Box 55, Frankford, DE 19945, to be reappointed as a member of the Sussex County Board of Elections to serve a four year term expiring January 31, 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 15, 1988

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

I regret to inform you that I must hereby withdraw the nomination of Milton W. Mitchell to be appointed as a member of the Unemployment Insurance Appeals Board. This withdrawal is made at the request of the nominee.

Thank you for your attention to this matter.

Sincerely,
Michael N. Castle, Governor

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At 5:45 p.m., on motion of Senator McDowell, the Senate recessed until 2:00 p.m., June 16, 1988.

The Senate reconvened at 3:20 p.m., June 16, 1988, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 618; HB 602; HB 542 w HA 1; HB 548; HB 484; HB 586; HB 536 and adopted HCR 176; HCR 177; HCR 178; HCR 179; SCR 174.

The following legislation was introduced:

SB 469 - AN ACT TO AMEND TITLE 18 CHAPTER 68 SUBCHAPTER VI OF THE DELAWARE CODE RELATING TO THE QUALIFICATIONS OF EXPERT WITNESSES IN MEDICAL MALPRACTICE LITIGATION AND REQUIRING THE FILING OF AN EXPERT'S AFFIDAVIT WITH A COMPLAINT ALLEGING MEDICAL MALPRACTICE. Sponsors: Senator Cordrey; Representatives Maroney, Pettrilli, Bunting; Senators Knox, Holloway. Assigned to Health-Social Services/Aging Committee.

Senator Cordrey marked PRESENT.

SB 470 - AN ACT TO AMEND CHAPTER 64, VOLUME 63, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE"; AND PROVIDING FOR THE LEVY OF A REAL ESTATE TRANSFER TAX NOT TO EXCEED ONE PERCENT OF THE PURCHASE PRICE. Sponsor: Senator Cordrey. Assigned to Community Affairs Committee.

SB 471 - AN ACT TO AMEND TITLE 10 AND TITLE 11 OF THE DELAWARE CODE PROVIDING FOR THE VICTIM PROTECTION ACT OF 1988. Sponsors: Senator Holloway, Representatives Oberle; Senators Marshall, Martin, McDowell, Bane, Berndt, Knox; Representatives George, Plant, Sillis, Houghton. Assigned to Judiciary Committee.

SB 472 - AN ACT PROPOSING AN AMENDMENT OF ARTICLE IV, SECTION 11, OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO APPEALS FROM THE SUPERIOR COURT TO THE SUPREME COURT IN CASES INVOLVING ADMINISTRATIVE AGENCY AND OTHER NONJUDICIAL DECISIONS. Sponsors: Senator Sharp, Representative Hebner. Assigned to Judiciary Committee.

SB 473 - AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO TRANSFER TO THE TOWN OF SMYRNA APPROXIMATELY 35.504 ACRES OF LAND, MORE OR LESS, FOR THE PURPOSE OF UTILIZING IT FOR CURRENT RECREATION PURPOSES AND FURTHER WAIVING THE PROVISIONS OF SECTION 137, CHAPTER 1, TITLE 17, DELAWARE CODE. Sponsors: Senators Vaughn, Cook, Holloway; Representative B. Ennis. Assigned to Highways and Transportation Committee.

SB 474 - AN ACT TO AMEND CHAPTER 86, DELAWARE CODE, RELATING TO THE DELAWARE JUSTICE INFORMATION SYSTEM. Sponsors: Senator Vaughn; Representatives Hebner, B. Ennis. Assigned to Judiciary Committee.

SB 475 - AN ACT TO AMEND TITLE 24, CHAPTER 17 OF THE DELAWARE CODE SO AS TO ALLOW PHYSICIAN PEER REVIEW BODIES TO BE IMMUNE FROM LIABILITY AS PROVIDED IN THE FEDERAL HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986. Sponsors: Senators Sharp, Holloway, Zimmerman, Bair, Slatcher; Representatives Outten, Bennett, Amick, Pettrilli, Oberle, Spence. Assigned to Judiciary Committee.

SA 3 to HB 124. Sponsor: Senator Sharp. Placed with the Bill.

SA 2 to SB 441. Sponsor: Senator Zimmerman. Placed with the Bill.

HB 484 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT. Sponsors: Representatives Davis, Taylor, Caulk, Corrozi, Lee, Carey, Ewing, DiPinto, Spence, Fallon, Smith, Amick. Assigned to Community Affairs Committee.

HB 536 - AN ACT TO AMEND CHAPTER 35, TITLE 7 OF THE DELAWARE CODE RELATING TO COMMERCIAL FOREST PLANTATIONS. Sponsors: Representative Caulk, Senator Adams; Representatives Carey, Mack, Clark, West; Senators Cordrey, Cook, Vaughn, Connor, Slatcher. Assigned to Agriculture Committee.

HB 542 w HA 1 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATING TO COUNCIL ON THE DELAWARE HOME AND HOSPITAL. Sponsors: Representative Maroney, Senator Holloway. Assigned to Health-Social Services/Aging Committee.

HB 548 - 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: Representative Boykin, Senator Minner; Representatives DiPinto, Quillen, Lee, Campanelli, B. Ennis, Sillis; Senators Torbert, Connor, Bane. Assigned to Administrative Services/Energy Committee.

HB 586 - AN ACT TO AMEND CHAPTER 2, TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATUTE OF LIMITATIONS FOR PROSECUTION OF CERTAIN OFFENSES. Sponsors: Representatives Oberle, VanSant, Brady. Assigned to Judiciary Committee.

HB 602 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT. Sponsors: Representatives Taylor, VanSant; Senators Sharp, Bane. Assigned to Community Affairs Committee.

HB 618 - 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 CERTAIN ADDITIONS, DELETIONS, AND ADJUSTMENTS. Sponsors: Representative Corrozi, Senator Cook; Representatives Bennett, Davis, Quillen, Smith, Soles; Senators Berndt, Holloway, McBride, Slatcher, Vaughn. Laid on the table on motion of Senator Cook.

At 3:30 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 42nd Legislative Day.

42ND LEGISLATIVE DAY
June 16, 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, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman - 20.

ABSENT: Senator Connor - 1.

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

The privilege of the floor was extended to Alan J. Sokolow (Council of State Governments) at the request of Senator Adams.

SB 339 was taken up for consideration on motion of Senator Holloway:

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.

SA 1 to the Bill (sponsor: Senator Holloway) was introduced and considered for adoption on motion of Senator Holloway. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Connor, Cook, Neal) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to McDonald Coker (Legislative Council).

Senators Neal and McBride marked PRESENT.

The roll call vote on SB 339 w SA 1 was taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Slatcher, Still, Zimmerman - 17.

NO: Senator Sharp - 1.

NOT VOTING: Senators Torbert, Vaughn - 2.

ABSENT: Senator Connor - 1.

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

SB 360 was taken up for consideration on motion of Senator Martin:

SB 360 - AN ACT TO AMEND CHAPTER 5, TITLE 17 OF THE DELAWARE CODE RELATING TO THE DAMAGES ASSESSED TO TREES, SHRUBS AND LANDSCAPING.

SA 1 to the Bill which had been placed with the Bill was stricken at the request of Senator Martin.

The roll call vote on SB 360 was taken and revealed:

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

NO: Senators Berndt, Cordrey, Knox, McBride, Neal, Slatcher, Still, Torbert, Zimmerman - 9.

ABSENT: Senator Connor - 1.

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

SB 437 was taken up for consideration on motion of Senator Vaughn:

SB 437 - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A LIMITED, THREE DAY, NON-RESIDENT HUNTING LICENSE FOR THE PURPOSE OF HUNTING UPLAND GAME, EXCLUSIVE OF WATERFOWL, DEER AND WILD TURKEY.

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.

At 4:00 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:40 p.m., Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 555 w HA 1, 2, 3.

The following legislation was introduced:

SA 5 to HS 1 for HB 100. Sponsors: Senators Bair, Adams. Placed with the Bill.

SA 6 to HS 1 for HB 100. Sponsor: Senator McBride. Placed with the Bill.

SA 2 to SB 452. Sponsor: Senator Bair. Placed with the Bill.

SB 476 - AN ACT TO AMEND CHAPTER 74, TITLE 29, OF THE DELAWARE CODE RELATING TO BONDS OF THE STATE. Sponsors: Senator Still, Representatives Roy, Bennett; Senators Cook, Neal, Knox, Martin, McBride, Minner; Representatives Fallon, Corrozi, Carey, Taylor. Assigned to Banking Committee.

SA 1 to HB 314. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 456. Sponsor: Senator Minner. Placed with the Bill.

HB 555 w HA 1, 2, 3 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE CREATING THE EXTREMELY HAZARDOUS SUBSTANCES RISK MANAGEMENT ACT. Sponsors: Representative Mack, Senator Sharp. Representatives Spence, Buckworth, D. Ennis, Boykin, Taylor, Roy, Smith, Oberle, Brady, Clark, Jester, Bennett, Houghton, Dixon, Bunting, Soles; Senators Martin, McBride, Vaughn, Connor. Assigned to Natural Resources and Environmental Control Committee.

HS 1 for HB 100 w HA 2 was taken up for consideration on motion of Senator Sharp:

HS 1 for HB 100 w HA 2 - AN ACT TO AMEND CHAPTERS 13 AND 16, TITLE 19 AND CHAPTER 85, TITLE 29 OF THE DELAWARE CODE RELATING TO THE RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE FOR PURPOSES OF COLLECTIVE BARGAINING.

During discussion of the Bill and the various Amendments offered to it, the privilege of the floor was extended to Sheldon Sandler (Delaware State Education Association Attorney), Francis Murphy (Senate Attorney), Richard Dillard (Senate Attorney), Michael P. Reynolds (City Solicitor, City of Wilmington) and Dennis Crawley (Delaware State Education Association).

SA 1 and SA 2 to the Bill which had been placed with the Bill were laid on the table in absence of the sponsor, Senator Knox.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp and the roll call vote taken which revealed:

YES: Senators Adams, Bair, Bane, Berndt, Cook, Cordrey, Knox, Minner, Neal, Sharp, Slatcher, Still, Vaughn - 13.

NO: Senators Holloway, Marshall, Martin, McBride, McDowell, Torbert, Zimmerman - 7.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared adopted.

SA 4 to the Bill which had been placed with the Bill was laid on the table on motion of Senator Sharp.

SA 5 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:

YES: Senators Adams, Bair, Bane, Berndt, Knox, Neal, Slatcher, Still - 8.

NO: Senators Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Torbert, Vaughn, Zimmerman - 11.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared defeated.

SA 6 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator McBride; the roll call vote on the Amendment was taken; however, being announced, the roll call was laid on the table on motion of Senator McBride.

SA 7 to the Bill (sponsors: Senators Knox, Adams, McBride) was introduced and immediately stricken on motion of Senator Knox.

The roll call vote on HS 1 for HB 100 w HA 2, SA 3 was then taken and announced:

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

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

NOT VOTING: Senator Sharp - 1.

ABSENT: Senator Connor - 1.

Therefore, the Bill was declared defeated.

SS 1 for SB 359 was taken up for consideration on motion of Senator Sharp:

SS 1 for SB 359 - AN ACT TO AMEND TITLE 11, CHAPTER 5, SUBCHAPTER VII, SUBPART A, §1311 AND §1312 OF THE DELAWARE CODE RELATING TO THE OFFENSES OF HARASSMENT AND AGGRAVATED HARASSMENT.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp and the roll call vote taken which revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp and the roll call vote taken which revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SS 1 for SB 359 w SA 1, 2 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.

HB 237 was taken up for consideration on motion of Senator Martin:

HB 237 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE BY INCLUDING A DEFINITION FOR MAINTENANCE CONTRACTS AND GRANTING STATE AGENCIES AUTHORITY TO MAIVE PERFORMANCE BONDS FOR STATE MAINTENANCE CONTRACTS IF IT IS SO STATED IN THE BID SPECIFICATIONS AND TO REQUIRE INSURANCE FOR JOB PERFORMANCE.

During discussion of the Bill and the Senate Amendment offered to it, the privilege of the floor was extended to Richard Dillard (Senate Attorney) and Frederick H. Schranck (representing Del DOT).

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 (Connor) ABSENT; therefore, the Amendment was declared adopted.

HB 237 w SA 1 was then laid on the table on motion of Senator Martin.
SENATE CONSENT CALENDAR #25 was introduced and considered for adoption on motion of Senator Minner:

The Calendar consisted of the following:

SR 105 - EXTENDING CONGRATULATIONS TO THE ATHLETES AND COACHES OF WILMINGTON'S ST. MARK'S HIGH SCHOOL WHO HAVE SUCCEEDED IN WINNING A STATE CHAMPIONSHIP DURING EACH SPORT SEASON OF THE 1987-1988 SCHOOL YEAR. Sponsor: Senator Sharp.

HCR 176 - CELEBRATING THE FIFTIETH ANNIVERSARY OF THE MARCH OF DIMES ORGANIZATION. Sponsor: Representative Maroney.

HCR 177 - COMMEMORATING THE 200TH ANNIVERSARY OF THE ESTABLISHMENT OF THE CONSTITUTION OF THE UNITED STATES. Sponsors: Representatives Petrilli, Spence, Buckworth, George, Gilligan; Senators Cordrey, Sharp, McDowell, Bair, Connor.

HCR 178 - EXTENDING OUR BEST WISHES TO COLONEL RICHARD B. HARPER, JR., COMMANDER OF THE 436TH AIR BASE GROUP OF THE 4326TH MILITARY AIRLIFT WING AT DOVER AIR FORCE BASE UPON HIS RETIREMENT FROM THE U.S.A.F. Sponsors: Representative Buckworth, Senator Torbert.

* * * * *

The roll call vote on SENATE CONSENT CALENDAR #35 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; Therefore the Resolutions were declared adopted and the House Concurrent Resolutions were returned to the House.

SR 102 was introduced and floor managed for adoption by Senator Cook at the request of Senator Cordrey:

SR 102 - CONGRATULATING LAURA KATHLEEN LUDWIG UPON BEING CHOSEN "MISS DELAWARE 1988" AND COMMENDING OTHER PARTICIPANTS, PAGEANT ORGANIZERS AND VOLUNTEERS FOR A JOB WELL-DONE. Sponsor: Senator Cordrey.

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.

SB 444 was stricken at the request of the sponsor, Senator Torbert.

On motion of Senator Adams (without objection), HS 1 for HB 100 w HA 2, SA 3 was restored to the Calendar. On motion of Senator Sharp, the roll call vote on the Bill was rescinded and the Bill was laid on the table.

At the request of Senator Sharp, the privilege of the floor was extended to Richard Dillard (Senate Attorney) to comment on HS 1 for HB 100 w HA 2, SA 3. (See ADDENDUM for Mr. Dillard's remarks as Senator Sharp requested that they be kept on record)

At 6:24 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 21, 1988.

The Senate reconvened at 2:05 p.m., June 21, 1988, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 407 w HA 2, 3; HB 446 w HA 1, HA 2 w HA 1, HA 3; HB 511 w HA 1; SB 253 and adopted HCR 180; HJR 27 w HA 1, 2.

The following legislation was introduced:

HB 407 w HA 2, 3 - AN ACT TO AMEND CHAPTER 3, TITLE 18 OF THE DELAWARE CODE TO CREATE ARBITRATION PANELS TO HEAR AND DECIDE ISSUES OF INSURANCE COVERAGE. Sponsors: Representatives Dixon, VanSant, D. Ennis, Bennett. Assigned to Insurance and Elections Committee.

HB 446 w HA 1, HA 2 w HA 1, HA 3 - AN ACT TO AMEND DELAWARE CODE, TITLE 10, RELATING TO THE VACATION OF DEDICATED OPEN SPACE AND PARKLAND. Sponsors: Representative Amick. Assigned to Natural Resources and Environmental Control Committee.

HB 511 w HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION. Sponsors: Representatives Oberle, Davis, Campanelli; Senator Marshall. Assigned to Insurance and Elections Committee.

HJR 27 w HA 1, 2 - PROVIDING FOR THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO RECOMMEND LEGISLATION ESTABLISHING CERTIFICATION REQUIREMENTS AND REGULATIONS GOVERNING INSTITUTIONS WHICH PROVIDE LIFE CARE CONTRACTS AND SERVICES TO THE PUBLIC. Sponsors: Representatives Gilligan, Corrozi, VanSant, Soles, Ewing, Fallon, Roy, Petrilli; Senator Still. Assigned to Administrative Services/Energy Committee.

At 2:10 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 43rd Legislative Day.

43RD LEGISLATIVE DAY

June 21, 1988

The Senate Convened at 2:10 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.

LEGISLATIVE ADVISORIES #53 and 54 received from the Office of the Governor were read:

LEGISLATIVE ADVISORY #53: On June 15, 1988 the Governor signed SJR 13; HB 490 w HA 1 (Volume 66, Chapter 263, Laws of Delaware); HB 170 w HA 1 w HA 1, HA 2 (Volume 66, Chapter 264, Laws of Delaware); HB 235 (Volume 66, Chapter 265, Laws of Delaware); HB 236 (Volume 66, Chapter 266, Laws of Delaware); HB 465 w HA 1 (Volume 66, Chapter 267, Laws of Delaware); HB 459 w HA 1, 2 (Volume 66, Chapter 268, Laws of Delaware); HB 364 w HA 1 (Volume 66, Chapter 269, Laws of Delaware).

LEGISLATIVE ADVISORY #54: On June 16 the Governor signed SB 379 w SA 1, 2 (Volume 66, Chapter 270, Laws of Delaware); On June 17 the Governor signed SB 348 (Volume 66, Chapter 271, Laws of Delaware); HS 1 for HB 491 (Volume 66, Chapter 272, Laws of Delaware); HB 166 w HA 1 (Volume 66, Chapter 273, Laws of Delaware).

SB 473 was reported out of the Highways and Transportation Committee: 4 Merits.
Senator Sharp introduced to the Senate Mrs. Mary Jane DeMatteis and Conrad DeMatteis, mother and brother of the reading clerk.

HB 238 was taken up for consideration on motion of Senator Martin:

HB 238 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE BY PERMITTING LETTERS OF CREDIT OR OTHER SECURITY TO BE POSTED AS SURETY FOR THE PERFORMANCE OF CERTAIN TYPES OF CONTRACTS.

Senator Bair marked PRESENT.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Bair; however, the Bill was laid on the table on motion of Senator Bair before action was taken.

Senator Still marked PRESENT.

At 2:20 p.m. Senator Sharp presiding.

SB 433 was taken up for consideration on motion of Senator Cordrey:

SB 433 - AN ACT TO AMEND CHAPTER 19, TITLE 30, DELAWARE CODE RELATING TO PAYMENT OF CORPORATION INCOME TAX.

Senators Bane, Connor, Neal, Zimmerman marked PRESENT.

The roll call vote on SB 433 was then taken and revealed:

YES: Senators Adams, Cordrey, Holloway, Martin, Minner, Slatcher, Vaughn - 7.

NO: Senator Neal - 1.

NOT VOTING: Senators Bair, Bane, Berndt, Connor, Knox, McDowell, Sharp, Still, Torbert, Zimmerman - 10.

ABSENT: Senators Cook, Marshall, McBride - 3.

Therefore, the Bill was declared defeated.

SB 443 was taken up for consideration on motion of Senator Cordrey:

SB 443 - AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE CODE, RELATING TO THE EXEMPTION FROM THE REALTY TRANSFER TAX OF NON-PROFIT, PERPETUAL CARE CEMETERY CORPORATIONS.

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

HB 238 was lifted from the table for consideration on motion of Senator Martin.

Senators Marshall and McBride marked PRESENT.

The privilege of the floor was extended to Richard Dillard (Senate Attorney) and Frederick H. Schranck (Del DOT).

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 and 2 (Cook, Knox) ABSENT; therefore, the Amendment was declared adopted.

Senator Cook marked PRESENT.

The roll call vote on HB 238 w SA 1 was then taken and revealed:

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

NO: Senator Zimmerman - 1.

NOT VOTING: Senators Slatcher, Still (NOT VOTING due to conflict of interest) - 2.

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

HB 237 w SA 1 was lifted from the table for consideration.

Senator Still announced that he would be voting NOT VOTING due to a possible conflict of interest.

The roll call vote on HB 237 w SA 1 was then taken and revealed:

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

NO: Senators McDowell, Neal, Zimmerman - 3.

NOT VOTING: Senators Slatcher, Still - 2.

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

HB 618 was lifted from the table for consideration on motion of Senator Cook under suspension of the necessary rules:

HB 618 - 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 CERTAIN ADDITIONS, DELETIONS, AND ADJUSTMENTS.

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

SB 473 - AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION TO TRANSFER TO THE TOWN OF SMYRNA APPROXIMATELY 35.504 ACRES OF LAND, MORE OR LESS, FOR THE PURPOSE OF UTILIZING IT FOR CURRENT RECREATION PURPOSES AND FURTHER WAIVING THE PROVISIONS OF SECTION 137, CHAPTER 1, TITLE 17, DELAWARE CODE.

At 3:06 p.m., Lt. Governor Moo presiding.

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

SB 455 was stricken at the request of Senator Vaughn.

SB 449 was taken up for consideration on motion of Senator Adams:

SB 449 - AN ACT TO AMEND AN ACT, BEING CHAPTER 276, VOLUME 65, LAWS OF DELAWARE ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN" TO INCREASE THE HOURS FOR VOTING AT THE ANNUAL MUNICIPAL ELECTION, TO CHANGE THE DATE OF THE ANNUAL MUNICIPAL ELECTION, TO PROVIDE FOR ABSENTEE VOTING AT THE ANNUAL MUNICIPAL ELECTION, AND TO PROVIDE FOR THE TAKING OF THE OATH OF OFFICE AT THE FIRST REGULAR MEETING FOLLOWING 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 sent to the House for consideration.

On motion of Senator Vaughn and without objection, the roll call vote on SB 473 was rescinded and a new roll call vote taken which revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 361 was taken up for consideration on motion of Senator Adams:

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 SEMER AND WATER FACILITIES.

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

Senator Bair introduced Val Woods, Georgie Fetters and Frances Heal to the Senate.

SB 382 was taken up for consideration on motion of Senator Adams:

SB 382 - 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 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Holloway moved that the necessary rules be suspended for consideration of SB 471.

The Committee Report from the Judiciary Committee on SB 471 was announced: 4 Merits.

The necessary rules were suspended for consideration of the Bill without objection.

SB 471 - AN ACT TO AMEND TITLE 10 AND TITLE 11 OF THE DELAWARE CODE PROVIDING FOR THE VICTIM PROTECTION ACT OF 1988.

The privilege of the floor was extended to Susan Baldwin (Dept. of Justice, Wilmington), Dennis T. Reardon (Family Court), Sgt. Janet K. Smith (New Castle County Police), Sgt. Susan Brady (Delaware State Police).

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

Senator Holloway thanked Mark Metzler (University of Delaware intern) for his contributions toward the preparation and passage of the Bill.

HB 12 was taken up for consideration on motion of Senator Cook:

HB 12 - AN ACT TO AMEND CHAPTER 29, TITLE 6, DELAWARE CODE RELATING TO THE RETAIL SALES OF GASOLINE.

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 181 w HA 2 was taken up for consideration on motion of Senator Cordrey who then yielded to Senator Adams to floor-manage the Bill:

HB 181 w HA 2 - 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.

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

SB 465 - AN ACT TO AMEND CHAPTER 17 OF TITLE 24 OF THE DELAWARE CODE RELATING TO HEALTH MAINTENANCE ORGANIZATIONS.

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

SB 442 was taken up for consideration on motion of Senator Bair:

SB 442 - AN ACT TO AMEND DELAWARE CODE TITLE 29, CHAPTER 50, BY CREATING THE DELAWARE TECHNICAL INNOVATION PROGRAM.

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

HB 562 was taken up for consideration on motion of Senator Cordrey:

HB 562 - AN ACT TO AMEND SUBCHAPTERS II AND III OF CHAPTER 9 OF TITLE 5 OF THE DELAWARE CODE RELATING TO BANK REVOLVING AND CLOSED END CREDIT.

The privilege of the floor was extended to Richard P. Eckman.

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

SB 399 was taken up for consideration on motion of Senator Torbert:

SB 399 - AN ACT TO AMEND CHAPTER 264, VOLUME 52, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MAGNOLIA RELATING TO TAX ASSESSMENT.

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

The roll call vote on SB 399 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Knox, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 461 was taken up for consideration on motion of Senator Torbert:

SB 461 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, PART IV, CHAPTER 69, SECTION 6901, REGARDING THE SELECTION OF TOWERS BY COUNTY AND MUNICIPAL AS WELL AS STATE POLICE OFFICERS.

Senator Minner announced that she would be voting NOT VOTING due to a conflict of interest.

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

SB 434 was taken up for consideration on motion of Senator Holloway:

SB 434 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 27, TITLE 21, DELAWARE CODE RELATING TO REVOCATION OF LICENSE.

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 (Cordrey) ABSENT; therefore, the Amendment was declared adopted.

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

SB 208 was lifted from the table for consideration on motion of Senator Minner.

SA 1 to SA 2 which had been placed with the Bill was stricken at the request of Senator Minner.

SA 2 to SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Minner and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Thomas Shiels (Legislative Council).

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

The roll call vote on SB 208 w SA 2 w SA 2 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 480 was introduced and laid on the table on motion of Senator Cook:

SB 480 - 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: Senator Cook, Representative Corrozi; Senators Berndt, Holloway, McBride, Slatcher, Vaughn; Representatives Bennett, Davis, Quillen, Smith, Soles.

SENATE CONSENT CALENDAR #36 was introduced and considered for adoption on motion of Senator Minner:

The Calendar consisted of the following:

SCR 175 - MOURNING THE DEATH OF JOE S. ROBINSON, SMYRNA, DELAWARE, FORMER HIGHWAY DIVISION ENGINEER. Sponsors: Senators Vaughn, Adams; Representative B. Ennis.

SCR 176 - COMMENDING WALLACE WOOTEN OF FREDERICA FOR HIS 18 YEARS OF DEDICATED SERVICE AS A JUSTICE OF THE PEACE AND EXTENDING BEST WISHES FOR A LONG AND HAPPY RETIREMENT. Sponsors: Senator Torbert, Representative Caulk; Senators Vaughn, Cook, Zimmerman, Minner; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Buckworth.

SCR 180 HONORING THE PARTICIPANTS IN THE 1988 BOY'S STATE PROGRAM, SPONSORED BY THE DELAWARE AMERICAN LEGION. Sponsors: Representative Fallon, Senator McBride, all Representatives, all Senators.

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The roll call vote on SENATE CONSENT CALENDAR #36 was then taken and revealed 20 Senators voting YES and 1 (McBride) ABSENT; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolution was returned to the House.

The following Committee reports were announced:

From the Community Affairs Committee: SB 456 - 3 Merits; SB 460 - 4 Merits; SB 470 - 4 Merits.

From the Judiciary Committee: SB 464 - 4 Merits; SB 472 - 4 Merits; SB 475 - 4 Merits, 1 Unfavorable.

At 5:25 p.m. on motion of Senator Sharp, the Senate recessed until 3:00 p.m., June 22, 1988.

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

The Secretary announced that a message from the House informed the Senate that it had passed HB 543 w HA 1; HB 506; HB 525 w HA 1; HB 526; HB 600; HB 619; HB 507; HB 565; HB 587; HB 504; SS 1 for SB 334 w HA 3; SB 417 w SA 1; SB 418 w SA 1; SB 419 w SA 1; SB 145; SB 193 w SA 1; SB 357; SB 387 w SA 1; SB 454; SB 408; SB 428.

The following Committee reports were announced:

From the Banking Committee: SB 476 - 3 Merits.

The following legislation was introduced:

SB 477 - AN ACT TO AMEND CHAPTER 1, TITLE 19 OF THE DELAWARE CODE RELATING TO LABOR AND THE DEPARTMENT OF LABOR. Sponsor: Senator Marshall. Assigned to Labor and Industrial Relations Committee.

SB 478 - AN ACT TO AMEND TITLE 29, CHAPTER 95, §9505 (2) OF THE DELAWARE CODE RELATING TO REAL PROPERTY ACQUISITION. Sponsors: Senator Zimmerman; Representative Outten; Senators Vaughn, Torbert; Representatives Bennett, VanSant, Ennis. Assigned to Administrative Services/Energy Committee.

SB 479 - AN ACT TO AMEND CHAPTER 63, TITLE 7, DELAWARE CODE RELATING TO HAZARDOUS WASTE. Sponsors: Senator McBride, Representative Houghton; Senator Zimmerman, Representative Mack. Assigned to Natural Resources and Environmental Control Committee.

SB 481 - AN ACT TO AMEND CHAPTER 86, TITLE 11 OF THE DELAWARE CODE, RELATING TO THE DELAWARE JUSTICE INFORMATION SYSTEM. Sponsors: Senator Vaughn; Representatives Hebner, B. Ennis. Assigned to Judiciary Committee.

SB 482 - AN ACT TO AMEND CHAPTERS 50 AND 51, TITLE 16 AND SECTION 937, TITLE 10, RELATING TO THE DESIGNATION OF INPATIENT PSYCHIATRIC FACILITIES FOR MINORS. Sponsors: Senators McDowell, Holloway, Vaughn, Bane, Bair; Representatives DiPinto, Fallon, Sills. Assigned to Children, Youth and Families Committee.

SA 8 to HS 1 for HB 100. Sponsors: Senators Knox, Bair, Adams. Placed with the Bill.

SA 1 to SB 458. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to HB 602. Sponsor: Senator Minner. Placed with the Bill.

SCR 179 - EXTENDING APPRECIATION AND COMMENDATIONS TO CHILD, INC., A PRIVATE NON-PROFIT AGENCY, FOR THE SERVICES IT HAS PROVIDED TO THE CITIZENS OF DELAWARE OVER THE PAST 25 YEARS. Sponsors: Representatives Amick, Corrozi, Petrilli, Senator McDowell. Laid on the table.

SS 1 for SB 334 w HA 3. Laid on the table on motion of Senator Neal.

HB 504 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO THE 'CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" AS AMENDED BY CHAPTER 283, VOLUME 46; CHAPTER 219, VOLUME 47; CHAPTER 314, VOLUME 47; CHAPTER 93, VOLUME 51; CHAPTER 98, VOLUME 59; CHAPTER 456, VOLUME 60, CHAPTER 147, VOLUME 61; CHAPTER 100, VOLUME 62; CHAPTER 5, VOLUME 64; AND CHAPTER 479, VOLUME 65, LAWS OF DELAWARE, RELATING TO ELECTIONS, DUTIES OF THE MAYOR AND VICE-MAYOR, CREATING THE OFFICE OF COUNCIL PRESIDENT, AND CHANGING VOTER REGISTRATION REQUIREMENTS. Sponsors: Representatives Outten, Bennett; Senators Zimmerman, Torbert. Assigned to Community Affairs Committee.

HB 506 - AN ACT TO AMEND CHAPTER 27, TITLE 21 DELAWARE CODE, RELATING TO THE DUPLICATION, REPRODUCTION, ALTERING, OR COUNTERFEITING OF DRIVER'S LICENSES OR IDENTIFICATION CARDS. Sponsors: Representative Ewing, Senator Torbert; Representatives Spence, Petrilli, Buckworth, Maroney, Caulk, Boykin, Quillen, Mack, Davis, Corrozi, Lee, Carey, Roy, Hebner, DiPinto, Amick, Smith Gilligan, Bunting, Wingate, Clark, West, Houghton, Jester, VanSant, Bennett, Soles, Outten; Senators Bair, Still, Slatcher, Knox, Neal, Bane, Minner. Assigned to Public Safety Committee.

The following Committee reports were announced:

From the Public Safety Committee: SB 409 - 5 Merits; HB 443 - 1 Favorable, 3 Merits.

From the Corrections Committee: HB 502 - 4 Merits.

From the Insurance and Elections Committee: SB 288 - 4 Merits; SB 463 - 4 Merits; HB 551 w HA 1 - 4 Merits; HB 511 w HA 1 - 3 Merits.

From the Judiciary Committee: SB 276 - 5 Merits; SB 277 - 5 Merits; SB 445 - 5 Merits; SB 447 - 5 Merits; SB 448 - 5 Merits; SB 474 - 5 Merits; HB 201 - 5 Merits; HB 341 - 5 Merits; HB 552 w HA 1 - 5 Merits; HB 365 - 5 Merits; HB 556 - 5 Merits; HB 586 - 5 Merits; HS 1 for HB 222 - 5 Merits.

From the Revenue and Taxation Committee: SB 459 - 4 Merits.

From the Health-Social Services/Aging Committee: SB 469 - 4 Merits; HB 539 - 5 Merits; HB 542 w HA 1 - 4 Merits; HB 453 w HA 1 w HA 1 - 5 Merits.

From the Labor and Industrial Relations Committee: SB 467 - 4 Merits.

From the Executive Committee: Yolanda Jones - 4 Merits; John Burris - 2 Favorable, 2 Merits; Donald J. Lynch - 2 Favorable, 2 Merits; Sherman Townsend - 1 Favorable, 3 Merits; Verdi B. West - 1 Favorable, 3 Merits; Robert B. Hopkins - 1 Favorable, 3 Merits; Arthur A. Sloane - 4 Merits; Stephen L. Manista - 1 Favorable, 3 Merits; Robert S. Powell - 2 Favorable, 2 Merits.

The following legislation was introduced:

HB 507 - AN ACT TO AMEND CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" AS AMENDED BY CHAPTER 122, VOLUME 38; CHAPTER 185, VOLUME 43; CHAPTER 20, VOLUME 47; CHAPTER 85, VOLUME 58; AND CHAPTER 40, VOLUME 66. LAWS OF DELAWARE, RELATING TO PERMITTING THE USE OF THE MONITION METHOD IN THE COLLECTION OF TAXES, ASSESSMENTS, AND AMOUNTS DUE UNDER A CONTRACT AND ANY OTHER CHARGES DUE THE TOWN. Sponsors: Representative Bunting, Senator Cordrey. Assigned to Community Affairs Committee.

At 3:15 p.m., Lt. Governor Woo presiding.

HB 525 w HA 1 - AN ACT TO AMEND CHAPTER 95, TITLE 10, DELAWARE CODE RELATING TO SERVICE OF PROCESS AND DEFAULT JUDGMENTS IN JUSTICE OF THE PEACE COURT CIVIL ACTIONS. Sponsors: Representatives Hebner, Davis, Ewing, Houghton, Plant. Assigned to Judiciary Committee.

HB 526 - AN ACT TO AMEND CHAPTER 95, TITLE 10, DELAWARE CODE, RELATING TO THE JUSTICE OF THE PEACE COURT ATTACHMENT STATUTE. Sponsors: Representatives Hebner, Davis, Ewing, Houghton, Plant. Assigned to Judiciary Committee.

HB 543 w HA 1 - AN ACT TO AMEND CHAPTER 39, TITLE 31 OF THE DELAWARE CODE RELATING TO ADULT PROTECTIVE SERVICES. Sponsors: Representative Maroney, Senator Holloway. Assigned to Corrections Committee.

HB 565 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFORE" AS AMENDED BY CHAPTER 275, VOLUME 46; CHAPTER 471, VOLUME 50; AND CHAPTER 5, VOLUME 64, LAWS OF DELAWARE, RELATING TO THE POWER OF THE CITY OF DOVER TO IMPOSE AND COLLECT A REALTY TRANSFER TAX. Sponsor: Representative Outten. Assigned to Community Affairs Committee.

HB 587 - AN ACT TO AMEND VOLUME 64, CHAPTER 215, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE CITY OF HARRINGTON. Sponsors: Representative Quillen, Senator Minner. Assigned to Community Affairs Committee.

HB 619 - AN ACT TO MEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE TO ESTABLISH THE B. BRADFORD BARNES MEMORIAL SCHOLARSHIP FUND AND ADMINISTRATION THEREFOR. Sponsors: Representative Petrilli, Senator Adams; Representatives Spence, Buckworth, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Quillen, Roy, Smith, Taylor, George, Gilligan, Bennett, Brady, Bunting, Campanelli, Clark, Dixon, B. Ennis, Houghton, Jester, Jonkier, Outten, Plant, Sills, Soles, VanSant, West, Wingate; Senators Minner, Vaughn, Martin, McBride, Holloway, Bair, Connor, Bane, Berndt, Knox, Neal, Slatcher, Still. Assigned to Education Committee.

HB 600 - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS. Sponsors: Representative Hebner, Senator Sharp. Assigned to Finance Committee.

The following Committee reports were announced:

From the Community Affairs Committee: HB 484 - 4 Merits; HB 602 - 4 Merits.

At 3:20 p.m. on motion of Senator Cordrey, the Senate adjourned to immediately convene for the 44th Legislative Day.

44TH LEGISLATIVE DAY

June 22, 1988

The Senate convened at 3:20 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.

On motion of Senator Adams, the Governor's nomination for appointment of John E. Burris 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.

Senators Berndt, McDowell, Bair, Bane marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Yolanda D. Jones 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 Donald J. Lynch 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 Sherman Townsend 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 Verdie B. West 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 Robert B. Hopkins 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 Arthur A. Sloane was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

Senator Holloway marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Stephen L. Manista 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 Robert S. Powell was taken up for consideration and the roll call vote taken which revealed:

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

NO: Senator Zimmerman - 1.

NOT VOTING: Senators McDowell, Torbert - 2.

Therefore, the appointment was declared confirmed.

A messenger from the Governor was announced and admitted.

SS 1 for SB 334 which had previously passed the Senate, was lifted from the table for reconsideration as further amended by HA 3. The roll call vote on SS 1 for SB 334 w HA 3 was therefore taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed and sent to the Governor for consideration.

SR 107 was introduced and considered for adoption on motion of Senator McBride:

SR 107 - REQUESTING THE DELAWARE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY RELATIVE TO SCHOOL BOARD ELECTION LAWS.
Sponsor: Senator McBride.

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

SB 470 was taken up for consideration on motion of Senator Cordrey:

SB 470 - AN ACT TO AMEND CHAPTER 64, VOLUME 63, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE"; AND PROVIDING FOR THE LEVY OF A REAL ESTATE TRANSFER TAX NOT TO EXCEED ONE PERCENT OF THE PURCHASE PRICE.

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

The privilege of the floor was extended to Robert P. Barnett, Chairman, and Thomas B. Molin, member of the Delaware Heritage Committee who presented "Riders from New Hampshire" delivering a message of ratification of the Constitution of the United States by the State of New Hampshire.

At 4:00 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:55 p.m., Lt. Governor Woo presiding.

SB 401 was taken up for consideration on motion of Senator Adams:

SB 401 - AN ACT TO AMEND CHAPTERS 65, 67 AND 70, TITLE 9, DELAWARE CODE RELATING TO BONDS AND NOTES ISSUED BY SUSSEX COUNTY GOVERNMENT AND DEBT CREATION POWERS OF SUSSEX COUNTY.

SA 1 to the Bill (sponsor: Senator Adams) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Bair, Bane) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 401 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 456 was taken up for consideration on motion of Senator Adams:

SB 456 - AN ACT TO AMEND TITLE 28 BY ADDING THERETO A NEW CHAPTER 10 RELATING TO THE EXEMPTION OF OWNERS OF SHOOTING RANGES FROM ANY CIVIL OR CRIMINAL ACTIONS RELATING TO NOISE POLLUTION.

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

The roll call vote on SB 456 w SA 1 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Adams.

SB 218 was stricken at the request of the sponsor, Senator Martin.

SB 460 was taken up for consideration on motion of Senator Slatcher:

SB 460 - AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" RELATING TO MISCELLANEOUS MATTERS.

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 Adams (no objection), the roll call vote on SB 456 w SA 1 was lifted from the table and announced:

YES: Senators Adams, Bair, Cook, Cordrey, Holloway, Knox, Minner, Slatcher, Still, Torbert, Vaughn, Zimmerman - 12.

NO: Senators Connor, McDowell, Neal, Sharp - 4.

NOT VOTING: Senators Bane, Berndt, Marshall, Martin, McBride - 5.

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

SB 481 was taken up for consideration on motion of Senator Vaughn under suspension of the necessary rules (no objection):

SB 481 - AN ACT TO AMEND CHAPTER 86, TITLE 11 OF THE DELAWARE CODE, RELATING TO THE DELAWARE JUSTICE INFORMATION SYSTEM.

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 474 was stricken at the request of the sponsor, Senator Vaughn.

HB 124 was taken up for consideration on motion of Senator Sharp:

HB 124 - AN ACT TO AMEND TITLE 13, CHAPTER 15, OF THE DELAWARE CODE RELATING TO ALIMONY.

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

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

SA 2 to 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 (Adams) voting NO; therefore, the Amendment was declared adopted.

SA 1 w SA 2 was then taken up for consideration and the roll call vote taken which revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McDowell, Neal, Sharp, Slatcher, Vaughn, Zimmerman - 17.

NO: Senators McBride, Minner, Still, Torbert - 4.

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 Sharp.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp.

The privilege of the floor was extended to Barbara D. Crowell (Attorney) and Joel R. Tenenbaum (Family Law Section of the Delaware State Bar Association).

At 6:00 p.m. Senator Cordrey presiding.

HB 124 w SA 1 w SA 2 (SA 3) was then laid on the table on motion of Senator Sharp.

On motion of Senator Adams (without objection), the roll call vote on SB 456 w SA 1 was rescinded and a new roll call vote taken which revealed:

YES: Senators Adams, Bair, Cook, Cordrey, Holloway, Knox, Martin, McBride, Minner, Slatcher, Still, Torbert, Vaughn, Zimmerman - 14.

NO: Senators Marshall, McDowell, Neal, Sharp - 4.

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

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

SB 458 was returned to the Public Safety at the request of Senator Torbert.

At 6:19 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 23, 1988.

The Senate reconvened at 2:16 p.m., June 23, 1988 Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 572; HB 605 w HA 1; HB 538 w HA 1; HB 626; HB 637; HB 604; HB 500; HB 493; HB 480 w HA 1; HB 481 w HA 1, 2; HB 599 w HA 1, 2 and adopted HCR 181; HCR 182; SCR 175; SCR 176.

SB 477 was reported out of the Labor and Industrial Relations Committee: 1 Favorable, 3 Merits.

Senator Sharp moved that the Senate begin the customary practice of a President pro Tempore pre-file list of legislation before each Legislative Day. There was no objection.

The following legislation was introduced:

SB 483 - AN ACT TO AMEND PART III, CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO THE PROHIBITION OF CONSUMING ALCOHOL WHILE OPERATING A MOTOR VEHICLE. Sponsors: Senator Torbert and Representative Ewing; Senators Bair, Bane, Minner, Neal, Slatcher, Knox, Berndt, Still; Representatives Spence, Petrilli, Roy, Buckworth, Maroney, Caulk, Boykin, Davis, Mack, Lee, Corrozi, Carey, Smith, DiPinto, Amick, Gilligan, Hebner. Assigned to Public Safety Committee.

SB 484 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE CONCERNING INSURANCE COVERAGE FOR CERTAIN MAINTENANCE CONTRACTS. Sponsors: Senator Martin, Representative Roy. Assigned to Insurance and Elections Committee.

SB 485 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO CERTAIN FALSE STATEMENTS. Sponsors: Senator Slatcher. Assigned to Judiciary Committee.

SB 486 - AN ACT TO AMEND TITLE 10, CHAPTER 9, SUBCHAPTER III, §932 AND §940 OF THE DELAWARE CODE RELATING TO PROCEDURES IN THE FAMILY COURT OF THE STATE OF DELAWARE AND APPEARANCES THEREIN BY THE DEPARTMENT OF JUSTICE. Sponsor: Senator Sharp. Assigned to Judiciary Committee.

SA 1 to SB 413. Sponsor: Senator Marshall. Placed with the Bill.

SA 2 to SB 434. Sponsor: Senator Holloway. Placed with the Bill.

SA 2 to SB 458. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to HB 325. Sponsor: Senator Cook. Placed with the Bill.

HB 480 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 16, DELAWARE CODE RELATING TO CONTAGIOUS DISEASES GENERALLY AND AIDS. Sponsors: Representatives Davis, Taylor, Mack, Boykin, Ewing, Fallon, Lee, Spence, Smith, Caulk, B. Ennis. Assigned to Health-Social Services/Aging Committee.

HB 481 w HA 1, 2 - AN ACT TO AMEND CHAPTER 7, TITLE 16, DELAWARE CODE RELATING TO VENEREAL DISEASES. Sponsors: Representatives Davis, Taylor, Mack, Ewing, Lee, Spence, Caulk, Corrozi, Smith, Fallon, DiPinto, Boykin, B. Ennis, Carey, Amick. Assigned to Health-Social Services/Aging Committee.

HB 493 - AN ACT TO AMEND CHAPTER 43, TITLE 11 OF THE DELAWARE CODE RELATING TO THE COST OF BADGES FOR PRESENCE OFFICERS. Sponsor: Representative Hebner. Assigned to Judiciary Committee.

HB 500 - AN ACT TO AMEND CHAPTER 33, TITLE 16, DELAWARE CODE RELATING TO THE REGULATION OF THE QUALITY OF ICE. Sponsor: Representative Maroney. Assigned to Health-Social Services/Aging Committee.

HB 538 w HA 1 - AN ACT TO AMEND CHAPTER 20, TITLE 13, DELAWARE CODE RELATING TO THE COMPOSITION OF THE FAMILY LAW COMMISSION. Sponsors: Representatives Jester, Maroney, DiPinto, Fallon, Sills; Senators Vaughn, Holloway. Assigned to Judiciary Committee.

HB 572 - AN ACT TO AMEND CHAPTER 70, TITLE 9, DELAWARE CODE RELATING TO SUSSEX COUNTY GOVERNMENT AND COUNTY ADMINISTRATORS. Sponsors: Representatives Lee, Senator Adams. Assigned to Community Affairs Committee.

HB 599 w HA 1, 2 - AN ACT TO AMEND TITLE 16, OF THE DELAWARE CODE RELATING TO SEXUALLY TRANSMITTED DISEASES. Sponsors: Representative Maroney, Senator Holloway; Representatives DiPinto, Davis, Taylor, Smith, D. Ennis, Fallon, Buckworth, Jester. Assigned to Health-Social Services/Aging Committee.

HB 604 - AN ACT TO AMEND CHAPTER 46 OF TITLE 25 OF THE DELAWARE CODE RELATING TO LIENS FOR RECOVERY OF COSTS INCURRED BY MUNICIPALITIES OR POLITICAL SUBDIVISIONS FOR MAKING IMPROVEMENTS TO THE EXTERIORS OF VACANT BUILDINGS WITHIN THEIR RESPECTIVE JURISDICTIONS AND TO AMEND CHAPTER 29, TITLE 25, DELAWARE CODE TO ESTABLISH THE PRIORITY OF SUCH LIENS AND OF SIMILAR LIENS. Sponsors: Representatives DiPinto, Buckworth, Boykin, Corrozi, Fallon, Davis, Maroney, Mack, George, Jonkier. Assigned to Community Affairs Committee.

HB 605 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 18 OF THE DELAWARE CODE RELATING TO ANNUAL STATEMENTS. Sponsors: Representatives D. Ennis; DiPinto, Lee, VanSant, Dixon. Assigned to Insurance and Elections Committee.

HB 626 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE, RELATING TO LICENSING REQUIREMENTS FOR SCHOOL BUS DRIVERS. Sponsor: Representative Houghton. Assigned to Public Safety Committee.

HB 637 - AN ACT TO AMEND TITLE 16, DELAWARE CODE TO ESTABLISH A REGISTRY OF ALL SPERM BANKS AND TISSUE BANKS; TESTING OF DONORS; PENALTIES. Sponsors: Representatives Davis, Taylor, Mack, Boykin, Caulk, Buckworth, Corrozi, Smith, Lee, DiPinto, Fallon, Spence, Ewing, Carey, B. Ennis. Assigned to Health-Social Services/Aging Committee.

SB 483 was removed from the Public Safety Committee and laid on the table on motion of Senator Torbert (no objection).

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

STATE OF DELAWARE
Office of the Governor
June 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 M. Matorano, 32 South Cliffe Drive, Wilmington, DE 19809, to be reappointed as a member of the Board of Trustees of Delaware Technical and Community College to serve a three year term expiring June 22, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 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: Joseph S. Yucht, 104 Canterbury Drive, Wilmington, DE 19803, to be reappointed as a member of the Tax Appeals Board to serve a three year term expiring June 3, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 22, 1988

HB 481 was removed from the Health-Social Services/Aging Committee and returned to the House since an error was found in the Title.

HB 435 w HA 1, 2 was reported out of the Highways and Transportation Committee: 5 Merits.

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

45TH LEGISLATIVE DAY
June 23, 1988

The Senate convened at 2:29 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 #55 received from the Office of Counsel to the Governor was read:

LEGISLATIVE ADVISORY #55: On June 21, 1988 the Governor signed HB 169 w SA 1 (Volume 66, Chapter 274, Laws of Delaware); HB 537 w HA 2 (Volume 66, Chapter 275, Laws of Delaware); SB 31 w SA 1, 2, HA 1 (Volume 66, Chapter 276, Laws of Delaware); SB 299 w HA 1 (Volume 66, Chapter 277, Laws of Delaware); SB 309 w SA 1 (Volume 66, Chapter 278, Laws of Delaware); SS 1 for SB 355 w SA 3 (Volume 66, Chapter 279, Laws of Delaware).

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Senator McBride marked PRESENT.

HB 560 was taken up for consideration on motion of Senator McBride under suspension of the necessary rules (no objection):

HB 560 - AN ACT TO AMEND CHAPTER 51, PART II, TITLE 14 OF THE DELAWARE CODE RELATING TO THE UNIVERSITY OF DELAWARE; AND PROVIDING FOR THE CREATION OF A UNIVERSITY OF DELAWARE POLICE DEPARTMENT.

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

HB 556 was taken up for consideration on motion of Senator Sharp:

HB 556 - AN ACT TO AMEND CHAPTER 19, TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATEWIDE AUTHORITY OF POLICE OFFICERS.

The privilege of the floor was extended to Douglas F. Tuttle (University of Delaware Department of Public 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 561 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 561 - AN ACT TO AMEND CHAPTER 19, TITLE 11 OF THE DELAWARE CODE RELATING TO FRESH PURSUIT BY PEACE OFFICERS.

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 532 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules:

HB 532 - AN ACT TO AMEND CHAPTER 19, TITLE 11 OF THE DELAWARE CODE RELATING TO POLICE MUTUAL AID AGREEMENTS.

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 365 was laid on the table on motion of Senator Holloway.

SB 452 was taken up for consideration on motion of Senator Sharp:

SB 452 - AN ACT TO AMEND CHAPTER 1, TITLE 8, OF THE DELAWARE CODE TO AMEND THE GENERAL CORPORATION LAW AND CHAPTER 23, TITLE 29 OF THE DELAWARE CODE, TO ESTABLISH A SECRETARY OF STATE SPECIAL OPERATIONS FUND AND FEES FOR REMOTE ACCESS TO ELECTRONIC FILES.

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

HB 325 was taken up for consideration on motion of Senator Sharp:

HB 325 - AN ACT TO AMEND CHAPTER 66, TITLE 18 OF THE DELAWARE CODE RELATING TO LINE-OF-DUTY BENEFITS.

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

The roll call vote on HB 325 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 of the Senate Amendment.

SB 476 was taken up for consideration on motion of Senator Still:

SB 476 - AN ACT TO AMEND CHAPTER 74, TITLE 29, OF THE DELAWARE CODE RELATING TO BONDS OF THE STATE.

The privilege of the floor was extended to Stephen P. Golding (Secretary of Finance).

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

SB 452 was lifted from the table for consideration on motion of Senator Sharp.

During discussion of the Bill and the Amendments offered to it, the privilege of the floor was extended to Richard Templeton (Assistant Secretary of State) and Richard Dillard (Senate Attorney).

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

SB 452 w SA 1 was then laid on the table on further motion of Senator Sharp.

SB 445 was taken up for consideration on motion of Senator Vaughn:

SB 445 - AN ACT TO AMEND CHAPTER 21, TITLE 12, AND CHAPTER 81, TITLE 10, OF THE DELAWARE CODE RELATING TO CLAIMS AGAINST ESTATES.

The privilege of the floor was extended to Beverly J. Wik (Delaware State Bar Association).

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

SB 447 - AN ACT TO AMEND CHAPTER 2, TITLE 12 OF THE DELAWARE CODE RELATING TO THE DEVOLUTION OF PROPERTY AND THE ADMINISTRATION OF DECEDENTS' ESTATES.

The privilege of the floor was extended to Beverly J. Wik (Delaware State Bar Association).

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

At 4:05 p.m. on motion of Senator McDowell, the Senate recessed for a short period and reconvened at 5:05 p.m., Senator Cordrey presiding.

SB 448 was taken up for consideration on motion of Senator Vaughn:

SB 448 - AN ACT TO AMEND CHAPTER 13 OF TITLE 12, DELAWARE CODE TO CLARIFY THE TIME PERIOD IN WHICH BOND MUST BE POSTED IN CONNECTION WITH A CAVEAT AGAINST ALLOWANCE OF AN INSTRUMENT AS A WILL.

The privilege of the floor was extended to Beverly J. Wik (Delaware State Bar Association).

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

SB 452 w SA 1 was lifted from the table for consideration on motion of Senator Sharp.

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bair and the roll call vote taken which revealed 20 Senators voting YES and 1 (Cook) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 452 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.

HB 619 was taken up for consideration on motion of Senator McBride under suspension of the necessary rules (no objection):

HB 619 - AN ACT TO AMEND CHAPTER 34, TITLE 14 OF THE DELAWARE CODE TO ESTABLISH THE B. BRADFORD BARNES MEMORIAL SCHOLARSHIP FUND AND ADMINISTRATION THEREFOR.

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 483 was lifted from the table for consideration on motion of Senator Torbert under suspension of the necessary rules and the roll call vote taken which revealed:

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

NO: Senators Adams, Holloway, Minner, Slatcher, Vaughn - 5.

NOT VOTING: Senator Zimmerman - 1.

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

At 5:26 p.m., Senator Sharp presiding.

SB 459 was taken up for consideration on motion of Senator Cordrey:

SB 459 - AN ACT TO AMEND TITLE 30, DELAWARE CODE RELATING TO GROSS RECEIPTS TAXES.

Before final action was taken on the Bill, it was laid on the table on further motion of Senator Cordrey.

SB 463 was taken up for consideration on motion of Senator Marshall:

SB 463 - AN ACT TO PROVIDE THAT A REFERENDUM BE HELD IN THE NOVEMBER 1988 GENERAL ELECTION ON THE QUESTION WHETHER THE UNITED STATES SHOULD ENTER INTO AN AGREEMENT WITH THE SOVIET UNION FOR AN IMMEDIATE AND VERIFIABLE END TO NUCLEAR WEAPONS TESTING.

The privilege of the floor was extended to Leo Robb (Pacem in Terris) and Rev. Paul C. Bennett (Concerned Citizens of Delaware).

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

YES: Senators Cook, Holloway, Marshall, McDowell, Minner, Torbert - 6.

NO: Senators Adams, Bair, Berndt, Connor, Cordrey, McBride, Neal, Sharp, Slatcher - 9.

NOT VOTING: Senators Bane, Knox, Martin, Still, Vaughn, Zimmerman - 6.

Therefore, the Bill was declared defeated.

SB 316 w SA 1, 2, 3 was lifted from the table for consideration on motion of Senator Marshall.

SA 4 to the Bill which had been placed with the Bill was stricken at the request of Senator Marshall.

SA 5 to the Bill which had been placed with the Bill was considered for adoption and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 316 w SA 1, 2, 3, 5 was then taken and revealed:

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

NO: Senators Adams, Bair, Cordrey, Neal, Slatcher, Still, Vaughn - 7.

NOT VOTING: Senators Bane, Berndt, Connor, Knox, Zimmerman - 5.

Therefore, the Bill was declared defeated.

The following Committee reports were announced:

From the Education Committee: SB 356 - 3 Merits.

From the Administrative Services/Energy Committee: SB 412 - 4 Merits; SB 478 - 4 Merits.

From the Highways and Transportation Committee: HB 376 - 5 Merits; HB 473 w HA 1 - 5 Merits.

From the Community Affairs Committee; HB 504 - 4 Merits; HB 507 - 4 Merits; HB 565 - 1 Favorable, 3 Merits; HB 572 - 4 Merits; HB 587 - 1 Favorable, 3 Merits.

From the Administrative Services/Energy Committee: HB 548 - 4 Merits; HB 553 - 4 Merits; HJR 27 w HA 1, 2 - 4 Merits.

From the Highways and Transportation Committee: HJR 26 w HA 1 - 4 Merits.

SR 108 was introduced and considered for adoption on motion of Senator Martin:

SR 108 - ENCOURAGING THE DELAWARE STATE POLICE TO INCREASE VISIBILITY AND SURVEILLANCE ON DELAWARE'S HIGHWAYS IN ORDER TO HELP CURB THE EPIDEMIC OF HIGHWAY FATALITIES AND INJURIES. Sponsor: Senator Martin.

At 5:56 p.m., Lt. Governor Woo presiding.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES, 1 (Neal) voting NO and 1 (Holloway) ABSENT; therefore, the Resolution was declared adopted.

SCR 178 was introduced and considered for adoption on motion of Senator Martin:

SCR 178 - RECOGNIZING THE ONE HUNDRETH ANNIVERSARY OF THE AETNA HOSE HOOK AND LADDER COMPANY OF NEWARK AND EXTENDING CONGRATULATIONS TO ITS MEMBERS. Sponsors: Senator Martin, Representative Soles; Senators Sharp, Neal, McBride, Vaughn, Bane, Still; Representatives Oberle, Amick, Davis, Taylor, Jester, Petrilli.

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

SCR 179 - COMMENDING THE PARTICIPANTS OF THE 1988 SESSION OF GIRLS STATE AND THE SPONSORS, THE LADIES AUXILIARY OF THE AMERICAN LEGION, DEPARTMENT OF DELAWARE. Sponsors: Senators Minner, Bane; Representatives Jester, Fallon.

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

HCR 181 was introduced and considered for adoption on motion of Senator McDowell:

HCR 181 - EXTENDING APPRECIATION AND COMMENDATION TO CHILD, INC., A PRIVATE NON-PROFIT AGENCY, FOR THE SERVICES IT HAS PROVIDED TO THE CITIZENS OF DELAWARE OVER THE PAST 25 YEARS. Sponsors: Representative Amick, Senator McDowell; Representatives Corrozi, Petrilli.

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

Lt. Governor Woo recognized and welcomed to the Chamber visitors from the State of Michigan.

At 6:06 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., Monday, June 25, 1988

The Senate reconvened at 3:02 p.m., June 27, 1988, Senator Cordrey presiding.

The following Committee reports were announced:

From the Public Safety Committee: HB 58 w HA 1, 2 - 4 Merits; HB 460 - 4 Merits; HB 461 - 4 Merits.

From the Agriculture Committee: HB 536 - 4 Merits.

At 3:03 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 46th Legislative Day.

46TH LEGISLATIVE DAY
June 27, 1988

The Senate convened at 3:03 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 passed HB 485 w HA 1; HB 623; HB 581 w HA 1; HB 416; HB 437 w HA 1; HB 628; SB 471.

A copy of the President pro Tempore's pre-filed legislation was given to each Senator.

PRESIDENT pro TEMPORE'S PRE-FILED LEGISLATION

June 27, 1988

SB 487 - AN ACT TO AMEND CHAPTER 41, TITLE 7, DELAWARE CODE, RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL WITH RESPECT TO TAX DITCHES. Sponsor: Senator Vaughn. Assigned to Natural Resources and Environmental Control Committee.

SA 1 to SB 482. Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to SB 390. Sponsor: Senator Minner. Placed with the Bill.

HB 416 - AN ACT AWARDDING SPECIAL PENSION BENEFITS TO EDWINA B. JONES, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsors: Representative Ewing, Senator Adams. Assigned to Finance Committee.

HB 437 w HA 1 - AN ACT TO AMEND TITLE 9, CHAPTER 81, SECTION 8103 OF THE DELAWARE CODE, AS AMENDED, BY STRIKING CORPORATIONS CREATED FOR CHARITABLE PURPOSES FROM EXEMPTION FROM MUNICIPAL REAL PROPERTY TAXATION. Sponsor: Representative Outten. Assigned to Community Affairs Committee.

HB 481 w HA 1, 2 - AN ACT TO AMEND CHAPTER 7, TITLE 16, DELAWARE CODE RELATING TO VENEREAL DISEASES. Sponsors: Representatives Davis, Taylor, Mack, Ewing, Lee, Spence, Caulk, Corrozi, Smith, Fallon, DiPinto, Boykin, B. Ennis, Carey, Amick. Assigned to Health-Social Services/Aging Committee.

HB 485 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 11 OF THE DELAWARE CODE RELATING TO PAYMENT OF COSTS UPON ACQUITTAL. Sponsor: Representative Ewing. Assigned to Judiciary Committee.

HB 581 w HA 1 - AN ACT TO AMEND TITLE 6, CHAPTER 27 OF THE DELAWARE CODE RELATING TO EXCULPATORY CLAUSES IN CERTAIN CONTRACTS. Sponsors: Representatives Hebner, Spence, Corrozi, Quillen, George, VanSant, Outten, Bennett; Senators Minner, Still. Assigned to Judiciary Committee.

HB 623 - AN ACT TO AMEND CHAPTER 25, TITLE 18 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION INSURANCE. Sponsors: Representatives Oberle, Davis, Campanelli; Senator Marshall. Assigned to Insurance and Elections Committee.

HB 628 - AN ACT TO AMEND CHAPTER 87, TITLE 29 DELAWARE CODE RELATING TO THE COUNCIL ON ARCHIVES AND CULTURAL AFFAIRS. Sponsors: Representative Quillen, Senator Minner. Assigned to Community Affairs Committee.

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At 3:04 p.m., Senator Sharp presiding.

SB 469 was taken up for consideration on motion of Senator Cordrey:

SB 469 - AN ACT TO AMEND TITLE 18 CHAPTER 68 SUBCHAPTER VI OF THE DELAWARE CODE RELATING TO THE QUALIFICATIONS OF EXPERT WITNESSES IN MEDICAL MALPRACTICE LITIGATION AND REQUIRING THE FILING OF AN EXPERT'S AFFIDAVIT WITH A COMPLAINT ALLEGING MEDICAL MALPRACTICE.

The privilege of the floor was extended to Stephen Permut, M.D. (Medical Society of Delaware).

Senators Holloway, Marshall, Neal, Still, Berndt marked PRESENT.

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, Vaughn, Zimmerman - 18.

NO: Senators McDowell, Sharp - 2.

NOT VOTING: Senator Torbert - 1.

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

SB 459 was taken up for consideration on motion of Senator Cordrey:

SB 459 - AN ACT TO AMEND TITLE 30, DELAWARE CODE RELATING TO GROSS RECEIPTS TAXES.

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

The roll call vote on SB 459 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.

A messenger from the Governor was announced and admitted.

SB 397 was taken up for consideration on motion of Senator Marshall:

SB 397 - 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 407 was taken up for consideration on motion of Senator Marshall:

SB 407 - AN ACT TO AMEND CHAPTER 23, TITLE 12, OF THE DELAWARE CODE RELATING TO THE FILING OF DEATH CERTIFICATES.

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

SB 462 - AN ACT TO AMEND TITLE 21 AND TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES WHICH ARE EXEMPT FROM CERTAIN FEES; AND PROVIDING THAT GOODWILL INDUSTRIES OF DELAWARE, INC. VEHICLES SHALL BE EXEMPT FROM SUCH FEES.

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

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

NO: Senator Neal - 1.

NOT VOTING: Senators Bair, Bane, Berndt, Connor, Knox, Slatcher, Still - 7.

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

SB 467 was laid on the table on motion of Senator Martin.

SB 464 was taken up for consideration on motion of Senator Sharp:

SB 464 - AN ACT PROPOSING AN AMENDMENT TO ARTICLES III AND IV OF THE DELAWARE CONSTITUTION TO PROVIDE FOR THE APPOINTMENT BY THE SUPERIOR COURT OF A PROTHONOTARY IN EACH COUNTY.

SA 1 to the Bill (sponsor: Senator Bane) 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 464 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (McDowell, Minner) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 472 was taken up for consideration on motion of Senator Sharp:

SB 472 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 11, OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO APPEALS FROM THE SUPERIOR COURT TO THE SUPREME COURT IN CASES INVOLVING ADMINISTRATIVE AGENCY AND OTHER NONJUDICIAL DECISIONS.

At 3:45 p.m., Senator Adams presiding.

SB 472 was then stricken on motion of the sponsor, Senator Sharp.

SB 475 was taken up for consideration on motion of Senator Sharp:

SB 475 - AN ACT TO AMEND TITLE 24, CHAPTER 17 OF THE DELAWARE CODE SO AS TO ALLOW PHYSICIAN PEER REVIEW BODIES TO BE IMMUNE FROM LIABILITY AS PROVIDED IN THE FEDERAL HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986.

At 3:53 p.m., Senator Cordrey presiding.

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

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

NOT VOTING: Senators McDowell, Zimmerman - 2.

ABSENT: Senator Marshall - 1.

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

SB 478 was taken up for consideration on motion of Senator Zimmerman:

SB 478 - AN ACT TO AMEND TITLE 29, CHAPTER 95, §9505 (2) OF THE DELAWARE CODE RELATING TO REAL PROPERTY ACQUISITION.

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

SB 409 was taken up for consideration on motion of Senator Holloway:

SB 409 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE, RELATING TO THE SPECIAL TAX ON GROSS PREMIUMS FOR BENEFIT OF POLICE AND THE DISTRIBUTION OF PAYMENTS BASED THEREON.

The privilege of the floor was extended to Thomas Savage (Police and Firefighters, City of Wilmington) and Steve Kubicki (Office of Controller General).

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

YES: Senators Adams, Bane, Marshall, McBride, McDowell, Minner, Slatcher, Torbert, Vaughn, Zimmerman - 10.

NO: Senators Bair, Cook, Cordrey, Holloway, Martin, Neal, Sharp, Still - 8.

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

Therefore, the Bill was declared defeated.

SJR 10 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

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.

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

YES: Senators Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Slatcher, Still, Torbert, Vaughn - 18.

NO: Senators Adams, Sharp, Zimmerman - 3.

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

At 4:31 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:39 p.m., Senator Cordrey presiding.

The following Committee reports were announced:

From the Health-Social Services/Aging Committee: HB 480 w HA 1 - 4 Merits, 1 Unfavorable; HB 500 - 1 Favorable, 4 Merits; HB 599 w HA 1, 2 - 5 Merits; HB 637 - 5 Merits.

From the Executive Committee: HB 113 - 4 Merits; HB 410 - 4 Merits; HB 549 - 4 Merits.

From the Education Committee: HB 478 w HA 1 - 3 Merits.

SB 478 was lifted from the table for consideration on motion of Senator Zimmerman.

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

At 5:58 p.m. on motion of Senator Sharp, the Senate recessed until 4:00 p.m., June 28, 1988.

The Senate reconvened at 4:35 p.m., June 28, 1988, Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 136 w HA 1 w HA 1, HA 2, HA 3; HB 612 w HA 1; HB 519 w HA 1; HB 579 w HA 1.

At 4:37 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 47th Legislative Day.

47TH LEGISLATIVE DAY

June 28, 1988

The Senate convened at 4:37 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.

A copy of the pre-filed legislation was given to each Senator:

LT. GOVERNOR WOO'S PRE-FILED LEGISLATION

June 28, 1988

SB 488 - AN ACT TO AMEND TITLE 10, SECTION 921, DELAWARE CODE RELATING TO DISPOSITION OF FORMER MARITAL PROPERTY. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 489 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX. Sponsors: Senators Marshall, Minner, Martin, Torbert; Representatives Jonklert, West. Assigned to Revenue and Taxation Committee.

SA 6 to SB 365. Sponsor: Senator Torbert. Placed with the Bill.

SA 7 to SB 365. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to HB 587. Sponsor: Senator Minner. Placed with the Bill.

SA 1 to HB 543. Sponsor: Senator Holloway. Placed with the Bill.

SA 3 to SB 434. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to HB 599. Sponsor: Senator Holloway. Placed with the Bill.

SA 2 to HB 599. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 268. Sponsor: Senator Zimmerman. Placed with the Bill.

HB 136 w HA 1 w HA 1, HA 2, 3 - AN ACT TO AMEND CHAPTER 7, TITLE 19, DELAWARE CODE, RELATING TO PROHIBITING DISCRIMINATORY PRACTICES IN THE EMPLOYMENT OF THE HANDICAPPED. Sponsors: Representative Maroney, Senator Holloway; Representatives Amick, Boykin, Carey, Buckworth, Corrozi, Davis, Fallon, DiPinto, Lee, Mack, Roy, Taylor, Bunting, Jester, Soles; Senators Bair, Bane, Knox, Neal, Connor, Still, Slatcher. Assigned to Labor and Industrial Relations Committee.

HB 519 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND SEASONAL EMPLOYMENT AND BENEFIT REQUIREMENTS. Sponsors: Representatives Oberle, Davis, Campanelli, Caulk; Senator Marshall. Assigned to Labor and Industrial Relations Committee.

HB 579 w HA 1 - AN ACT TO AMEND CHAPTER 60, TITLE 7, RELATING TO INCREASING PENALTIES FOR IMPROPER DISPOSAL OR DISCHARGE OF SOLID WASTE. Sponsor: Representative Plant. Assigned to Natural Resources and Environmental Control Committee.

HB 612 w HA 1 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, TO ESTABLISH THE DELAWARE INSURANCE AUTHORITY, AND 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, AND GRANTING TO ALL DELAWARE COUNTIES, MUNICIPALITIES, SCHOOL DISTRICTS, PARKING AUTHORITIES AND OTHER INSTRUMENTALITIES AND POLITICAL SUBDIVISIONS OF THE STATE OF DELAWARE THE POWER TO ENTER INTO LONG-TERM CONTRACTS WITH ANY JOINT INSURANCE FUND OR EXCESS INSURANCE POOL CREATED HEREBY". Sponsors: Representatives Petrilli, D. Ennis, Lee, Dixon, Brady, Bennett, B. Ennis, VanSant; Senators Bair, Slatcher, Minner, Marshall, Torbert, McDowell. Assigned to Insurance and Elections Committee.

Withdraw nomination of Anthony P. Mentis to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware. Assigned to Executive Committee.

W. Allen Jones, 57 Pine Reach, Rehoboth, DE 19971, to be reappointed as a member of the Unemployment Insurance Appeals Board to serve a six year term expiring May 1, 1992. Assigned to Executive Committee.

Karen N. Bundeck, 184 Stoney Drive, Dover, DE 19901, to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term to replace Helen M. Brandt, term expired. Assigned to Executive Committee.

Frederick W. Dewey, Jr., 620 Carriage Lane, Dover, DE 19901, to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term to replace Paul Neeman, resigned. Assigned to Executive Committee.

Lorin P. Hunt, 115 Bunch Boulevard, Wilmington, DE 19801, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term expiring June 27, 1992. Assigned to Executive Committee.

James Calvin Koehring, 14 Brookdale Heights, Camden, DE 19934, to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term to replace Wallace Wooten, resigned. Assigned to Executive Committee.

William S. Rowe, Jr., 4203 Verona Drive, Wilmington, DE 19808, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term expiring June 27, 1992. Assigned to Executive Committee.

John P. Gaul, 213 McCallmont Road, New Castle, DE 19720, to be reappointed as a member of the Commission on Adult Entertainment Establishments to serve a three year term expiring June 24, 1991. Assigned to Executive Committee.

Saxton C. Lambertson, RD 5, Box 87, Dover, DE 19901, to be reappointed as a member of the Violent Crimes Compensation Board to serve a three year term expiring May 30, 1991. Assigned to Executive Committee.

Theodore W. Ryan, 2411 Greenleaf Drive, Wilmington, DE 19810, to be reappointed as a member of the Delaware Solid Waste Authority to serve a three year term expiring June 24, 1991. Assigned to Executive Committee.

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Senators Minner, Bair marked PRESENT.

At the request of Senator Marshall, SB 489 was laid on the table.

Senators Still, McBride, Zimmerman marked PRESENT.

HB 461 was taken up for consideration on motion of Senator Torbert:

HB 461 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO HANDICAPPED PERSONS PARKING AREAS.

Senator Neal marked PRESENT.

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 returned to the House.

HB 460 was taken up for consideration on motion of Senator Torbert:

HB 460 - AN ACT TO AMEND CHAPTER 69, TITLE 21, DELAWARE CODE RELATING TO THE REMOVAL OF MOTOR VEHICLES FROM PUBLIC HIGHWAYS BY THE POLICE.

Senators Cook, McDowell 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 404 was taken up for consideration on motion of Senator Sharp:

HB 404 - AN ACT TO AMEND CHAPTER 39, TITLE 18 OF THE DELAWARE CODE RELATING TO NOTICE OF NONRENEWAL OF CERTAIN CASUALTY INSURANCE CONTRACTS.

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

A messenger from the House was announced and admitted.

HB 403 was taken up for consideration on motion of Senator Sharp:

HB 403 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO NOTICE OF NONRENEWAL OF WORKERS' COMPENSATION INSURANCE POLICIES.

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 435 w HA 1, 2 was taken up for consideration on motion of Senator Torbert:

HB 435 w HA 1, 2 - AN ACT TO AMEND CHAPTER 5, TITLE 17, DELAWARE CODE, RELATING TO THE INSTALLATION OF BLUE RAISED PAVEMENT MARKERS ON REPAVED PUBLIC HIGHWAYS AND STREETS IN THIS STATE.

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

HB 443 was taken up for consideration on motion of Senator Torbert:

HB 443 - AN ACT TO AMEND CHAPTER 74, TITLE 7, DELAWARE CODE, RELATING TO THE EXEMPTION OF VOLUNTEER FIRE COMPANIES AND AMBULANCE COMPANIES FROM THE ANNUAL REGISTRATION FEE ASSESSED FOR UNDERGROUND STORAGE TANKS.

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

HB 502 - AN ACT TO AMEND CHAPTER 17, TITLE 7, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A CRIMINAL PENALTY FOR HARM INFLICTED ON THE DOGS OWNED BY LAW ENFORCEMENT AGENCIES, TO INCLUDE ANY POLITICAL SUBDIVISIONS, THE CORRECTIONS DEPARTMENT, AND DOGS PRIVATELY OWNED AND USED TO ASSIST THE BLIND OR VISUALLY IMPAIRED AND THE HANDICAPPED.

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

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

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

NO: Senators Connor, Still - 2.

NOT VOTING: Senators Bair, McBride - 2.

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

HB 549 was taken up for consideration on motion of Senator Adams:

HB 549 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO CLASSIFIED SERVICE AND EXEMPTIONS FROM THE STATE MERIT SYSTEM OF PERSONNEL ADMINISTRATION.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Marshall, McBride) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

Senator Zimmerman introduced to the Senate and requested the privilege of the floor for Dr. William B. DeLauder, President of Delaware State College.

HB 138 w HA 1 was taken up for consideration on motion of Senator Minner:

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.

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

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cook, Holloway, Marshall, Martin, McDowell, Minner, Sharp, Slatcher, Torbert, Vaughn - 15.

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

NOT VOTING: Senators McBride, Zimmerman - 2.

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

HB 453 w HA 1 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 453 w HA 1 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 13 DELAWARE CODE RELATING TO CHILD CUSTODY PROCEEDINGS.

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

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

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.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Torbert; however, before final action was taken, the Bill was laid on the table on further motion of Senator Sharp.

HB 551 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 551 w HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 18, DELAWARE CODE, RELATING TO DISCRIMINATION BY INSURANCE COMPANIES.

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

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

HB 113 - AN ACT TO AMEND CHAPTER 5, TITLE 1 OF THE DELAWARE CODE RELATING TO THE CELEBRATION OF MARTIN LUTHER KING DAY AND CORRECTING DR. KING'S NAME.

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

HB 478 w HA 1 - AN ACT TO AMEND CHAPTER 19, TITLE 14, DELAWARE CODE RELATING TO LOCAL SCHOOL TAXES.

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 McBride.

HB 511 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 511 w HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION.

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

The privilege of the floor was extended to John D. Daniello (CONDEL).

HB 511 w HA 1 was then laid on the table on motion of Senator Sharp.

On motion of Senator Adams (without objection) the roll call vote on HB 549 was lifted and rescinded. The Bill was then laid on the table on further motion of the Senator.

SCR 177 was introduced and considered for adoption on motion of Senator Adams:

SCR 177 - CONGRATULATING ALVIN CROLL ADAMS AND RUTH BROWN ADAMS OF BRIDGEVILLE AS THEY CELEBRATE THEIR 45TH WEDDING ANNIVERSARY ON JUNE 30, 1988. 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.

At 6:06 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 29, 1988.

The Senate reconvened at 2:18 p.m., June 29, 1988, Senator Cordrey presiding.

The following Committee reports were announced:

From the Children, Youth and Their Families Committee: SB 482 - 2 Favorable, 1 Merits.

From the Finance Committee: HB 600 - 5 Merits.

At 2:18 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 48th Legislative Day.

48TH LEGISLATIVE DAY

June 29, 1988

The Senate convened at 2:18 p.m., Senator Cordrey presiding.

A Minute of Silent Prayer was observed.

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 HB 439 w HA 1; HS 1 for HB 546 w HA 1, 3, 4, 5; HB 631; HB 620 w HA 1; SB 460; SB 470 and adopted HJR 29 w HA 1.

Senators Knox, McBride, Minner, Bair, Bane, Zimmerman marked PRESENT.

LEGISLATIVE ADVISORIES #55, 56 and 57 received from the Office of the Counsel to the Governor were read:

LEGISLATIVE ADVISORY #55: On June 21, 1988 the Governor signed HB 169 w SA 1 (Volume 66, Chapter 274, Laws of Delaware); HB 537 w HA 2 (Volume 66, Chapter 275, Laws of Delaware); SB 31 w SA 1, 2 HA 1 (Volume 66, Chapter 276, Laws of Delaware); SB 299 w HA 1 (Volume 66, Chapter 277, Laws of Delaware); SB 309 w SA 1 (Volume 66, Chapter 278, Laws of Delaware); SS 1 for SB 355 w SA 3 (Volume 66, Chapter 279, Laws of Delaware).

LEGISLATIVE ADVISORY #56: On June 27, 1988 the Governor signed HB 619 (Volume 66, Chapter 280, Laws of Delaware); HB 522 w HA 1 (Volume 66, Chapter 281, Laws of Delaware).

LEGISLATIVE ADVISORY #57: On June 28, 1988 the Governor signed HB 12 (Volume 66, Chapter 282, Laws of Delaware); HB 562 (Volume 66, Chapter 283, Laws of Delaware); SB 193 w SA 1 (Volume 66, Chapter 284, Laws of Delaware); SB 357 (Volume 66, Chapter 285, Laws of Delaware); SB 417 w SA 1 (Volume 66, Chapter 286, Laws of Delaware); SB 418 w SA 1 (Volume 66, Chapter 287, Laws of Delaware); SB 454 (Volume 66, Chapter 288, Laws of Delaware); SB 428 (Volume 66, Chapter 289, Laws of Delaware); SB 419 w SA 1 (Volume 66, Chapter 290, Laws of Delaware); SB 387 w SA 1 (Volume 66, Chapter 291, Laws of Delaware); SB 145 (Volume 66, Chapter 292, Laws of Delaware); HB 618 (Volume 66, Chapter 293, Laws of Delaware); SB 253 (Volume 66, Chapter 294, Laws of Delaware).

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A copy of the President pro Tempore's pre-filed legislation was handed to each Senator.

PRESIDENT pro TEMPORE'S PRE-FILED LEGISLATION

June 29, 1988

SB 490 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO VESTING FOR STATE EMPLOYEE PENSIONS. Sponsors: Senator Cook, Representative Oberle; Senators Vaughn, Holloway, McBride, Berndt, Slatcher; Representatives Plant, Davis, Bennett, Corrozi. Assigned to Finance Committee.

SB 491 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO SURVIVOR PENSIONS. Sponsors: Senator Cook, Representative Oberle; Senators Vaughn, McBride, Holloway, Berndt, Slatcher; Representatives Gilligan, Corrozi, Bennett, Plant, Davis. Assigned to Finance Committee.

SB 492 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE TO PROVIDE FOR THE LICENSING AND REGULATION OF BUSINESS AND INDUSTRIAL DEVELOPMENT CORPORATIONS. Sponsors: Senator Minner, Representative Caulk; Senators Cordrey, Adams, Cook, Zimmerman; Representatives Carey, Clark, Bennett, Bunting. Assigned to Administrative Services/Energy Committee.

SA 9 to HS 1 for HB 100. Sponsors: Senators Knox, Adams, McBride, Bair. Placed with the Bill.

SA 1 to HJR 27. Sponsor: Senator Still. Placed with the Bill.

SA 1 to SB 478. Sponsor: Senator Zimmerman. Placed with the Bill.

SA 1 to SB 440. Sponsor: Senator Marshall. Placed with the Bill.

SA 1 to HB 304. Sponsors: Senator McDowell, Representative Amick. Placed with the Bill.

SA 1 to SB 486. Sponsor: Senator Sharp. Placed with the Bill.

Keith Dorman, 346 Oregon Avenue, New Castle, DE 19720 to be reappointed as a member of the Board of Pension Trustees to serve a four year term to expire May 6, 1992. Assigned to Executive Committee.

HB 439 w HA 1 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION TO DESIGNATE JUDGES OF THE COURT OF COMMON PLEAS AS ASSOCIATE JUDGES OF THE SUPERIOR COURT OF THE STATE OF DELAWARE AND TO ALLOW PROSECUTION BY INFORMATION FOR ANY OFFENSE NOT A FELONY. Sponsors: Representatives Hebner, Petrilli, Spence, Buckworth, Ewing, Davis, Houghton, Plant, Outten; Senators Vaughn, Bair, Bane. Assigned to Judiciary Committee.

HS 1 for HB 546 w HA 1, 3, 4, 5 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CONCEALED DEADLY WEAPONS. Sponsors: Representatives Ewing, VanSant, Buckworth, Spence, Hebner, Lee, Caulk, Carey, Amick, Mack, Fallon, Davis, Taylor, Roy, Boykin, D. Ennis, Corrozi, DiPinto, Quillen, Oberle, Gilligan, Bunting, Clark, Plant, B. Ennis, Houghton, Brady, Outten, West, Dixon, Campanelli; Senators Minner, Zimmerman, Torbert, Adams, McBride, Vaughn, Slatcher. Assigned to Judiciary Committee.

HB 631 - AN ACT TO AMEND VOLUME 27, CHAPTER 216, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE CITY OF NEW CASTLE AND THE POWER OF THE COUNCIL OF THE CITY OF NEW CASTLE TO REMIT ALL OR ANY PART OF CITY TAXES WHICH MAY BE LEVIED OR IMPOSED UPON ANY REAL ESTATE IN THE CITY OF NEW CASTLE. Sponsors: Representative Mack, Senator Connor. Assigned to Community Affairs Committee.

HB 620 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 29, OF THE DELAWARE CODE RELATING TO HISTORICAL BUILDINGS, SITES AND OBJECTS. Sponsors: Representative Quillen, Senator Minner. Assigned to Administrative Services Committee.

HJR 29 w HA 1 - ESTABLISHING A BLUE RIBBON TASK FORCE ON HEALTH WELLNESS. Sponsors: Representatives Maroney, Spence, Buckworth, DiPinto, Fallon, Roy, D. Ennis, Caulk, Smith, Lee, Taylor, Boykin, Carey, Amick, Petrilli, Corrozi, Davis, Mack, Ewing, Quillen, George, Gilligan, Brady, Soles, Bunting, Wingate, Outten, Houghton, Dixon, Sills, Plant, Jonklert, B. Ennis, Bennett, Clark, VanSant, West; Senators Minner, Torbert, McBride, Martin, Vaughn, Holloway, Adams, Berndt, Still, Bane. Assigned to Health-Social Services/Aging Committee.

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SENATE CONSENT CALENDAR #37 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

SR 109 - WISHING LUNA I. MISHOE, RETIRED PRESIDENT OF DELAWARE STATE COLLEGE, A SPEEDY RECOVERY FROM A SERIOUS ILLNESS. Sponsor: Senator Zimmerman.

SR 110 - ESTABLISHING A TASK FORCE ON QUALITY EYE CARE TO PREPARE LEGISLATION AUTHORIZING OPTOMETRISTS TO PROVIDE QUALITY EYE CARE TO THE FULL EXTENT OF THEIR TRAINING. Sponsor: Senator Holloway.

SCR 180 - COMMENDING WILLIE NELSON & FAMILY FOR SELECTING THE DELAWARE STATE FAIR AS ONE OF THE TEN STOPS ON THE FARMAID TOUR 88 AND CONGRATULATING THE DELAWARE STATE FAIR ON ITS SELECTION. Sponsors: Senators Adams, Cook, Cordrey, Vaughn, Connor, Slatcher; Representatives Caulk, Carey, Mack, Clark, West, Quillen.

SCR 181 - REQUESTING THAT THE SECRETARY OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL APPOINT A COMMITTEE TO STUDY THE FEASIBILITY OF RECREATING THE OLD SCHAEN CIDER MILL ON THE FORMER SITE OF THE MILL WHICH IS NOW OWNED BY THE STATE. Sponsors: Senators Martin, Sharp, Cordrey, Bane, Connor, McBride, McDowell, Marshall, Holloway, Neal, Knox, Minner; Representatives Soles, Davis, VanSant, Brady, Campanelli, Maroney, Gilligan, Corrozi, Petrilli, Taylor, Oberle, Amick, Boykin, Spence, West, Bunting, B. Ennis.

SCR 182 - AUTHORIZING THE APPOINTMENT OF A STATEWIDE CITIZENS TASK FORCE TO EXAMINE AND PURSUE WAYS TO PREVENT TEEN PREGNANCY AND TO REDUCE INFANT MORTALITY IN THE STATE OF DELAWARE. Sponsors: Senator Holloway, Representative Maroney; Senators Bane, Berndt, Marshall, Martin, Vaughn, Zimmerman; Representatives Davis, Soles, Plant, Sills, West.

HCR 182 - CONGRATULATING THE 1988 GIRLS STATE PARTICIPANTS WHO ARE BUSY IN A MOCK SESSION IN LEGISLATIVE HALL. Sponsors: Representative Jester, Senator Minner, Representative Fallon.

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Senators Berndt, Holloway marked PRESENT.

The roll call vote on SENATE CONSENT CALENDAR #37 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Sharp.

HB 511 w HA 1 was lifted from the table for consideration on motion of Senator Sharp.

The privilege of the floor was extended to John Daniello (Contractors 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 Sharp.

Senator Martin marked PRESENT.

On motion of Senator Minner the roll call vote on SENATE CONSENT CALENDAR #37 was lifted and revealed 21 Senators voting YES; therefore the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for concurrence and the House Concurrent Resolution was returned to the House.

SB 478 was lifted from the table for consideration on motion of Senator Zimmerman.

SA 1 to the Bill which had been placed with the Bill was considered for adoption 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 478 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 600 was taken up for consideration on motion of Senator Cook:

HB 600 - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS.

The privilege of the floor was extended to Martin I. Lubaroff (Delaware Bar Association) and Michael Harkins (Secretary of State).

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 403 w HA 1.

On motion of Senator Vaughn, SB 403 which had previously passed the Senate was taken up for reconsideration as now further amended by HA 1.

The roll call vote on SB 403 w HA 1 was then taken and revealed:

YES: Senators Bair, Bane, Berndt, Connor, Cook, Holloway, Marshall, Martin, McBride, Neal, Sharp, Still, Torbert, Vaughn - 14.

NO: Senators Cordrey, Knox, Minner, Slatcher, Zimmerman - 5.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senator Adams - 1.

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

SB 438 was taken up for consideration on motion of Senator Marshall:

SB 438 - AN ACT TO AMEND CHAPTER 13, TITLE 19 OF THE DELAWARE CODE RELATING TO THE RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE.

The privilege of the floor was extended to Mathias J. Fallis (Department of Labor).

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

HB 500 was taken up for consideration on motion of Senator Holloway:

HB 500 - AN ACT TO AMEND CHAPTER 33, TITLE 16, DELAWARE CODE RELATING TO THE REGULATION OF THE QUALITY OF ICE.

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

HB 599 w HA 1, 2 was taken up for consideration on motion of Senator Holloway:

HB 599 w HA 1, 2 - AN ACT TO AMEND TITLE 16, OF THE DELAWARE CODE RELATING TO SEXUALLY TRANSMITTED DISEASES.

SA 1 and SA 2 to the Bill which had been placed with the Bill were stricken on motion of the sponsor, Senator Holloway.

The privilege of the floor was extended to Dr. Lyman J. Olsen (Director, Division of Public Health).

At 3:35 p.m. Senator Adams presiding.

The roll call vote on HB 599 w HA 1, 2 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 637 was taken up for consideration on motion of Senator Holloway:

HB 637 - AN ACT TO AMEND TITLE 16, DELAWARE CODE TO ESTABLISH A REGISTRY OF ALL SPERM BANKS AND TISSUE BANKS; TESTING OF DONORS; PENALTIES.

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

HB 542 w HA 1 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATING TO COUNCIL ON THE DELAWARE HOME AND HOSPITAL.

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

HB 480 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 480 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 16, DELAWARE CODE RELATING TO CONTAGIOUS DISEASES GENERALLY AND AIDS.

The privilege of the floor was extended to Dr. Lyman Olsen (Director, Division of Public Health).

At 3:58 p.m. Lt. Governor Woo presiding.

HB 480 w HA 1 was then laid on the table on motion of Senator Holloway.

Senator Bair introduced former State Senate Pete Hughes to the Senate.

SB 495 was introduced and taken up for consideration under suspension of the necessary rules (no objection) on motion of Senator Minner:

SB 495 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE RELATING TO CHILD CARE AND DEPENDENT CARE EXPENSE TAX CREDIT. Sponsors: Senators Minner, Cordrey, Sharp, McDowell, Torbert, Marshall, Martin, Vaughn, Cook, Holloway, Zimmerman, McBride, Adams, Neal, Connor, Bair, Berndt, Bane, Slatcher, Knox, Still; Representatives Spence, George, Corrozi, Maroney, Hebner, Petrilli, Oberle, Buckworth, Soles, Roy, Quillen, D. Ennis, Ewing, Bunting, Wingate, Outten, Houghton, Dixon, Caulk, Carey, Mack, Jester, Sills, VanSant, Brady, Boykin, DiPinto, Lee, Amick, West, Jonkiert, Campanelli, B. Ennis, Plant.

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 390 was stricken at the request of the sponsor, Senator Minner.

HJR 27 w HA 1, 2 was taken up for consideration on motion of Senator Adams:

HJR 27 w HA 1, 2 - PROVIDING FOR THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO RECOMMEND LEGISLATION ESTABLISHING CERTIFICATION REQUIREMENTS AND REGULATIONS GOVERNING INSTITUTIONS WHICH PROVIDE LIFE CARE CONTRACTS AND SERVICES TO THE PUBLIC.

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

SA 2 to the Resolution (sponsor: Senator Still) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Zimmerman) voting NO; therefore, the Amendment was declared adopted.

The roll call vote on HJR 27 w HA 1, 2, SA 2 was then taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration of the Senate Amendment.

SB 490 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

SB 490 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO VESTING FOR STATE EMPLOYEE PENSIONS.

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

SB 492 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):

SB 492 - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE TO PROVIDE FOR THE LICENSING AND REGULATION OF BUSINESS AND INDUSTRIAL DEVELOPMENT CORPORATIONS.

The privilege of the floor was extended to Steve Golding (Secretary of Finance) after which the Bill was laid on the table on motion of Senator Minner.

SB 482 was taken up for consideration on motion of Senator McDowell:

SB 482 - AN ACT TO AMEND CHAPTERS 50 AND 51, TITLE 16 AND SECTION 937, TITLE 10, RELATING TO THE DESIGNATION OF INPATIENT PSYCHIATRIC FACILITIES FOR MINORS.

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 20 Senators voting YES and 1 (Still) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 482 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 494 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Zimmerman (no objection):

SB 494 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE PERSONAL EXEMPTIONS WITH RESPECT TO THE PERSONAL INCOME TAX. Sponsors: Senator Zimmerman, Representative Amick; Senators Cordrey, Holloway, Marshall, Martin, Cook, McBride, McDowell, Adams, Torbert, Minner, Sharp, Vaughn, Neal, Connor, Bair, Bane, Berndt, Slatcher; Representatives Spence, Petrilli, Corrozi, Davis, Gilligan, VanSant, Roy, B. Ennis, D. Ennis, Lee, Clark, Brady, Soles, West, George, Ewing, Mack, Caulk, Campanelli, Fallon, Boykin, Smith, Outten, Bennett, Dixon, Carey, Houghton, Sills, Quillen, Buckworth, Oberle, Taylor, Jonkiert, Wingate, Plant, Jester, Hebner, Bunting, Brady, Maroney.

The privilege of the floor was extended to Steve Golding (Secretary of Finance).

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 488 was taken up for consideration on motion of Senator Holloway under suspension of the necessary rules (no objection):

SB 488 - AN ACT TO AMEND TITLE 10, SECTION 921, DELAWARE CODE, RELATING TO DISPOSITION OF FORMER MARITAL PROPERTY.

During discussion of the Bill and the Amendment offered to it, the privilege of the floor was extended to John J. Thompson (Family Life Section, Delaware State Bar Association).

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 488 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 5:05 p.m. on motion of Senator Sharp, the Senate recessed for a short period and reconvened at 5:16 p.m., Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed: SB 401 w SA 1; SB 422 w SA 1; SB 423 w SA 1; SB 424 w SA 1; SB 425; SB 426 w SA 1; SB 361; SB 399 w SA 1; SB 449; HB 624 w HA 1; HB 665; HB 667; HB 669; HB 670; HB 672; HB 674; HB 675; HB 676; HB 677; HB 650; HB 60; HB 61; SB 99; SB 325 w SA 1 and adopted HJR 31; SCR 177.

SB 492 was lifted from the table for consideration on motion of Senator Minner and the roll call vote taken which revealed 19 Senators voting YES and 2 (Martin, Zimmerman) 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.

HS 1 for HB 100 w HA 2, SA 3 was lifted from the table for consideration on motion of Senator Sharp.

SA 8 to the Bill which had been placed with the Bill was stricken on motion of the sponsor, Senator Knox.

SA 9 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Knox and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on HS 1 for HB 100 w HA 2, SA 3, 9 was then taken and revealed: YES: Senators Adams, Bair, Bane, Berndt, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Still, Torbert, Vaughn, Zimmerman - 18.

NOT VOTING: Senators Connor, Sharp, Slatcher - 3.

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

The Chair ruled that SA 1, SA 2 and SA 4 to HS 1 for HB 100 w HA 2 which had not been acted on, were considered stricken.

HB 565 was taken up for consideration on motion of Senator Minner:

HB 565 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" AS AMENDED BY CHAPTER 275, VOLUME 46; CHAPTER 471, VOLUME 50; AND CHAPTER 5, VOLUME 64, LAWS OF DELAWARE, RELATING TO THE POWER OF THE CITY OF DOVER TO IMPOSE AND COLLECT A REALTY TRANSFER TAX.

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 returned to the House.

HB 504 was taken up for consideration on motion of Senator Minner:

HB 504 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO THE 'CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" AS AMENDED BY CHAPTER 283, VOLUME 46; CHAPTER 219, VOLUME 47; CHAPTER 314, VOLUME 47; CHAPTER 93, VOLUME 51; CHAPTER 98, VOLUME 59; CHAPTER 456, VOLUME 60, CHAPTER 147, VOLUME 61; CHAPTER 100, VOLUME 62; CHAPTER 5, VOLUME 64; AND CHAPTER 479, VOLUME 65, LAWS OF DELAWARE, RELATING TO ELECTIONS, DUTIES OF THE MAYOR AND VICE-MAYOR, CREATING THE OFFICE OF COUNCIL PRESIDENT, AND CHANGING VOTER REGISTRATION REQUIREMENTS.

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 returned to the House.

HB 437 w HA 1 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):

HB 437 w HA 1 - AN ACT TO AMEND TITLE 9, CHAPTER 81, SECTION 8103 OF THE DELAWARE CODE, AS AMENDED, BY STRIKING CORPORATIONS CREATED FOR CHARITABLE PURPOSES FROM EXEMPTION FROM MUNICIPAL REAL PROPERTY TAXATION.

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

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

HB 626 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

HB 626 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE, RELATING TO LICENSING REQUIREMENTS FOR SCHOOL BUS DRIVERS.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Still, Zimmerman) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 631 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 631 - AN ACT TO AMEND VOLUME 27, CHAPTER 216, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE CITY OF NEW CASTLE AND THE POWER OF THE COUNCIL OF THE CITY OF NEW CASTLE TO REMIT ALL OR ANY PART OF CITY TAXES WHICH MAY BE LEVIED OR IMPOSED UPON ANY REAL ESTATE IN THE CITY OF NEW CASTLE.

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

SCR 184 was introduced and considered for adoption on motion of Senator Holloway:

SCR 184 - AUTHORIZING THE APPOINTMENT OF A STATEWIDE CITIZENS TASK FORCE TO EXAMINE AND PURSUE WAYS TO PREVENT TEEN-AGE PREGNANCY IN THE STATE OF DELAWARE. Sponsors: Senator Holloway, Representative Maroney; Senators Bane, Berndt, Marshall, Martin, Vaughn, Zimmerman; Representatives Davis, Soles, Plant, Sills, West.

Senator Bair was added as co-sponsor at her request after which the roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The following letter was read and made part of this Journal at the request of Senator Cordrey:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

June 29, 1988

The Honorable Richard Cordrey
President Pro Tempore
Delaware State Senate
Legislative Hall
Dover, DE 19901

Dear Richard:

This letter is an effort to express my deep appreciation to the Senate for the honor accorded me on the occasion of my retirement from the Legislature.

The event was a total surprise. I never felt that I had accomplished anything in the legislature to warrant appreciation for my efforts.

The beautiful silver tray with all the Senators' signatures is setting on our dining buffet to remind me every day that I had the privilege to serve with many, many wonderful people who always seemed to go out of their way to show me a kindness. I refer to the Senators and Senate staff.

You can be sure that I will never forget the occasion. As Governor Castle said, "It is amazing that so many people would come to Dover on a Monday evening when there would follow three legislative days in the week when people would be expected to be present."

Richard, I am really grateful to all the Senators and staff who participated in that memorable (to me) event.

Most sincerely,
Bob,
Robert J. Berndt, State Senator

* * * * *

At 6:00 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 30, 1988

The Senate reconvened at 2:10 p.m., June 30, 1988, Senator Cordrey presiding.

The following Committee reports were announced:

From the Community Affairs Committee: SB 466 - 3 Merits; HB 628- 4 Merits.

From the Finance Committee: SB 491 - 5 Merits.

From the Administrative Services/Energy Committee: HB 620 w HA 1 - 5 Merits.

From the Health-Social Services/Aging Committee: HJR 29 w HA 1 - 5 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 363 w HA 4; HB 634; HB 93 w HA 1; HB 529 w HA 1; HB 362 w HA 2; SB 233 w SA 1, HA 1, 2; SB 431 w SA 1, HA 1; SB 405 w SA 1; SB 231; HB 662 w HA 1, 2; HB 663; HB 664; HB 673; HB 632 w HA 1 w HA 1; HB 636; HB 666 w HA 1, 2; HB 688; SB 351 w HA 1, 2; HB 625 w HA 1; HB 426; HB 691; HB 688; HB 697; HB 658 w HA 1; HB 690 and adopted SCR 178; SCR 179; SCR 180; SCR 181; HCR 122; HCR 183.

At 2:10 p.m. on motion of Senator Sharp the Senate adjourned to immediately convene for the 49th Legislative Day.

49TH LEGISLATIVE DAY
June 30, 1988

The Senate convened at 2:10 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.

Senator Bane marked PRESENT.

A copy of the President pro Tempore's pre-filed list of legislation was given to each Senator:

PRESIDENT pro TEMPORE'S PRE-FILED LEGISLATION
June 30, 1988

HB 617 - AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO COUNTY AND OTHER POLITICAL SUBDIVISION TAXATION OF PARKLAND. Representative D. Ennis; Senators Berndt, Bane. Assigned to Revenue and Taxation Committee.

HB 624 - AN ACT TO AMEND CHAPTER 27, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A LOCAL GOVERNMENT INVESTMENT POOL. Sponsors: Representative Oberle, Senator Neal. Assigned to Community Affairs Committee.

HB 665 - AN ACT TO AMEND CHAPTER 59, TITLE 16 OF THE DELAWARE CODE RELATING TO THE BOARD ON MENTAL HEALTH TRAINING AND RESEARCH. Sponsors: Representatives Amick, Houghton, Jonkiert. Assigned to Health-Social Services/Aging Committee.

HB 667 - AN ACT TO AMEND CHAPTER 74, TITLE 16 OF THE DELAWARE CODE RELATING TO RADIATION CONTROL. Sponsors: Representatives Amick, Houghton, Jonkiert. Assigned to Sunset Committee.

HB 669 - AN ACT TO AMEND CHAPTER 82, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE COMMISSION ON HAZARDOUS MATERIALS. Sponsors: Representatives Amick, Houghton, Jonkiert. Assigned to Natural Resources and Environmental Control Committee; reassigned to Sunset Committee.

HB 670 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE MERIT SYSTEM ON PERSONNEL ADMINISTRATION; AND PROVIDING FOR PROVISIONAL EMPLOYMENT UNDER CERTAIN CIRCUMSTANCES. Sponsors: Representatives Amick, Houghton, Jonkiert. Assigned to Administrative Services/Energy Committee; reassigned to Sunset Committee.

HB 672 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO CERTAIN STATE AGENCIES; AND PROVIDING FOR APPEALS FROM CERTAIN AGENCY DECISIONS. Sponsors: Representatives Amick, Houghton, Jonkiert. Assigned to Sunset Committee.

HB 674 - AN ACT TO AMEND CHAPTER 33, TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF VETERINARY MEDICINE. Sponsors: Representatives Amick, Houghton, Jonkiert. Assigned to Sunset Committee.

HB 675 - AN ACT TO AMEND CHAPTER 10, TITLE 16 OF THE DELAWARE CODE RELATING TO THE HOSPITAL ADVISORY COUNCIL. Sponsors: Representatives Amick, Houghton, Jonkiert; Senator McDowell. Assigned to Sunset Committee.

HB 676 - AN ACT TO AMEND CHAPTER 68, PART I, TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH CARE MALPRACTICE INSURANCE AND LITIGATION. Sponsors: Representatives Amick, Houghton, Jonkiert; Senator McDowell. Assigned to Sunset Committee.

HB 677 - AN ACT TO AMEND CHAPTER 5, TITLE 10, OF THE DELAWARE CODE RELATING TO PROVIDING FOR A DELAWARE COURT CONSOLIDATION TRANSITION COMMITTEE. Sponsor: Representative Hebner. Assigned to Judiciary Committee.

HB 650 - AN ACT TO AMEND TITLES 3, 6, 9, 10, 11, 21 AND 24 OF THE DELAWARE CODE RELATING TO MERGING AND CONSOLIDATING THE SUPERIOR COURT AND THE COURT OF COMMON PLEAS. Sponsors: Representatives Hebner, Ewing, Davis, Plant. Assigned to Judiciary Committee.

HB 60 - AN ACT TO AMEND ARTICLE II, SECTION 2 OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE TERM OF OFFICE. Sponsor: Representative Bennett. Assigned to Executive Committee.

HJR 31 - AUTHORIZING THE SUNSET COMMITTEE TO CONDUCT CERTAIN STUDIES AND RESEARCH RELATING TO THE STATE PERSONNEL COMMISSION AND THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION. Sponsors: Representatives Amick, Houghton, Jonkiert. Assigned to Sunset Committee.

HB 634 - AN ACT TO AMEND CHAPTER 11, TITLE 5 OF THE DELAWARE CODE RELATING TO MODIFYING CURRENT PROVISIONS FOR THE FILING AND PAYMENT OF ESTIMATED BANK FRANCHISE TAX. Sponsors: Representatives D. Ennis, Lee, DiPinto, Dixon, VanSant; Senators Cordrey, Adams, Zimmerman, Slatcher, Still. Assigned to Banking Committee.

HB 363 w HA 4 - AN ACT TO AMEND CHAPTER 53, TITLE 11 OF THE DELAWARE CODE RELATING TO THE RIGHT OF JURY TRIAL IN THE COURT OF COMMON PLEAS AND IN THE SUPERIOR COURT. Sponsors: Representative Spence, Senator Sharp. Assigned to Judiciary Committee.

HB 93 w HA 1 - AN ACT TO AMEND SECTION 5306, CHAPTER 53, TITLE 25 OF THE DELAWARE CODE, RELATING TO TENANT'S REMEDY OF REPAIR AND DEDUCTION FOR MINOR DEFECTS. Sponsors: Representatives Sills, D. Ennis, Plant; Senators Holloway, McDowell. Assigned to Community Affairs Committee.

HB 529 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 4 OF THE DELAWARE CODE RELATING TO REGISTRATION OF OUT-OF-STATE LIQUOR CONTROL BOARD AGENTS IN THE STATE OF DELAWARE. Sponsors: Representatives B. Ennis, Brady, Dixon, Campanelli, VanSant, West, Houghton, Amick. Assigned to Sunset Committee.

HB 362 w HA 2 - AN ACT TO AMEND AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE RELATING TO APPEALS FROM CONVICTIONS IN INFERIOR COURTS TO THE SUPERIOR COURT AND RELATING TO THE RIGHT TO JURY TRIAL IN THE SUPERIOR COURT. Sponsors: Representative Spence, Senator Sharp. Assigned to Judiciary Committee.

SB 493 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE PERSONAL INCOME TAX. Sponsors: Senator Holloway, Representative DiPinto; Representatives Petrilli, George, Bennett, Brady, B. Ennis, D. Ennis, Roy, Boykin, Carey, Lee, West, Jester, Caulk, Dixon, Amick, Buckworth, Corrozi, Ewing, Fallon, Soles, Campanelli, Spence, Clark, Bunting, Quillen, Outten, Gilligan, VanSant, Wingate, Smith, Taylor, Oberle, Jonkiert, Plant, Sills, Davis. Assigned to Revenue and Taxation Committee.

SB 497 - AN ACT TO AMEND TITLES 24 AND 29 OF THE DELAWARE CODE RELATING TO OCCUPATIONS AND PROFESSIONS; AND PROVIDING FOR THE REGULATION OF PERSONS PRACTICING DIETETICS. Sponsor: Senator McDowell. Assigned to Sunset Committee.

SB 498 - AN ACT TO AMEND CHAPTER 23, TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS AND OCCUPATIONAL LICENSE TAXES AND THE COST OF OCCUPATIONAL LICENSES AND FEES. Sponsors: Senator Marshall, Representative Lee. Assigned to Revenue and Taxation Committee.

SR 106 - REQUESTING THAT THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES DELAY IMPLEMENTATION OF NEWLY-PROMULGATED DAY CARE REGULATIONS UNTIL JANUARY 31, 1989 TO PROVIDE SUFFICIENT TIME FOR LEGISLATIVE REVIEW. Sponsor: Senator McDowell. Laid on the table.

SA 1 to SB 491. Sponsor: Senator Cook. Placed with the Bill.

SA 1 to SB 457. Sponsor: Senator Vaughn. Placed with the Bill.

SA 4 to SB 434. Sponsor: Senator Holloway. Placed with the Bill.

SA 2 to HB 543. Sponsor: Senator Vaughn. Placed with the Bill.

SA 1 to HJR 26 w HA 1. Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to HJR 29. Sponsor: Senator Bane. Placed with the Bill.

Wilmer C. Cason, 55 Willey, Seaford, DE 19973, to be appointed as a member of the State Personnel Commission to serve a three year term expiring June 29, 1991, to replace R. Byron Palmer, Sr., resigned. Assigned to Executive Committee.

James E. Maloy, 80 Greenview Drive, Dover, DE 19901, to be appointed as a member of the State Personnel Commission to serve a three year term expiring June 24, 1991, to replace E. Vernon Ingram, Jr., resigned. Assigned to Executive Committee.

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HB 538 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 538 w HA 1 - AN ACT TO AMEND CHAPTER 20, TITLE 13, DELAWARE CODE RELATING TO THE COMPOSITION OF THE FAMILY LAW COMMISSION.

Senator Still marked PRESENT.

At 2:14 p.m. Lt. Governor Woo presiding.

Senator Sharp moved that the necessary rules be suspended for consideration of HB 538 w HA 1. There was no objection.

Senators McDowell, Torbert marked PRESENT.

The roll call vote on HB 538 w HA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cordrey, Knox, Marshall, McBride, McDowell, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 15.

ABSENT: Senators Cook, Holloway, Martin, Minner, Neal, Still - 6.

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

SB 431 w SA 1 which had been returned from the House as further amended by HA 1 was taken up for consideration on motion of Senator Adams.

Senators Marshall, Adams marked PRESENT.

The roll call vote on SB 431 w SA 1, HA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cordrey, Knox, Marshall, McBride, McDowell, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 15.

ABSENT: Senators Cook, Holloway, Martin, Minner, Neal, Still - 6.

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

SB 233 w SA 1 which had been returned from the House as further amended by HA 1, 2 was taken up for consideration on motion of Senator Zimmerman.

The roll call vote on SB 233 w SA 1, HA 1, 2 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cordrey, Knox, Marshall, Slatcher, Torbert, Vaughn, Zimmerman - 12.

NOT VOTING: Senators McBride, McDowell, Sharp - 3.
ABSENT: Senators Cook, Holloway, Martin, Minner, Neal, Still - 6.
Therefore, the Bill was declared passed by the Senate and sent to the Governor for consideration.

Senator McBride marked PRESENT.

SB 351 which had been returned from the House as further amended by HA 1, 2 was taken up for consideration on motion of Senator Slatcher.

The roll call vote on SB 351 w HA 1, 2 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Berndt, Connor, Cordrey, Knox, Marshall, McBride, McDowell, Sharp, Slatcher, Torbert, Vaughn, Zimmerman - 15.

ABSENT: Senators Cook, Holloway, Martin, Minner, Neal, Still - 6.

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

At 2:25 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:19 p.m., Senator Cordrey presiding.

At 3:20 p.m. Lt. Governor Woo presiding.

HB 341 was taken up for consideration on motion of Senator Sharp:

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.

Senators Holloway and Cook marked PRESENT.

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

The roll call vote on HB 478 w HA 1 was lifted from the table on motion of Senator McBride and announced:

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

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

NOT VOTING: Senators Bane, Berndt, Holloway, Marshall, Sharp - 5.

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

SB 491 was taken up for consideration on motion of Senator Cook:

SB 491 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO SURVIVOR PENSIONS.

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

The roll call vote on SB 491 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill passed the Senate and was sent to the House for consideration.

SB 479 was taken up for consideration on motion of Senator McBride:

SB 479 - AN ACT TO AMEND CHAPTER 63, TITLE 7, DELAWARE CODE RELATING TO HAZARDOUS WASTE.

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 356 was taken up for consideration on motion of Senator Berndt:

SB 356 - AN ACT TO AMEND CHAPTER 13, TITLE 14 OF THE DELAWARE CODE RELATING TO AUTISTIC PUPILS.

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

The roll call vote on SB 356 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 437 w HA 1 was lifted from the table for consideration on motion of Senator Minner and the roll call vote taken which revealed:

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

NO: Senators Cordrey, Neal, Sharp, Slatcher, Still - 5.

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

HB 58 w HA 1, 2 was taken up for consideration on motion of Senator Torbert:

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.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Adams, Vaughn) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 365 was taken up for consideration on motion of Senator Sharp:

HB 365 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ENFORCEMENT.

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

HB 163 w HA 1 was taken up for consideration on motion of Senator Torbert:
HB 163 w HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO STOPPING, STANDING OR PARKING.

The privilege of the floor was extended to George Hale (Department of Administrative Services).

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

HB 376 was taken up for consideration on motion of Senator Martin:

HB 376 - AN ACT TO AMEND CHAPTER 1, TITLE 17 OF THE DELAWARE CODE RELATING TO THE REGULATION OF TRAFFIC.

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

HB 464 - AN ACT TO AMEND CHAPTER 5, TITLE 13 OF THE DELAWARE CODE RELATING TO CHILD SUPPORT ORDERS.

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 473 w HA 1 was taken up for consideration on motion of Senator Martin:

HB 473 w HA 1 - AN ACT TO AMEND SECTION 6919, CHAPTER 69, TITLE 29, DELAWARE CODE, RELATING TO RETAINAGES UNDER PUBLIC WORKS CONTRACTS.

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

HB 516 w HA 1 was taken up for consideration on motion of Senator Marshall:

HB 516 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND WAGES.

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 473 w HA 1 was lifted from the table for consideration on motion of Senator Martin.

The privilege of the floor was extended to Frederick Shranck (Deputy Attorney General, Department of Transportation).

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

HB 476 w HA 2 was taken up for consideration on motion of Senator Sharp:

HB 476 w HA 2 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO VIDEO PRIVACY PROTECTION.

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 163 w HA 1 was lifted from the table for consideration on motion of Senator Torbert and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 489 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

SB 489 - AN ACT TO AMEND TITLE 30, OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX.

The privilege of the floor was extended to Edward C. Ratledge (University 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 Marshall.

HB 518 was taken up for consideration on motion of Senator Marshall:

HB 518 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND DISQUALIFICATION FOR BENEFITS.

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 returned to the House.

HB 548 was taken up for consideration on motion of Senator Minner:

HB 548 - 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 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

The roll call vote on HB 511 w HA 1 was lifted and announced on motion of Senator Sharp:

YES: Senators Cook, Holloway, Marshall, Martin, McBride, McDowell, Sharp, Torbert, Vaughn - 9.

NO: Senators Bair, Bane, Cordrey, Minner, Neal, Slatcher, Still, Zimmerman - 8.

NOT VOTING: Senators Adams, Berndt, Connor, Knox - 4.

Therefore, the Bill was declared defeated.

HB 552 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 552 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO KIDNAPPING.

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

HB 553 w HA 1 - AN ACT TO AMEND CHAPTER 3, TITLE 25, DELAWARE CODE RELATING TO TITLES AND CONVEYANCES.

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

HB 602 - AN ACT TO AMEND CHAPTER 100, TITLE 29, DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION ACT.

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

The roll call vote on HB 602 was taken; however, the roll call was laid on the table before being announced on motion of Senator Minner.

HJR 26 w HA 1 was taken up for consideration on motion of Senator Martin:

HJR 26 w HA 1 - ESTABLISHING A PUBLIC TRANSIT TASK FORCE TO INVESTIGATE WAYS IN WHICH TO BEGIN A PARTNERSHIP OF THE PRIVATE SECTOR AND PUBLIC SECTOR IN THE AREA OF TRANSPORTATION SYSTEM MANAGEMENT AND TRAFFIC MITIGATION.

The privilege of the floor was extended to Representative Roy.

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

The roll call vote on HJR 26 w HA 1 was then taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HS 1 for HB 222 was taken up for consideration on motion of Senator Sharp:

HS 1 for HB 222 - AN ACT TO AMEND TITLE 6, DELAWARE CODE TO PROVIDE SAFEGUARDS FOR HEALTH SPA MEMBERS.

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 5:30 p.m. on motion of Senator Sharp, the Senate recessed for change of tape and reconvened at 5:33 p.m., Lt. Governor Woot presiding.

SB 486 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

SB 486 - AN ACT TO AMEND TITLE 10, CHAPTER 9, SUBCHAPTER III, §932 and §940 OF THE DELAWARE CODE RELATING TO PROCEDURES IN THE FAMILY COURT OF THE STATE OF DELAWARE AND APPEARANCES THEREIN BY THE DEPARTMENT OF JUSTICE.

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

The privilege of the floor was extended to Robert Thompson (Chief Judge, Family Court) and Charles M. Oberly, III (Attorney General).

The roll call vote on SB 486 w SA 1 was then taken and revealed:

YES: Senators Bair, Berndt, Connor, Cook, Minner, Neal, Sharp, Vaughn - 8.

NO: Senators Adams, Bane, Cordrey, Holloway, Marshall, McBride, McDowell, Slatcher, Zimmerman - 9.

NOT VOTING: Senators Knox, Martin, Still, Torbert - 4.

Therefore, the Bill was declared defeated.

HB 515 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 515 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND DEFINITIONS FOR EMPLOYMENT.

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

HB 414 was taken up for consideration on motion of Senator Marshall:

HB 414 - AN ACT TO AMEND CHAPTER 55, TITLE 18, DELAWARE CODE RELATING TO BENEFITS PROVIDED BY MUTUAL BENEFIT ASSOCIATIONS.

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

HB 136 w HA 1 w HA 1, HA 2, 3 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 136 w HA 1 w HA 1, HA 2, 3 - AN ACT TO AMEND CHAPTER 7, TITLE 19, DELAWARE CODE, RELATING TO PROHIBITING DISCRIMINATORY PRACTICES IN THE EMPLOYMENT OF THE HANDICAPPED.

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

SA 2 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 HB 136 w HA 1 w HA 1, HA 2, 3, SA 2 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment..

HB 486 w HA 1 was taken up for consideration on motion of Senator Marshall:

HB 486 w HA 1 - AN ACT TO AMEND CHAPTER 81, INC. TITLE 9, OF THE DELAWARE CODE BY ADDING THE DISABLED AMERICAN VETERANS TO THE LIST OF REAL PROPERTY OWNED AND USED BY ORGANIZATIONS FOR THE PURPOSE OF TAXATION AND ASSESSMENT.

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

HB 612 w HA 1 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 612 w HA 1 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, TO ESTABLISH THE DELAWARE INSURANCE AUTHORITY, AND 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, AND GRANTING TO ALL DELAWARE COUNTIES, MUNICIPALITIES, SCHOOL DISTRICTS, PARKING AUTHORITIES AND OTHER INSTRUMENTALITIES AND POLITICAL SUBDIVISIONS OF THE STATE OF DELAWARE THE POWER TO ENTER INTO LONG-TERM CONTRACTS WITH ANY JOINT INSURANCE FUND OR EXCESS INSURANCE POOL CREATED HEREBY".

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.

SR 115 was introduced and considered for adoption:

SR 115 - ESTABLISHING A SENATE SELECT COMMITTEE ON TRANSPORTATION TO INQUIRE INTO AND STUDY RIGHT-OF-WAY AND LAND ACQUISITION POLICIES AND PRACTICES OF THE STATE OF DELAWARE, IDENTIFY AND STUDY RIGHT-OF-WAY AND LAND ACQUISITIONS BY THE STATE ALONG THE ROUTES OF THE RT. 7 REALIGNMENT, THE NORTH-SOUTH RELIEF ROUTE, AND OTHER HIGHWAY AND ROAD PROJECTS, AND RECOMMEND SUCH GENERAL ASSEMBLY ACTION AS IT DEEMS NECESSARY OR APPROPRIATE TO PROVIDE GREATER ASSURANCE TO THE PUBLIC CONCERNING THE PROPRIETY OF THE STATE'S RIGHT-OF-WAY AND LAND ACQUISITIONS AND ITS POLICIES AND PRACTICES RELATED THERETO TO ELIMINATE ANY APPEARANCE OF IMPROPRIETY ASSOCIATED WITH SUCH ACQUISITIONS, POLICIES AND PRACTICES; SAID COMMITTEE TO BE EMPOWERED TO SUBPOENA WITNESSES AND DOCUMENTS; AND REQUESTING THAT THE GENERAL ASSEMBLY'S JOINT SUNSET COMMITTEE DELAY ITS FINAL RECOMMENDATIONS ON ITS REVIEW OF THE DELAWARE TRANSPORTATION AUTHORITY UNTIL AFTER IT RECEIVES THE REPORT OF THE SELECT COMMITTEE. Sponsors: Senators Martin, Vaughn, McDowell.

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

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 Bair, Slatcher, Still - 3.

NOT VOTING: Senators Bane, Berndt, Connor, Knox, Neal - 5.

Therefore, the Resolution was declared adopted.

SJR 14 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Cordrey (no objection):

SJR 14 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1988. Sponsors: Senator Cordrey, Representative Petrilli; Senators Berndt, Cook, Neal; Representatives Corrozi, George.

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

SJR 15 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Cordrey (no objection):

SJR 15 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1989. Sponsors: Senator Cordrey, Representative Petrilli; Senators Berndt, Cook, Neal; Representatives Corrozi, George.

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 480 was lifted from the table for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

SB 480 - 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.

At the request of Senator Cook, Senator Berndt moved for the roll call vote on the Budget Bill.

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

At 7:23 p.m. on motion of Senator Sharp the Senate recessed for dinner and reconvened at 9:50 p.m., Lt. Governor Woo presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 456 w SA 1, HA 1; SB 103 w HA 1, SA 1; SB 483; HB 540 w HA 3, 5, 6; HB 591 w HA 1, 2; HB 627; HB 588 w HA 1; SB 72; SB 432; SB 452 w SA 1, 2; SB 464 w SA 1; HB 559 w HA 4, 6; HB 452 w HA 2 w HA 1; HB 592 w HA 1; HB 622; HB 692; HB 684; HB 683; HB 682; HB 686; HB 685; HB 635; HB 644; HB 678; HB 648 and adopted HCR 184; HCR 185; HCR 186.

Senator Zimmerman moved that HB 511 w HA 1 be restored to the Calendar. Senator Sharp moved that the roll call vote on the Bill be rescinded and the Bill laid on the table. There was no objection.

SB 456 w SA 1 which had been returned from the House further amended by HA 1 was taken up for consideration on motion of Senator Adams. The roll call vote on SB 456 w SA 1, HA 1 was then taken and revealed 20 Senators voting YES and 1 (Neal) voting NO; therefore, the Bill was declared passed and sent to the Governor for consideration.

On motion of Senator Sharp (and without objection), the roll call vote on SB 486 w SA 1 was rescinded and the Bill restored to the Calendar.

On motion of Senator Sharp, a new roll call on SB 486 w SA 1 was then taken and revealed:

YES: Senators Bair, Berndt, Connor, Cook, Knox, McBride, Minner, Neal, Sharp, Still, Vaughn - 11.

NO: Senators Adams, Bane, Cordrey, Holloway, Marshall, McDowell, Slatcher, Zimmerman - 8.

NOT VOTING: Senators Martin, Torbert - 2.

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

On motion of Senator Marshall (and without objection), the roll call vote on SB 489 was lifted and announced:

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

NO: Senators Bair, Bane, Berndt, Connor, Cook, Cordrey, Knox, Sharp, Vaughn - 9.

NOT VOTING: Senator Slatcher - 1.

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

On motion of Senator Sharp (no objection) HB 511 w HA 1 was lifted from the table for consideration. The roll call vote was taken and announced:

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

NO: Senators Adams, Bair, Bane, Cordrey, Knox, Neal, Slatcher, Still - 8.

NOT VOTING: Senators Berndt, Connor - 2.

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

Senator Sharp moved that the necessary rules be suspended for consideration of HS 1 for HB 546 w HA 1, 3, 4, 5.

Senator Minner moved that the Bill be laid on the table. The roll call vote on the move to table the Bill was taken and revealed:

YES: Senators Bane, Berndt, Cordrey, Holloway, Knox, Minner, Sharp, Torbert, Vaughn, Zimmerman - 10.

NO: Senators Adams, Bair, Connor, Cook, Marshall, Martin, McBride, McDowell, Neal, Slatcher, Still - 11.

Therefore, the motion failed; however, the Bill was laid on the table on further motion of Senator Sharp (no objection).

HB 690 was introduced and taken up for consideration on motion of Senator Holloway under suspension of the necessary rules (no objection):

HB 690 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE STATE BOARD OF HEALTH. Sponsors: Representative Spence, Senator Holloway; Representatives Buckworth, D. Ennis, Fallon, Mack, DiPinto, Quillen, Taylor, Boykin, Oberle, Ewing, Bennett, Outten; Senators Knox, Berndt, Bane.

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

HB 634 was introduced and taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules:

HB 634 - AN ACT TO AMEND CHAPTER 11, TITLE 5 OF THE DELAWARE CODE RELATING TO MODIFYING CURRENT PROVISIONS FOR THE FILING AND PAYMENT OF ESTIMATED BANK FRANCHISE TAX. Sponsors: Representatives D. Ennis, Lee, DiPinto, Dixon, VanSant; Senators Cordrey, Adams, Zimmerman, Slatcher, Still.

The roll call vote on the Resolution 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 678 was introduced and taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection);

HB 678 - AN ACT TO AMEND CHAPTERS 9 AND 22, TITLE 5 OF THE DELAWARE CODE RELATING TO BANK AND LICENSED LENDERS' REVOLVING AND CLOSED END CREDIT. Sponsors: Representatives D. Ennis, Lee, DiPinto, VanSant, Dixon.

The privilege of the floor was extended to Michael Harkins (Secretary of State).

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and 3 (Holloway, McBride, McDowell) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 686 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cordrey (no objection):

HB 686 - AN ACT TO AMEND CHAPTER 11, TITLE 12 OF THE DELAWARE CODE RELATING TO ESCHEATS. Sponsors: Representatives D. Ennis, Lee; Senator Cordrey.

The privilege of the floor was extended to Stephen P. Golding (Secretary of Finance).

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Holloway, Marshall, McBride) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 685 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cordrey (no objection):

HB 685 - AN ACT TO AMEND CHAPTERS 7 AND 19, TITLE 18, AND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO THE INSURANCE PREMIUMS TAX AND RELATED TAXES ON SELF-INSURERS AND TO DISTRIBUTIONS FROM SUCH TAXES. Sponsors: Representatives D. Ennis, Lee; Senator Cordrey.

The privilege of the floor was extended to Stephen P. Golding (Secretary of Finance).

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

Senator Cook introduced to the Senate her aunt and uncle, Dot and Tom Wilson.

Lt. Governor Woo introduced to the Senate, his wife Katie.

HB 525 w HA 1 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 525 w HA 1 - AN ACT TO AMEND CHAPTER 95, TITLE 10, DELAWARE CODE RELATING TO SERVICE OF PROCESS AND DEFAULT JUDGMENTS IN JUSTICE OF THE PEACE COURT CIVIL ACTIONS.

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

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

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

NO: Senators McBride, McDowell - 2.

NOT VOTING: Senator Holloway - 1.

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

HB 526 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 526 - AN ACT TO AMEND CHAPTER 95, TITLE 10, DELAWARE CODE, RELATING TO THE JUSTICE OF THE PEACE COURT ATTACHMENT STATUTE.

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

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.

HB 555 w HA 1, 2, 3 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules (no objection):

HB 555 w HA 1, 2, 3 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE CREATING THE EXTREMELY HAZARDOUS SUBSTANCES RISK MANAGEMENT ACT.

SA 1 to the Bill (sponsor: Senator Zimmerman) 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 555 w HA 1, 2, 3, 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.

SB 496 was introduced and taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

SB 496 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID. Sponsors: Senator Cook, Representative Corrozi; Senators Berndt, Holloway, McBride, Slatcher, Vaughn; Representatives Bennett, Davis, Quillen, Smith, Soles.

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

HB 446 w HA 1, HA 2 w HA 1; HA 3 was taken up for consideration on motion of Senator Zimmerman under suspension of the necessary rules (no objection):

HB 446 w HA 1, HA 2 w HA 1; HA 3 - AN ACT TO AMEND DELAWARE CODE, TITLE 10, RELATING TO THE VACATION OF DEDICATED OPEN SPACE AND PARKLAND.

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

HB 587 was taken up for consideration on motion of Senator Minner:

HB 587 - AN ACT TO AMEND VOLUME 64, CHAPTER 215, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE CITY OF HARRINGTON.

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

The roll call vote on HB 587 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.

SB 328 was taken up for consideration on motion of Senator Sharp:

SB 328 - AN ACT TO AMEND CHAPTER 5, TITLE 10 OF THE DELAWARE CODE RELATING TO THE SUPERIOR COURT.

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

HB 617 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 617 - AN ACT TO AMEND CHAPTER 81, TITLE 9, DELAWARE CODE, RELATING TO COUNTY AND OTHER POLITICAL SUBDIVISION TAXATION OF PARKLAND.

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

HB 506 - AN ACT TO AMEND CHAPTER 27, TITLE 21 DELAWARE CODE, RELATING TO THE DUPLICATION, REPRODUCTION, ALTERING, OR COUNTERFEITING OF DRIVER'S LICENSES OR IDENTIFICATION CARDS.

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

HB 540 w HA 3, 5, 6 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

HB 540 w HA 3, 5, 6 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO THE DISPLAY, LENDING OR POSSESSION OF FICTITIOUS, FRAUDULENT OR COUNTERFEIT DRIVERS LICENSES OR IDENTIFICATION CARDS AND THE PENALTIES THEREFOR.

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

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

HB 581 w HA 1 - AN ACT TO AMEND TITLE 6, CHAPTER 27 OF THE DELAWARE CODE RELATING TO EXCULPATORY CLAUSES IN CERTAIN CONTRACTS.

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

SB 496 was lifted from the table for consideration on motion of Senator Cook and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

The Secretary announced that a message from the House informed the Senate that it had passed HB 698.

HB 698 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

HB 698 - 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 REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING FUNDS FROM THE FIRST STATE IMPROVEMENT FUND AND THE TRANSPORTATION TRUST FUND; PLEDGING DOCUMENT FEES TO THE TRANSPORTATION TRUST FUND TOGETHER WITH MOTOR FUEL TAXES AND MOTOR CARRIER REGISTRATION FEES; MAKING CERTAIN ADDITIONAL AMENDMENTS TO AND READOPTING TITLE 2, CHAPTER 13 AND CHAPTER 14; TRANSFERRING CERTAIN GENERAL OBLIGATION BOND AUTHORIZATIONS TO THE TRANSPORTATION TRUST FUND; TRANSFERRING CERTAIN DELAWARE TRANSPORTATION AUTHORITY BOND AUTHORIZATIONS TO THE TRANSPORTATION TRUST FUND; DEAUTHORIZING CERTAIN GENERAL OBLIGATION BONDS OF THE STATE AND CERTAIN BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY AND CERTAIN AUTHORITY FOR GUARANTEED INDUSTRIAL REVENUE BONDS; REVERTING AND REPROGRAMMING CERTAIN SURPLUS FUNDS OF THE STATE AND REPROGRAMMING CERTAIN FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY CREATING CERTAIN FUNDS OF THE STATE ; APPROPRIATING CERTAIN GENERAL AND SPECIAL FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY; AUTHORIZING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO ALLOCATE STRIPPER WELL FUNDS TO CERTAIN ELIGIBLE CAPITAL IMPROVEMENTS AUTHORIZED IN THIS ACT; AMENDING CHAPTER 50, TITLE 29 OF THE DELAWARE CODE RELATING TO THE CREATION OF A DEVELOPMENT INCENTIVE FUND; AMENDING TITLE 29 OF THE DELAWARE CODE BY ADDING A NEW CHAPTER 34

RELATING TO THE ESTABLISHMENT OF A COMMISSION ON NATURAL AREAS AND OPEN SPACES; AMENDING TITLE 29, CHAPTER 65 OF THE DELAWARE CODE, REGARDING THE DEPARTMENT OF TRANSPORTATION CAPITAL PROGRAM AUTHORIZATIONS AND ACCOUNTING SYSTEM; AMENDING TITLE 2, CHAPTER 14 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE DELAWARE TRANSPORTATION AUTHORITY; AMENDING VOLUMES 65, 66 AND 62 OF THE LAWS OF DELAWARE RELATING TO NATIONAL GUARD PROJECTS AND SHORELINE STABILIZATION, AMENDING TITLE 29, CHAPTER 74 OF THE DELAWARE CODE REGARDING PAYMENT OF DEBT SERVICE AND CHAPTER 83 REGARDING NOTIFICATION OF BOND ISSUANCES; AMENDING CHAPTER 51, TITLE 30 OF THE DELAWARE CODE REGARDING MUNICIPAL STREET AID; AMENDING CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO BID PROCEDURES; AMENDING TITLE 30, CHAPTER 30 OF THE DELAWARE CODE RELATING TO THE DELAWARE TRANSPORTATION AUTHORITY. Sponsors: Representative Roy, Senator Cook; Representatives Carey, Corrozi, B. Ennis, Jonkiert, Taylor; Senators Martin, McBride, Minner, Neal, Still.

The roll call vote on the Bill was taken; however, the roll call was laid on the table before being announced on motion of Senator Cook. The roll call was then immediately lifted on motion of Senator Cook and revealed 20 Senators voting YES and 1 (McDowell) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 519 w HA 1 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 519 w HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND SEASONAL EMPLOYMENT AND BENEFIT REQUIREMENTS.

The privilege of the floor was extended to Mathias Fallis (Secretary of Labor for the State of Delaware).

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

On motion of Senator Adams, the Governor's nomination for appointment of Emilie E. Tugend 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 W. Allen Jones was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Frank J. Carello, Jr., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 19 Senators voting YES and 2 (Holloway, Still) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of William S. Rowe, Jr., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 19 Senators voting YES and 2 (Holloway, Still) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Marcealeate S. Ruffin 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 (Still) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Margaret L. Barrett 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 (Still) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Charles M. Stump 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 (Still) ABSENT; therefore, the appointment was declared confirmed.

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

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

At 12 midnight on motion of Senator Sharp, the Second Session of the 134th General Assembly adjourned.

* * * * *

SPECIAL SESSION
July 1, 1988

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
Terry R. Spence, Speaker of the House of Representatives
SUBJECT: Special Session
DATE: June 30, 1988 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 Second Session of the 134th General Assembly of the State of Delaware in Special Session.

S. B. Woo, Lt. Governor, State of Delaware
Terry R. Spence, Speaker of the House of Representatives
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The Senate convened at 12:01 a.m., July 1, 1988 Lt. Governor Woo presiding.

A Prayer was offered by Senator Berndt.

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 76 w SA 1; SB 243; SB 392 w SA 1; SB 385 w SA 1; SB 437; SB 158; SB 382; SB 217; SB 475; SB 360; SB 442; HB 645; HB 696 w HA 1; HB 566; SB 160 w SA 1, 2, 3, 4; HB 695; SB 480 and adopted SCR 170; SJR 14; SJR 15; SCR 184; HJR 32.

HB 124 w SA 1 w SA 2 was lifted from the table for consideration on motion of Senator Sharp.

SA 4 to the Bill (sponsor: Senator Sharp) 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 124 w SA 1 w SA 2; SA 4 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SA 2 and SA 3 to HB 124 which had been placed with the Bill were stricken.

SB 500 was introduced and taken up for consideration on motion of the necessary rules on motion of Senator Cook (no objection):

SB 500 - AN ACT TO AMEND CHAPTER 39 OF TITLE 14 AND CHAPTERS 55 AND 56, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED ON OR BEFORE JULY 1, 1987. Sponsors: Senators Cook, Vaughn, McBride, Holloway, Berndt, Slatcher, Adams, Bair, Bane, Connor, Cordrey, Knox, Marshall, Martin, McDowell, Minner, Neal, Sharp, Still, Torbert, Zimmerman; Representatives Corrozi, Smith, Davis, Quillen, Bennett, Soles, Oberle, Plant, Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, DiPinto, Dixon, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Roy, Sills, Spence, Taylor, 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.

HB 559 w HA 4, 6 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Holloway (no objection):

HB 559 w HA 4, 6 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO INFORMED CONSENT AND CONFIDENTIALITY REGARDING HIV RELATED TESTS. Sponsors: Representative Oberle, Senator Torbert; Representative Soles, Senator Bane; Representatives Petrilli, Buckworth, Davis, Hebner, Maroney, DiPinto, Lee, Corrozi, Amick, Taylor, George, Gilligan, VanSant, Bennett, Dixon, Outten, Bunting, Jester; Senators Bair, Berndt, Knox.

At 12:19 a.m. Senator Cordrey presiding.

The privilege of the floor was extended to Dr. Lyman Olsen (Division of Public Health).

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

HB 668 was introduced and taken up for consideration on motion of Senator McDowell under suspension of the necessary rules (no objection):

HB 668 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION. Sponsors: Representatives Amick, Houghton, Jonkiert.

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

HB 672 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules (no objection):

HB 672 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO CERTAIN STATE AGENCIES; AND PROVIDING FOR APPEALS FROM CERTAIN AGENCY DECISIONS.

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

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

NOT VOTING: Senators Berndt, Neal - 2.

ABSENT: Senator Zimmerman - 1.

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

HB 666 w HA 1, 2 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator McDowell (no objection):

HB 666 w HA 1, 2 - AN ACT TO AMEND CHAPTER 20, TITLE 24 OF THE DELAWARE CODE RELATING TO OCCUPATIONAL THERAPY. Sponsors: Representatives Amick, Houghton, Jonkiert.

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

HB 662 w HA 1 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator McDowell (no objection):

HB 662 w HA 1 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO MEETINGS HELD BY CERTAIN STATE AGENCIES. Sponsors: Representatives Amick, Houghton, Jonkiert..

At 12:30 a.m. Lt. Governor Woo Presiding.

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

YES: Senators Adams, Bair, Bane, Connor, Knox, Marshall, Martin, McBride, McDowell, Minner, Slatcher, Still, Torbert - 13.

NO: Senators Cook, Cordrey, Neal, Sharp, Vaughn, Zimmerman - 6.

NOT VOTING: Senators Berndt, Holloway - 2.

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

HB 663 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator McDowell (no objection):

HB 663 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGULATORY FUNCTIONS OF CERTAIN STATE AGENCIES. Sponsors: Representatives Amick, Houghton, Jonkiert.

Before final action was taken on the Bill, however, it was laid on the table on further motion of Senator McDowell.

HB 673 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator McDowell (no objection):

HB 673 - AN ACT TO AMEND CHAPTER 88, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DIVISION OF PROFESSIONAL REGULATION. Sponsors: Representatives Amick, Houghton, Jonkiert; Senator McDowell.

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

HB 663 was lifted from the table for consideration on motion of Senator McDowell; however, before final action on the Bill was taken the Bill was again laid on the table on further motion of the Senator.

The roll call on HB 602 was lifted from the table on motion of Senator Minner (no objection) and announced:

YES: Senators Adams, Bair, Bane, Cook, Marshall, Martin, McBride, McDowell, Minner, Sharp, Still, Vaughn - 12.

NO: Senators Berndt, Connor, Cordrey, Holloway, Knox, Neal, Slatcher, Torbert, Zimmerman - 9.

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

SB 493 was taken up for consideration on motion of Senator Holloway under suspension of the necessary rules (no objection):

SB 493 - AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO THE PERSONAL INCOME TAX.

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

HB 635 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Marshall (no objection):

HB 635 - AN ACT TO AMEND VOLUME 61, PART 1, CHAPTER 220, LAWS OF DELAWARE, RELATING TO THE LEASING OF THE WILMINGTON ARMORY TO ST. ANTHONY'S SENIOR AND COMMUNITY CENTER, INC., A NON-PROFIT CORPORATION. Sponsors: Representatives DiPinto, Petrilli, Corrozi, Gilligan, George; Senator Marshall.

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

The privilege of the floor was extended to Stephen Golding (Secretary of Finance).

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

HB 691 - AN ACT TO AMEND CHAPTERS 23, 25, 27, 29 AND 43, TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS AND OCCUPATIONAL GROSS RECEIPTS TAXES. Sponsors: Representative Lee; Senators Cordrey, Adams.

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

SENATE CONSENT CALENDAR #38 was introduced and considered for adoption on motion of Senator Minner:

The Calendar consisted of the following:

SR 111 - WISHING GOOD LUCK TO REBECCA JANE (BECKY) THOMAS OF PEARSONS CORNER, WHO WILL REPRESENT DELAWARE IN THE "MISS BEAUTY PAGEANT" OF THE 25TH ANNUAL HEMISPHERE PAGEANT IN MIAMI BEACH, FLA., JUNE 25-30, 1988. Sponsor: Senator Cook.

SR 113 - PROVIDING GUIDELINES FOR THE STATEWIDE RESPITE CARE PROGRAM. Sponsors: Senators Holloway, Berndt.

SR 114 - CONGRATULATING ROGER AND ADELE MARTIN ON BECOMING ROOKIE GRANDPARENTS. Sponsors: Senators Marshall, Adams, Bair, Bane, Berndt, Connor, Cook, Cordrey, Holloway, Knox, McBride, McDowell, Minner, Neal, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman.

SCR 185 - CONGRATULATING EARLE L. ISAACS OF ELLENDALE ON HIS APPOINTMENT AS EXECUTIVE DIRECTOR OF THE DELAWARE AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE. Sponsors: Senators Minner, Adams; Representatives West, Clark.

SCR 186 - MOURNING THE DEATH OF JAMES A. HAGAN, JR., A GREAT COACH AND EDUCATOR AND A MEMBER OF THE DELAWARE SPORTS HALL OF FAME. Sponsors: Senator Marshall; Representatives George, Gilligan.

SCR 187 - CELEBRATING AND COMMEMORATING THE SEVENTY-FIFTH JUBILEE YEAR OF ST. STANISLAUS KOSTKA R. C. CHURCH OF WILMINGTON. Sponsors: Senator Marshall, Representative Jonkiert.

SCR 188 - REQUESTING THAT THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DEPARTMENT OF CORRECTIONS, DEPARTMENT OF JUSTICE AND OFFICE OF THE PUBLIC DEFENDER EVALUATE EXISTING PROGRAMS PERTAINING TO THE REHABILITATION OF INCARCERATED SEX OFFENDERS AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AS TO PROSPECTIVE IMPROVEMENTS IN SAID PROGRAMS. Sponsors: Senators Holloway, Martin; Representative Maroney.

SCR 189 - PROVIDING GUIDELINES FOR THE STATEWIDE RESPITE CARE PROGRAM. Sponsor: Senators Holloway, Berndt.

HCR 183 - MOURNING THE LOSS OF DELAWARE CITY MAYOR EVERT R. BROWN. Sponsors: Representative Mack, Senator Vaughn.

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The roll call vote on SENATE CONSENT CALENDAR #38 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.

Senator Berndt was given a standing ovation in recognition of his retirement from the Senate after 16 years of dedicated service.

At 1:10 a.m., July 1, 1988 the Senate recessed to the call of the President pro Tempore on motion of Senator Sharp.

SPECIAL SESSION CALLED BY THE GOVERNOR
October 18, 1988

The Senate convened at 4:04 p.m., Lt. Governor Woo presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

ABSENT: Senators Connor, Neal, Slatcher - 3.

The following communication from the Governor was read:

STATE OF DELAWARE
Office of the Governor

October 12, 1988

Honorable Richard S. Cordrey
President Pro Tempore
Delaware State Senate
River Drive
Millsboro, DE 19966

RE: Special Session of the 134th General Assembly of the State of Delaware

Dear Senator Cordrey

Pursuant to the authority vested in the Office of Governor of the State of Delaware in Article III, Section 16 of the Constitution of the State of Delaware, I am hereby convening a Special Session of the Senate of the Delaware General Assembly to be held on Tuesday, October 18, 1988. This letter shall serve as notice by Proclamation that such extraordinary session is warranted for the consideration of judicial appointments and the transaction of other executive business.

Sincerely,
Michael N. Castle, Governor

* * * *

A messenger from the Governor was announced and admitted.
The following veto message from the Governor was read:

STATE OF DELAWARE
Office of the Governor
July 20, 1988

To the Delaware State Senate of the 134th General Assembly

On July 8, 1988, I received Senate Bill No. 44 as Amended by Senate Amendment No. 3 which is entitled: AN ACT TO AMEND TITLE 29 AND 31 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES; AND PROVIDING FOR A PARAMEDIC SERVICES PROGRAM."

Senate Bill No. 44, as amended, purports to establish a statewide Advanced Life Support ("ALS") system. In truth, however, the bill lacks both the operational plan and the necessary funding to implement such a system. As such, this legislation is merely a hollow shell and does nothing to provide Delaware's citizens with increased emergency medical care.

This Administration has spent considerable time and resources examining various aspects of a statewide system including what should be the proper role of the State and how that role should interface with local governments, hospitals, medical personnel, professional providers of these services and users of these services. An extensive study of the present system and recommendations for the implementation of a statewide system was presented to me and the General Assembly in June of this year. That study recommended a course of action in addressing Advanced Life Support. As a result of that study, my Administration made several recommendations to the Legislature regarding what I felt to be necessary changes to improve Senate Bill No. 44 so that this study could be properly implemented. These recommendations were not adopted.

It is important that all the citizens of Delaware have access to a system that can act effectively in life threatening situations. To sign Senate Bill No. 44 would leave the false impression with the citizens of Delaware that we have, in fact, created such a statewide system. This legislation fails to achieve that objective. I am therefore left with no choice but to veto Senate Bill No. 44 and take the appropriate action to establish a meaningful statewide system. Consistent with this policy and in conjunction with many of the recommendations contained in the consultant's report issued in June, I will recommend, in January, both the specifics for operating and funding a statewide system. As I state earlier, Senate Bill No. 44 fails to fund a statewide Advanced Life Support system. The course which I will recommend to the Legislature in January, therefore, in fact allows for the funding of such a system at least six months earlier than would have been possible under Senate Bill No. 44.

I have asked members of my Administration and the affected cabinet agencies to present to me the specific plan. To that end, I will present to the legislative leadership, prior to the January session, a specific legislative and funding package that will meet the following objectives:

1. The implementation of a statewide ALS system with the goal of meeting national standards for response times which will require an estimated combined expenditure of five to six million dollars. That expenditure should be met through a combination of State and local funds, third-party contracts and user fees.
2. The development and implementation of increased emergency medical standards and training through agencies designated by the Office of Emergency Medical Services so that ALS personnel will be trained in accordance with national standards.
3. Cooperation with existing county and local systems to either absorb them in the statewide system or provide for continuation of the existing services through a contractual agreement with the State.
4. The establishment of a statewide Advanced Life Support Division within the Department of Public Safety that will provide ground units sufficient to meet the goal of providing response time in accordance with nationally recognized standards.
5. The restructuring of DEMSAC, which is the professional advisory board to the Office of Emergency Medical Services, so that all parties affected by the ALS system can provide their input in establishing this new division.
6. The coordination with existing volunteers who provide life support services to the citizens of the State of Delaware. Those volunteers are indispensable for the provision of an effective and efficient emergency medical service system in Delaware.
7. The coordination of Basic Life Support and Advanced Life Support operational issues.
8. The standardization of prehospital treatment forms which should include information covering the treatment of patients from initial entry into the system through discharge.
9. The continuation of the Trooper-Medic Program as an adjunct to ground-based emergency medical services.

I have directed Scott Dougless, my Budget Director, to work with existing local services to develop an appropriate formula that will reflect local participation and overall State funding support. That formula will be a part of the legislation that I will present in January. In addition, I will direct the appropriate State agencies to work with insurance providers to develop a program of reimbursement where appropriate.

I have contacted the members of the General Assembly who have sponsored Senate Bill No. 44 and outlined for them the steps that I am taking to see that this issue is dealt with as one of the first items on the agenda in January. It should be made clear that in vetoing this legislation I am not condemning the concept of a statewide Advanced Life Support service. To the contrary, my plan is to implement such a system which would benefit all the citizens of Delaware in a more prompt and efficient manner than recommended in Senate Bill No. 44.

For the reasons stated above, I am returning Senate Bill No. 44 as Amended by Senate Amendment No. 3 to the Senate without my signature.

Respectfully submitted,
Michael N. Castle, Governor

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SB 44 w SA 3 was laid on the table on motion of Senator Sharp.
The following nomination for appointment from the Governor was read and laid on the table on motion of Senator Adams:

STATE OF DELAWARE
Office of the Governor
October 18, 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: Maurice A Hartnett, III, 144 Cooper Road, Dover, DE 19901, to be reappointed Vice-Chancellor of the Court of Chancery of the State of Delaware for a term of twelve years.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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Senator Berndt marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of Wilmer C. Cason was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 17 Senators voting YES and 4 (Connor, McBride, Neal, Slatcher) ABSENT; therefore, the appointment was declared confirmed.

Senator McBride marked PRESENT.

On motion of Senator Adams, the Governor's nomination for appointment of James E. Maloy was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 18 Senators voting YES and 3 (Connor, Neal, Slatcher) ABSENT; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Maurice Hartnett, III was lifted from the table for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 18 Senators voting YES and 3 (Connor, Neal, Slatcher) ABSENT; therefore, the appointment was declared confirmed.

Senator Adams introduced Judge Hartnett who was present in the Gallery.

HB 452 w HA 2 w HA 1 was introduced and taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

HB 452 w HA 2 w HA 1 - AN ACT TO AMEND CHAPTER 47, TITLE 21, DELAWARE CODE RELATING TO MOTOR CARRIER SAFETY-RESPONSIBILITY. Sponsors: Representatives Houghton, Oberle, Brady, Bunting, Campanelli, Clark, Dixon, B. Ennis, Mack, Petrilli, Plant, Spence, VanSant; Senators Connor, McBride, Marshall.

A letter from the Secretary of Public Safety, Edward J. Steiner, to Senator Marshall was read after which the roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Connor, Neal, Slatcher) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 44 w SA 3 which had been laid on the table with the Governor's Veto Message was lifted from the table for further consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

SB 44 w SA 3 - 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.

The roll call vote on the motion to override the Governor's veto of the Bill was then taken and revealed:

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

NO: Senators Bair, Bane, Berndt, Knox, Still - 5.

ABSENT: Senators Connor, Neal, Slatcher - 3.

Therefore, the Governor's veto of the Bill was declared overridden by the Senate and sent to the House.

SENATE CONSENT CALENDAR #39 was introduced and considered for adoption on motion of Senator Minner.

The Calendar consisted of the following:

SR 118 - COMMENDING THE LITTLE CREEK VOLUNTEER FIRE COMPANY FOR HAVING RECEIVED FIRST PLACE HONORS FOR ITS RESCUE TRUCK AT THE ANNUAL STATE FIREMEN'S CONVENTION HELD IN NEWARK, DELAWARE IN SEPTEMBER. Sponsor: Senator Zimmerman.

SR 119 - CONGRATULATING AMBER LYNN BURK ON HER SELECTION AS KENT COUNTY LITTLE MISS FIRE PREVENTION. Sponsor: Senator Torbert.

SR 120 - COMMENDING MRS. PHYLLIS HAZEL, DIRECTOR OF THE DIVISION OF ECONOMIC SERVICES OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES ON HER RECENT HONOR OF BEING NAMED AS THE 1988 TOLL FELLOW. Sponsors: Senators Bair, Holloway, Bane.

SR 121 - URGING THE STATE BOARD OF HEALTH TO RESCIND ITS ACTION OF JUNE, 1988, PROHIBITING HOMEOWNERS FROM PERFORMING THEIR OWN PLUMBING REPAIRS. Sponsors: Senators Minner, Adams, Cook, Cordrey, Torbert, Vaughn, Zimmerman, Slatcher.

SR 122 - CELEBRATING THE 50TH ANNIVERSARY OF THE SELECTION OF THE CITY OF SEAFORD AS THE SITE OF THE WORLD'S FIRST NYLON PLANT BY THE DU PONT COMPANY. Sponsors: Senators Slatcher, Adams, Cordrey, Minner.

SR 123 - URGING GOVERNOR MICHAEL N. CASTLE TO CREATE A SPECIAL PANEL CHARGED WITH THE RESPONSIBILITY OF DETERMINING THE APPROPRIATE ROLE OF ACUPUNCTURE AS A MEDICAL TREATMENT. Sponsors: Senators Torbert, McDowell, Marshall, Neal, Bane.

SR 124 - EXTENDING "HAPPY BIRTHDAY WISHES" TO MRS. BELLE EVERETT OF KENTON, DELAWARE, FORMER STATE TREASURER, ON HER RECENT NINETIETH BIRTHDAY, SATURDAY, OCTOBER 15, 1988, AND FURTHER WISHING HER THE BEST OF HEALTH AND HAPPINESS IN THE FUTURE. Sponsors: Senators Cook, McDowell, Holloway, Marshall, Sharp, Martin, McBride, Vaughn, Torbert, Zimmerman, Minner, Adams, Cordrey.

SR 125 - INQUIRING OF THE ATTORNEY GENERAL AS TO WHEN HE MIGHT BE EXPECTED TO BEGIN ENFORCEMENT OF §2504(2) OF TITLE 29 WITH RESPECT TO PUBLICATION IN BOOK FORM OF THE OPINIONS OF THE ATTORNEY GENERAL. Sponsors: Senators Berndt, Sharp.
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The roll call vote on SENATE CONSENT CALENDAR #39 was then taken and revealed 18 Senators voting YES and 3 (Connor, Neal, Slatcher) ABSENT; therefore, the Resolutions were declared adopted.

Senator Torbert presented to the Senate and requested the privilege of the floor for Amber Lynn Burk (Little Miss Fire Prevention).

SR 126 was introduced and considered for adoption on motion of Senator Holloway:

SR 126 - REQUESTING THE STAY OF THE PROVISIONS OF SENATE BILL NO. 89 AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 3 FOR JUSTICES OF THE PEACE UNTIL REMEDIAL LEGISLATION IS ENACTED. Sponsors: Senators Holloway, Cordrey.

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

SR 127 - CELEBRATING THE LIFE, ACCOMPLISHMENTS AND INSPIRATIONAL LEADERSHIP OF JOHN FITZGERALD KENNEDY AS WE APPROACH THE TWENTY-FIFTH ANNIVERSARY OF HIS TRAGIC AND PREMATURE DEATH. Sponsors: Senators Marshall, Adams, Bair, Bane, Berndt, Cook, Cordrey, Holloway, Knox, Martin, McBride, McDowell, Minner, Sharp, Slatcher, Still, Torbert, Vaughn, Zimmerman.

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

SR 128 was introduced and considered for adoption on motion of Senator Torbert:

SR 128 - WISHING A SPEEDY RECOVERY TO HERBERT GAMPP, LEGISLATIVE HALL MAINTENANCE SUPERVISOR. Sponsor: Senator Torbert and all the Senators.

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

At 5:05 p.m. on motion of Senator Sharp, the Special Session called by the Governor adjourned and the Senate returned to the recess to the call of the President pro Tempore as of July 1, 1988.

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During the recess, the following veto letters from the Governor were received; also LEGISLATIVE ADVISORIES #58 through #71 from the Office of Counsel to the Governor:

STATE OF DELAWARE
Office of the Governor
July 11, 1988

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

I am this day returning Senate Bill No. 351 as amended by House Amendments No. 1 & 2, which I received on June 30, 1988, and which is entitled: AN ACT TO AMEND CHAPTER 28, DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS.

The legislation is intended to permit reciprocity between the states regarding the procedures to be adopted regarding the admission to practice of professional engineers. Apparently, the bill is intended to permit an engineer from another state to enter Delaware and register as a professional engineer as long as the newly registered engineer meets the requirements for admission that existed in Delaware at the time of the initial registration. While preliminarily, the bill appears to make sense in that it permits the entry into Delaware of engineers from other states, there appear to be important omissions in the bill as it is drafted which necessitate my returning the bill without my signature.

Under Delaware law as it currently exists, a person seeking to enter this state and practice as a professional engineer must have met at least the standards imposed on Delaware licenses professional engineers. This means that a professional engineer from another state may enter Delaware and seek registration as long as the state from whence he or she came had requirements at least equal to Delaware's.

The legislation now before me departs from the existing registration scheme in at least two crucial ways. First, the existing registration language speaks of the applicant meeting the criteria for admission when he or she applies for a license in Delaware. The proposal now before me appears to open the door for the new registrant to take as long as he or she feels is necessary to meet the Delaware registration criteria. This is so because of the language which is employed in the bill, which states that the applicant must meet the Delaware requirements "either on or subsequent to the date of the original registration". This language opens the door for the entire registration process to go on virtually forever. By permitting the registrant to meet the criteria after the person registers to practice in Delaware with no apparent closing date would have the effect of permitting a person to practice in Delaware for an indefinite period of time with no formal license ever issuing. Clearly this situation would not serve the people of the State of Delaware nor the professional engineers who currently practice in this State.

As a secondary concern, the new legislation appears to alter the applicable standards under which new engineers may be admitted by stating that these engineers must meet the specific criteria existing in Delaware as of the date of their initial registration. This would appear to eliminate all of those states whose regulations are stricter than those in Delaware. Thus, apparently under the new legislation, those persons who migrate from a state which has registration criteria which is more strict than those criteria in Delaware must still meet the requirements of Delaware specifically and not the more stringent criteria of their former state. This provision clearly departs from the existing statutory scheme in that currently, if you meet a more stringent registration requirement you are automatically eligible for admission to Delaware. While this may appear to be a technical argument, it is one possibility which must be considered when evaluating this legislation.

Certainly the alteration of professional licensing regulations is a serious matter. Any revision should be well-researched and carefully drafted to avoid the uncertainties from which this bill suffers. While the intention of the sponsors may have been to clarify and strengthen the registration and licensing regulations applicable to professional engineers in Delaware, this piece of legislation does not accomplish that goal.

For all of the reasons set forth above, I feel that a veto of this bill is required and I am returning Senate Bill No. 351, as amended by House amendment No. 1 and 2, without my signature.

Respectfully submitted,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
July 11, 1988

To the Delaware State Senate of the 134th General Assembly

On June 29, 1988, I received Senate Bill No. 99 which is entitled: AN ACT TO AMEND CHAPTER 21, TITLE 29 OF THE DELAWARE CODE RELATING TO THE SALARY OF THE GOVERNOR.

This bill would amend Title 29 to increase the salary of the Governor of the Sate of Delaware from \$70,000.00 to \$75,000.00 per year, effective on the day of the Governor's inauguration. While I support the intent of the legislation which is to have the Governor's salary be commensurate with the responsibilities of the Chief Executive Officer of the Sate of Delaware, I feel compelled to veto the bill. Nonetheless, I wish to convey my sincere gratitude to the members of the General Assembly who passed this legislation by an overwhelming majority. Clearly, I am less than comfortable with being a part of the process by which my personal salary could be increased. These concerns are heightened by the timing of the current proposal. The normal concerns which accompany the increasing of ones salary are only enhanced by the timing of the instant bill, which appears on my desk during an election period.

I do not wish to appear to be ungrateful. The issue of the salary of the Governor of the State of Delaware is an issue which needs to be addressed regularly.

As I previously stated, I support the concept that the salary of the Chief Executive Officer of the State should be commensurate with the responsibilities that come with this office.

However, due to the reasons stated above, I feel compelled to return Senate Bill No. 99 to the Senate without my signature.

Respectfully submitted,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
July 11, 1988

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

I am returning Senate Bill No. 456, as amended by Senate Amendment No. 1 and House Amendment No. 1, which I received on July 1, 1988 and which is entitled: AN ACT TO AMEND TITLE 28 BY ADDING THERETO A NEW CHAPTER 10 RELATING TO THE EXEMPTION OF OWNERS OF SHOOTING RANGES FROM ANY CIVIL OR CRIMINAL ACTIONS RELATING TO NOISE POLLUTION.

This particular piece of legislation is designed to provide civil and criminal immunity to owners of shooting ranges as it relates to violations of the applicable statutes and enactments concerning noise pollution. Further, the bill extends that immunity to protect the owners of such facilities from liability under the common law legal doctrine of nuisance. While I am keenly aware of the necessity of providing persons who engage in the recreational or sport use of firearms with a safe place in which to act, I must also evaluate the competing interests of the society as a whole, and especially those persons who live near such ranges, when assessing the propriety of this legislation.

It is abundantly clear that the bill is intended to provide the owners of shooting ranges with some degree of protection from legal complications which may arise as a result of the operation of their business. However, the bill as it is presented to me has two aspects which cause me to return this bill without my signature.

From a purely legal point of view, blanket extensions of immunity from liability should be rarely granted. Even in situations such as this where the immunity is only from the effect of noise pollution and nuisance claims, some unscrupulous range owner may abuse the immunity so as to cause the neighboring property owners harm. Without sufficient limitations on the operation of these shooting ranges, this immunity would give any operator the ability to be as noisy as they please without any fear of recourse from a neighbor.

The second problem with the legislation is closely associated with the issue raised above. By merely granting a broad form of immunity without imposing any conditions on the owners or operators of these ranges, the door is open for serious abuse of this privilege. For example, without any further regulation, a range owner or operator may apparently open his doors for twenty-four hour operation. Alternatively, the range may open early on weekends or holidays, when neighbors are attempting to rest or vacation. Under either scenario, the neighboring property owner would have no recourse against the range owner, save appealing to a local zoning authority to revoke the ability of the range to operate in the area. Such action by the neighbor would be costly and time-consuming, and may accomplish little. Obviously, some criteria must be established in order to regulate the effect of this immunity.

This legislation presents a clear need to balance the competing interests of the range owners and the surrounding community. The neighbors who were in the area before the shooting range came into existence should not now be precluded from exerting some influence on the operation of that facility. To give the range owner or operator such unfettered discretion without providing the surrounding neighbors with some semblance of protection is clearly unfair to the neighborhood. Perhaps future sessions of the General Assembly could study this issue to reach some type of resolution which would reflect and protect the interest of all those concerned. However, until the rights of all persons involved are addressed, this legislation should not be permitted to become law. As important as the ability to engage in sport or recreational use of a firearm is to some citizens, the interests and rights of those around the range to peacefully enjoy their property must be given equal, if not greater, weight.

While I am vetoing this present legislative initiative, the veto is in no way intended to herald a retreat from the rights and privileges already bestowed on those persons who engage in the sport and recreational use of firearms. This veto is submitted solely on the technical points raised herein.

For the reasons stated above, I feel that a veto of this bill is required and I hereby return Senate Bill No. 456, as amended by Senate Amendment No. 1 & House Amendment No. 1, without my signature.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
July 12, 1988

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

On June 30, 1988, I received Senate Bill 403 as Amendment by Senate Amendment No. 1 which is entitled: "AN ACT TO AMEND CHAPTER 19, TITLE 7, DELAWARE CODE, RELATING TO UNLAWFUL TAKING OF SHELLFISH."

This bill amends the statute relating to the taking of shellfish by making it lawful in Delaware to take shellfish for commercial purposes on Sundays. The intent of this bill was to allow crabbing to take place in Delaware on Sunday. While I support the intent of this legislation, an amendment to the bill has created serious environmental concerns.

The bill as introduced related only to the taking of shellfish for commercial purposes in New Castle County. According to the Department of Natural Resources and Environmental Control (DNREC) the only shellfish located in New Castle County are crabs. However, on June 28, 1988, an amendment to the bill was introduced and passed in the House which broadened the bill to include all parts of the State of Delaware. When the amendment changed the bill to have statewide application, shellfish other than crabs, such as oysters, clams and lobsters could be commercially harvested on Sundays as well.

I have recently received information from DNREC with regard to Delaware's shellfishery resources. With the exception of blue crabs, those resources are presently at historical all-time low levels of abundance. In light of the present low abundance levels for all of Delaware's shellfish other than blue crabs, any governmental action that would increase the harvesting pressure on those resources and further reduce population levels would be irresponsible.

If an additional day of commercial harvesting were permitted, it would also require that enforcement personnel be devoted to commercial fishery waters during a period when peak recreational enforcement efforts are already at extremely high levels. Furthermore, if Sunday commercial shellfishing were permitted in Delaware, it would encourage additional part-time harvesters to enter the fisheries.

The present status of shellfish stocks other than blue crabs does not justify any additional harvesting effort at this time. This is especially true due to the fact that weekend days are peak recreational harvesting periods and any efforts to increase commercial harvesting during this period could result in a further reduction of already threatened shellfish populations.

Further, the Division of Fish and Wildlife has recommended that, with the exception of blue crabs, no additional harvesting effort should be applied to the shellfishery resources of this State due to the historically low abundance levels of other shellfish.

I want to make it clear that I do not oppose the bill in its original form inasmuch as its practical effect would be on blue crabs only. Nor do I object to the commercial taking of crabs on Sunday on a statewide basis. I would recommend that legislation be introduced in January to effectuate this purpose.

For the reasons stated above, I am returning Senate Bill No. 403 As Amendment by House Amendment No. 1 to the Senate without my signature.

Respectfully submitted,
Michael N. Castle, Governor

* * * * *
STATE of DELAWARE
Office of the Governor

July 15, 1988

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

On July 5, 1988, I received Senate Bill No. 70, which is entitled: AN ACT TO AMEND CHAPTER 9, TITLE 12 OF THE DELAWARE CODE RELATING TO THE ELECTIVE SHARE OF A SURVIVING SPOUSE.

According to the synopsis of the bill, it is intended to prevent a surviving spouse from defeating a deceased spouse's estate plan by renouncing specific property bequeathed or devised to them by the decedent and claiming an outright statutory elective share of the estate. The bill is designed to permit a spouse to receive the property devised only after the spouse deducts from that elective share the value of the specific property. This is a goal which is currently embodied in the elective share statute. However, the authors of the bill apparently believed that the statute should be strengthened by the amendments currently proposed. But in carefully reviewing the legislation, I have discovered potential ramifications which would have serious and devastating effects on the probate of wills in Delaware.

The existing statutory scheme regarding the rights of surviving spouses to receive an elective share requires that spouse to accept the property devised to them and deduct its value from the total elective share portion or to renounce the devise and accept the full elective share. This bill is aimed at preventing the surviving spouse from exercising the right of renunciation and automatically deducting the value of any properties transferred to the survivor whenever the will makes provision for the spouse to receive an estate equal in value to the portion which would be received via an elective share. While this may or may not be an ideal situation, the bill as it is currently drafted raises several questions which must be addressed before this type of legislation may be enacted.

Careful reading of the bill indicates that the desired goal of preventing the spouse from renouncing a devise and receiving the full elective share will not be accomplished. In fact, the bill removes specific references to the renunciation concept in the existing statute. Thus, while attempting to remove doubt about the issue of renunciation, the bill merely serves to further cloud the issue. Additionally, the bill may have the unintended consequence of prohibiting all renunciations, not merely those which apply in elective share situation. This prohibition may actually diminish the estate to be received by a spouse by eliminating a renunciation when the exercise of such a procedure may actually be beneficial to the estate (as, for example, when the will is old and a renunciation would assist in clarifying and probating the will).

The issue of support for a surviving spouse is one which should be examined carefully before any action is taken to alter the controlling principles. Clearly, the issues raised herein demonstrate that the attempted simplification was not accomplished. As such, the bill should be returned for further consideration by the members of the General Assembly. To alter the underlying support received by surviving spouses in the name of preserving the interests of a decedent in his or her estate plan is something which should be carefully reviewed and implemented only after such close evaluation.

For all of the foregoing reasons, I feel that a veto of this bill is required and I hereby return Senate Bill No. 70 without my signature.

Sincerely,
Michael N. Castle, Governor.

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LEGISLATIVE ADVISORY #58: On June 28, 1988 the Governor signed SB 297 (Volume 66, Chapter 295, Laws of Delaware).

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LEGISLATIVE ADVISORY #59: On June 30, 1988 the Governor signed HB 502 (Volume 66, Chapter 296, Laws of Delaware); HB 551 w HA 1 (Volume 66, Chapter 297, Laws of Delaware); HB 237 w SA 1 (Volume 66, Chapter 298, Laws of Delaware); HB 238 w SA 1 (Volume 66, Chapter 299, Laws of Delaware); SB 471 (Volume 66, Chapter 300, Laws of Delaware); SS 1 for SB 334 w HA 3 (Volume 66, Chapter 301, Laws of Delaware).

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LEGISLATIVE ADVISORY #60: On July 1, 1988 the Governor signed HB 181 w HA 2 (Volume 66, Chapter 302, Laws of Delaware); SJR 14; SJR 15; SB 480 (Volume 66, Chapter 303, Laws of Delaware).

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LEGISLATIVE ADVISORY #61: On June 30, 1988 the Governor signed HB 561 (Volume 66, Chapter 304, Laws of Delaware); HB 556 (Volume 66, Chapter 305, Laws of Delaware); HB 532 (Volume 66, Chapter 306, Laws of Delaware); HB 560 (Volume 66, Chapter 307, Laws of Delaware).

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LEGISLATIVE ADVISORY #62: On July 5, 1988 the Governor signed HB 403 (Volume 66, Chapter 308, Laws of Delaware); HB 404 (Volume 66, Chapter 309, Laws of Delaware); HB 443 (Volume 66, Chapter 310, Laws of Delaware); on June 29, 1988 the Governor vetoed SB 408.

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LEGISLATIVE ADVISORY #63: On July 7, 1988 the Governor signed HB 325 w SA 1 (Volume 66, Chapter 311, Laws of Delaware); HB 453 w HA 1 w HA 1 (Volume 66, Chapter 312, Laws of Delaware); HB 460 (Volume 66, Chapter 313, Laws of Delaware); HB 500 (Volume 66, Chapter 314, Laws of Delaware); HB 542 w HA 1 (Volume 66, Chapter 315, Laws of Delaware); HB 600 (Volume 66, Chapter 316, Laws of Delaware); HB 631 (Volume 66, Chapter 317, Laws of Delaware); SB 361 (Volume 66, Chapter 318, Laws of Delaware); SB 399 w SA 1 (Volume 66, Chapter 319, Laws of Delaware); SB 401 w SA 1 (Volume 66, Chapter 320, Laws of Delaware); SB 422 w SA 1 (Volume 66, Chapter 321, Laws of Delaware); SB 424 w SA 1 (Volume 66, Chapter 322, Laws of Delaware); SB 425 (Volume 66, Chapter 323, Laws of Delaware); SB 426 w SA 1 (Volume 66, Chapter 324, Laws of Delaware); SB 449 (Volume 66, Chapter 325, Laws of Delaware); SB 470 (Volume 66, Chapter 326, Laws of Delaware); SB 460 (Volume 66, Chapter 327, Laws of Delaware).

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LEGISLATIVE ADVISORY #64: on July 11, 1988 the Governor signed SB 233 w SA 1, HA 1, 2 (Volume 66, Chapter 328, Laws of Delaware); HB 461 (Volume 66, Chapter 329, Laws of Delaware); HB 113 (Volume 66, Chapter 330, Laws of Delaware); SB 405 w SA 1 (Volume 66, Chapter 331, Laws of Delaware); SB 423 w SA 1 (Volume 66, Chapter 332, Laws of Delaware); SB 231 (Volume 66, Chapter 333, Laws of Delaware); HB 599 w HA 1, 2 (Volume 66, Chapter 334, Laws of Delaware); HB 637 (Volume 66, Chapter 335, Laws of Delaware); HB 559 w HA 4, 6 (Volume 66, Chapter 336, Laws of Delaware); HB 136 w HA 1 w HA 1; HA 2, 3, SA 2 (Volume 66, Chapter 337, Laws of Delaware); SB 72 (Volume 66, Chapter 338, Laws of Delaware); SB 432 (Volume 66, Chapter 339, Laws of Delaware); SB 325 w SA 1 (Volume 66, Chapter 340, Laws of Delaware); HB 626 (Volume 66, Chapter 341, Laws of Delaware); SB 464 w SA 1 (Volume 66, Chapter 342, Laws of Delaware) was a Constitutional Amendment and did not require the Governor to sign; on July 11, 1988 the Governor vetoed SB 99; SB 456 w SA 1, HA 1; HB 138 w HA 1; HB 435 w HA 1, 2; SB 351 w HA 1, 2.

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LEGISLATIVE ADVISORY #65: correction to LEGISLATIVE ADVISORY #64: SB 325 w SA 1 is a Constitutional Amendment and did not require the Governor to sign.

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LEGISLATIVE ADVISORY #66: On July 12, 1988 the Governor signed SB 431 w SA 1, HA 1 (Volume 66, Chapter 343, Laws of Delaware); SB 492 (Volume 66, Chapter 344, Laws of Delaware); SB 496 (Volume 66, Chapter 345, Laws of Delaware); SB 382 (Volume 66, Chapter 346, Laws of Delaware); SB 158 (Volume 66, Chapter 347, Laws of Delaware); SB 243 (Volume 66, Chapter 348, Laws of Delaware); SB 392 w SA 1 (Volume 66, Chapter 349, Laws of Delaware); SB 76 w SA 1 (Volume 66, Chapter 350, Laws of Delaware); SB 442 (Volume 66, Chapter 351, Laws of Delaware); SB 452 w SA 1, 2 (Volume 66, Chapter 352, Laws of Delaware); SB 360 (Volume 66, Chapter 353, Laws of Delaware); SB 103 w HA 2, SA 1 (Volume 66, Chapter 354, Laws of Delaware); SB 437 (Volume 66, Chapter 355, Laws of Delaware); SB 217 (Volume 66, Chapter 356, Laws of Delaware); SB 475 (Volume 66, Chapter 357, Laws of Delaware); SB 465 (Volume 66, Chapter 358, Laws of Delaware); SB 385 w SA 1 (Volume 66, Chapter 359, Laws of Delaware); HB 698 (Volume 66, Chapter 360, Laws of Delaware); HB 565 (Volume 66, Chapter 361, Laws of Delaware); the Governor vetoed SB 403 w SA 1 on July 12, 1988.

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LEGISLATIVE ADVISORY #67: On July 13, 1988 the Governor signed SB 494 (Volume 66, Chapter 362, Laws of Delaware); SB 500 (Volume 66, Chapter 363, Laws of Delaware); SB 479 (Volume 66, Chapter 364, Laws of Delaware); on July 12, 1988 the Governor signed HB 504 (Volume 66, Chapter 365, Laws of Delaware); SB 483 (Volume 66, Chapter 366, Laws of Delaware).

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LEGISLATIVE ADVISORY #68: On July 14, 1988 the Governor signed SB 416 w SA 1 (Volume 66, Chapter 367, Laws of Delaware); SB 407 (Volume 66, Chapter 368, Laws of Delaware); SB 160 w SA 1, 2, 3, 4 (Volume 66, Chapter 369, Laws of Delaware); SB 490 (Volume 66, Chapter 370, Laws of Delaware); SB 476 (Volume 66, Chapter 371, Laws of Delaware); SB 447 (Volume 66, Chapter 372, Laws of Delaware); SB 448 (Volume 66, Chapter 373, Laws of Delaware); SB 445 (Volume 66, Chapter 374, Laws of Delaware); SB 328 (Volume 66, Chapter 375, Laws of Delaware); SB 78 (Volume 66, Chapter 376, Laws of Delaware); SB 493 (Volume 66, Chapter 377, Laws of Delaware); HB 634 (Volume 66, Chapter 378, Laws of Delaware); HB 686 (Volume 66, Chapter 379, Laws of Delaware); HB 516 w HA 1 (Volume 66, Chapter 380, Laws of Delaware); HB 691 (Volume 66, Chapter 381, Laws of Delaware); HB 685 (Volume 66, Chapter 382, Laws of Delaware); HB 476 w HA 2 (Volume 66, Chapter 383, Laws of Delaware); HB 163 w HA 1 (Volume 66, Chapter 384, Laws of Delaware); HB 437 w HA 1 (Volume 66, Chapter 385, Laws of Delaware); HB 538 w HA 1 (Volume 66, Chapter 386, Laws of Delaware); HB 473 w HA 1 (Volume 66, Chapter 387, Laws of Delaware); HB 414 (Volume 66, Chapter 388, Laws of Delaware); HB 518 (Volume 66, Chapter 389, Laws of Delaware); HB 515 w HA 1 (Volume 66, Chapter 390, Laws of Delaware); HB 635 (Volume 66, Chapter 391, Laws of Delaware); HB 519 w HA 1 (Volume 66, Chapter 392, Laws of Delaware); HB 526 (Volume 66, Chapter 393, Laws of Delaware); HB 581 w HA 1 (Volume 66, Chapter 394, Laws of Delaware); HS 1 for HB 222 (Volume 66, Chapter 395, Laws of Delaware); HB 553 w HA 1 (Volume 66, Chapter 396, Laws of Delaware); HB 690 (Volume 66, Chapter 397, Laws of Delaware); HB 552 w HA 1 (Volume 66, Chapter 398, Laws of Delaware).

* * * * *

LEGISLATIVE ADVISORY #69: The Governor signed the following legislation on July 15, 1988: HB 478 w HA 1 (Volume 66, Chapter 399, Laws of Delaware); HB 666 w HA 1, 2 (Volume 66, Chapter 400, Laws of Delaware); HB 612 w HA 1 (Volume 66, Chapter 401, Laws of Delaware); HB 673 (Volume 66, Chapter 402, Laws of Delaware); HB 678 (Volume 66, Chapter 403, Laws of Delaware); HB 548 (Volume 66, Chapter 404, Laws of Delaware); HB 464 (Volume 66, Chapter 405, Laws of Delaware); HB 365 (Volume 66, Chapter 406, Laws of Delaware); HB 376 (Volume 66, Chapter 407, Laws of Delaware); HB 341 (Volume 66, Chapter 408, Laws of Delaware); HB 58 w HA 1, 2 (Volume 66, Chapter 409, Laws of Delaware); HB 506 (Volume 66, Chapter 410, Laws of Delaware); SB 495 (Volume 66, Chapter 411, Laws of Delaware); SB 269 (Volume 66, Chapter 412, Laws of Delaware); SB 486 w SA 1 (Volume 66, Chapter 413, Laws of Delaware); Correction to LEGISLATIVE ADVISORY #66: The title of SB 403 w SA 1 should read SB 403 w HA 1; the Governor vetoed the following legislation: HB 511 w HA 1 (7-15-88); SB 70 (7-15-88); HB 668 (7-18-88); HB 672 (7-18-88).

* * * * *

LEGISLATIVE ADVISORY #70: On July 18, 1988 the Governor signed HJR 26 w HA 1; HB 124 w SA 1 w SA 2; SA 4 (Volume 66, Chapter 414, Laws of Delaware); HB 602 (Volume 66, Chapter 419, Laws of Delaware); HB 617 (Volume 66, Chapter 420, Laws of Delaware); SB 356 w SA 1 (Volume 66, Chapter 421, Laws of Delaware); on July 19 the Governor signed HJR 27 w HA 1, 2, SA 2; HB 525 w HA 1 (Volume 66, Chapter 415, Laws of Delaware); HB 540 w HA 3, 5, 6 (Volume 66, Chapter 416, Laws of Delaware); HB 555 w HA 1, 2, 3, SA 1 (Volume 66, Chapter 417, Laws of Delaware); HB 587 w SA 1 (Volume 66, Chapter 418, Laws of Delaware); SB 491 w SA 1 (Volume 66, Chapter 422, Laws of Delaware); HB 446 w HA 1; HA 2 w HA 1; HA 3 (Volume 66, Chapter 423, Laws of Delaware); SB 482 w SA 1 (Volume 66, Chapter 424, Laws of Delaware); SB 453 w SA 1, 2, 3 (Volume 66, Chapter 425, Laws of Delaware); On July 20 the Governor vetoed SB 44 w SA 3; HS 1 for HB 100 w HA 2, SA 3, 9; HB 662 w HA 1.

* * * * *

LEGISLATIVE ADVISORY #71: On October 24, 1988 the Governor signed HB 452 w HA 2 w HA 1
(Volume 66, Chapter 426, Laws of Delaware).

* * * * *

The following letters of nomination for appointment from the Governor were received but not read in:

STATE OF DELAWARE
Office of the Governor
June 30, 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: David C. Eppes, 222 Plymouth Road, Wilmington, DE 19803, to be reappointed as a member of the Tax Appeals Board to serve a three year term to expire June 30, 1991.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 30, 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 A. Fintel, 6 Point Circle, Lewes, DE 19958, to be reappointed as a member of the Delaware Advisory Council on Natural Areas to serve a four year term expiring June 30, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 30, 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: Loretta C. Gartman, 2003 Oak Lane Road, Wilmington, DE 19803, to be reappointed as a member of the Delaware Advisory Council on Natural Areas to serve a four year term expiring June 30, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 30, 1988

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

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

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 30, 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: Edward G. Pollard, Jr., P.O. Box 487, Rehoboth 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 June 30, 1992.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

The following communications were received during the recess:

August 23, 1988

TO: House of Representatives--134th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
As per the power invested in me with the passage of House Joint No. 27, as amended by House Amendment Nos. 1 and 2 and Senate Amendment No 2, PROVIDING FOR THE ESTABLISHMENT OF AN AD HOC COMMITTEE TO RECOMMEND LEGISLATION ESTABLISHING CERTIFICATION REQUIREMENTS AND REGULATIONS GOVERNING INSTITUTIONS WHICH PROVIDE LIFE CARE CONTRACTS AND SERVICES TO THE PUBLIC, I hereby name: Senator Herman M. Holloway and Senator Andrew G. Knox, to serve.

CC: State Senate
House of Representatives
Senator Holloway
Senator Knox

* * * * *
SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

September 14, 1988

TO: House of Representatives--Delaware
State Senate--Delaware
Insurance Commissioner--Delaware
FROM: Senator Richard S. Cordrey, President Pro Tempore

As per the power invested in me with the passage of House Bill No. 612, section 403, subsection 5(2), I hereby appoint the following to serve on the Delaware Insurance Authority as established by this legislation: Mr. Richard Stokes, Race and Pine Streets, Georgetown, DE 19947.

* * * * *

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

September 14, 1988

TO: The Members of the 134th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT Senate Resolution No. 110

As per the power invested in me with the passage of Senate Resolution No. 110, I appoint the following to serve on the Task Force on Quality Eye Care to prepare Legislation Authorizing Optometrists to Provide Quality Eye Care to the Full Extent of Their Training:

Senators:

Herman M. Holloway or Delaware State Senate
2008 Washington Street Carvel State Office Building
Wilmington, DE 19802 Wilmington, DE 19801

Margo Ewing Bane or Delaware State Senate
9 Laurel Court Carvel State Office Building
Wilmington, DE 19808 Wilmington, DE 19801

Ophthalmologist:

Robert Abel, Jr., M.D.
1100 N. Grant Avenue
Wilmington, DE 19805
Attention: Ann Donovan
655-3351

Edward F. Becker, M.D.
1207 N. Scott Street
Wilmington, DE 19806
656-8555

Andrea Rauer
1001 South Bradford St.
Dover, DE 19901
734-1760

Alvin Weiner
1207 N. Scott Street
Wilmington, DE 19806
Attention: Mary Ann
652-3353

Optometrist:

Michele Medwin O.D.
Office--Park Plaza
2004 Foulk Road
Wilmington, DE 19801
475-8897

Carl Mashauer
101 West Market St.
Georgetown, DE 19947
856-2711

Alton Williams
Suite 2-C
Trolley Square
Wilmington, DE 19806
652-1303

Paul Mitchell
1941 Limestone Road
Suite 217
Wilmington, DE 19808
999-8460

Pharmacist:

Carl Schumann, R. Ph.
406 Rochelle Avenue
Wilmington, DE 19804

Lay Person:

Stephen Tanzer, Adm. Asst.
Delaware State Senate
Carvel State Office Building
Wilmington, DE 19801
571-3724

* * * * *

***GOVERNOR'S
NOMINATIONS***

GOVERNOR'S NOMINATIONS for APPOINTMENT

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 WHITELEY, Donald P. Pages 237, 260.
 WILDING, John H. Page 140.
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***LEGISLATIVE
DAYS***

LEGISLATIVE DAYS - 134TH GENERAL ASSEMBLY
SENATE
First Session - 1987

<u>Legislative Day</u>	<u>Date</u>	<u>Page No.</u>
Extraordinary Session called by Governor	December 2, 1986	1
First	January 13, 1987	5
Second	January 14	6
Third	January 20	12
Fourth	January 21	16
Fifth	January 28	19
Sixth	January 29	20
Seventh	March 24	33
Eighth	March 25	35
Ninth	March 26	37
Tenth	March 31	39
Eleventh	April 1	40
Twelfth	April 2	42
Thirteenth	April 7	45
Fourteenth	April 8	47
Fifteenth	April 9	49
Sixteenth	April 14	51
Seventeenth	April 15	53
Eighteenth	April 16	55
Nineteenth	April 28	58
Twentieth	April 29	61
Twenty-first	April 30	62
Twenty-second	May 5	65
Twenty-third	May 6	68
Twenty-fourth	May 7	69
Twenty-fifth	May 12	72
Twenty-sixth	May 13	73
Twenty-seventh	May 14	75
Twenty-eighth	May 26	77
Twenty-ninth	May 27	80
Thirtieth	May 28	81
Thirty-first	June 2	83
Thirty-second	June 3	85
Thirty-third	June 4	87
Thirty-fourth	June 9	90
Thirty-fifth	June 10	92
Thirty-sixth	June 11	94
Thirty-seventh	June 16	97
Thirty-eighth	June 17	99
Thirty-ninth	June 18	102
Fortieth	June 22	108
Forty-first	June 23	112
Forty-second	June 24	115
Forty-third	June 25	121
Forty-fourth	June 29	127
Forty-fifth	June 30	134
Special Session	July 1	142
Extraordinary Session	July 2	149
Extraordinary Session	December 8	152

Second Session - 1988

First	January 12, 1988	165
Second	January 13	173
Third	January 14	174
Joint Session	January 14	174
Fourth	January 19	182
Fifth	January 20	184
Sixth	January 21	184
Seventh	January 26	185
Eighth	January 27	188
Ninth	January 28	190
Joint Session	January 28	190
Tenth	March 22	203
Eleventh	March 23	210
Twelfth	March 24	212
Thirteenth	March 29	215
Fourteenth	March 30	218
Fifteenth	March 31	226
Sixteenth	April 12	230
Seventeenth	April 13	232
Eighteenth	April 14	233
Nineteenth	April 19	236
Twentieth	April 20	237
Twenty-first	April 21	240
Twenty-second	April 26	243
Twenty-third	April 27	245
Twenty-fourth	April 28	246
Twenty-fifth	May 3	248
Twenty-sixth	May 4	251
Twenty-seventh	May 5	253
Twenty-eighth	May 10	255
Twenty-ninth	May 11	257
Thirtieth	May 12	259
Thirty-first	May 17	261
Thirty-second	May 18	265
Thirty-third	May 19	267
Thirty-fourth	May 31	269
Thirty-fifth	June 1	272
Thirty-sixth	June 2	274
Thirty-seventh	June 7	276
Thirty-eighth	June 8	279
Thirty-ninth	June 9	281
Fortieth	June 14	285
Forty-first	June 15	288
Forty-second	June 16	292
Forty-third	June 21	294
Forty-fourth	June 22	299
Forty-fifth	June 23	303
Forty-sixth	June 27	306
Forty-seventh	June 28	309
Forty-eighth	June 29	312
Forty-ninth	June 30	318
Special Session	July 1	327
Special Session (called by the Governor)	October 18	330

RULES
of
the
SENATE

SENATE RESOLUTION NO. 4

IN REFERENCE TO RULES OF THE DELAWARE STATE SENATE.

BE IT RESOLVED by the Senate of the 133rd General Assembly that the following Rules of the Senate be and they hereby are adopted as Temporary Rules for the governing of the present session, until further action of the Senate:

Rule 1. ORDER OF BUSINESS

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

Rule 2. CONVENING OF SENATE

Unless otherwise ordered by a majority of its members, the Senate will convene every day, except Monday, Friday, Saturday and Sunday, at 1:30 p.m. All proceedings of the Senate shall be public. Executive sessions by the Senate are expressly prohibited.

Rule 3. ATTENDANCE OF MEMBERS

(a) Every member shall be in his place at the time to which the Senate stands adjourned.

(b) No Senator shall absent himself from the service of the Senate without leave.

Rule 4. ROLL CALL; READING OF JOURNAL

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

Rule 5. CONTENTS OF JOURNAL

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

Rule 6. PRESENTATION OF PETITIONS, MEMORIALS OR COMMUNICATIONS TO THE SENATE

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

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

(c) The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the Governor or the House of Representatives and any question pending at the time shall be suspended for this purpose. Any motion so made shall be determined without debate.

(d) Messages from the Governor or from the House of Representatives may be received at any stage or proceedings, except while the Journal is being read, or while a question of order or a motion to adjourn is pending.

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

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

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

RULE 8. PREPARATION OF BILLS AND RESOLUTIONS

(a) No bill or joint resolution shall be received by the Senate unless it be prefaced by a brief statement of the purpose of the bill or resolution, which shall be known as the title, and shall also contain the text of the bill or resolution in full. The original of all bills and resolutions shall be printed or stenciled on permanent rag content bond paper, be properly backed, contain no erasures or interlineations and shall be produced in such a manner as shall be approved by the State Archivist and Director of the Legislative Council. At the end of each bill, Joint Resolution or amendment the author or drafter shall include a brief synopsis of the intent of the bill, Joint Resolution or amendment, the name and/or Department who was responsible for writing same. In the lower left hand corner of page one shall be the initials of the unit preparing the bill or resolution, the initials of the author and the typist, and, if prepared by automatic equipment, the identification number. Each bill or resolution shall have an appropriate enacting or resolving clause. The first name listed after the word "sponsor" on the first page of a bill or resolution shall be the "prime" sponsor. Once a bill or resolution has been pre-filed or introduced, the addition or deletion of a sponsor shall not cause the bill to be reprinted. The change in sponsorship shall be noted in the calendar, on the jacket of the original bill and on the first page of the original bill.

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

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

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

RULE 9. PROCEDURE APPLICABLE TO BILLS AND JOINT RESOLUTIONS

(a) Every bill and joint resolution when introduced shall be read one time by title only, after which it shall be assigned to the proper committee.

(b) No bill or joint resolution shall be put upon its passage on the same day it is reported out of committee, nor in the absence of the prime sponsor who introduced it, unless by his written consent. After any bill has reached its order of preference on the agenda, it may be deferred once to the end of the agenda. After it has once been deferred, it must be considered when its order of preference is next reached or removed to the ready list. In the event of such removal, no bill shall again be placed on the agenda for the same or the next legislative day.

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

(d) An agenda of bills to be put upon their passage on the succeeding day shall be kept by the Secretary of the Senate and published each day and a copy thereof distributed to each member, and any bill placed upon the agenda by any member of the Senate prior to adjournment of the preceding day shall, without otherwise limiting the right of any member to put a bill upon its passage, stand in the same order of preference for consideration by the Senate unless otherwise ordered by it.

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

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

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

(2) A bill or resolution that is filed with the Secretary of the Senate while the Senate stands in recess, in adjournment, or is not otherwise meeting, shall be given a number, entered upon a docket kept for the purpose.

(3) At the beginning of the succeeding day's session of the Senate following the filing of a bill with the Secretary, the Reading Clerk shall read the bill or resolution number and title of all bills filed with the Secretary and entered upon the docket prior to the convening of the Senate for the day's session and not previously read.

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

(5) Upon such first reading, copies of the bill or resolution shall be distributed as is provided in Rule 8.

B. Other Methods of Introduction

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

RULE 10. MOTIONS

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

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

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

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

To adjourn;

To adjourn to a certain day, or that when the Senate adjourns it shall be to a certain day;

To take a recess;

To proceed to the consideration of executive business;

To lay on the table;

To postpone indefinitely;

To postpone to a certain day;

To commit;

To amend.

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

RULE 11. VOTING

Every bill, amendment, joint resolution, concurrent resolution, or simple resolution shall be decided by a roll call vote and shall require not less than a majority vote of all members elected to the Senate for adoption. The names of the Senators shall be called alphabetically and each Senator shall without debate answer "Yes" or "No" or "Not Voting"; and no Senator shall be permitted to vote after the roll call shall have been announced by the Secretary, but may change his vote prior to said announcement.

RULE 12. RECONSIDERATION

When a question has been decided by the Senate, any Senator may on the same day or on either of the next two days of actual session thereafter, move a reconsideration. Every motion to reconsider shall be decided by a majority of all members elected to the Senate, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

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

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