

STATE OF DELAWARE



JOURNAL of the STATE SENATE

SESSION of the 136TH GENERAL ASSEMBLY

**CONVENED
TUESDAY, JANUARY 8, 1991**

DOVER, DELAWARE

1991-1992

TABLE OF CONTENTS

Membership.....	11
Committee Membership.....	111
Rules of the Senate.....	iv
Senate Staff.....	x
Daily Senate Action.....	1
Index	
Senate Bills.....	328
Senate Resolutions.....	345
Senate Concurrent Resolutions.....	348
Senate Joint Resolutions.....	354
Senate Citations.....	356
House Bills.....	381
House Concurrent Resolutions.....	406
House Joint Resolutions.....	410
Governor's Nominations for Appointment.....	412
Legislative Days	
First Session.....	415
Second Session.....	416
Quick Reference.....	417
Non-Referenced Issues.....	435

MEMBERSHIP

MEMBERS - DELAWARE STATE SENATE

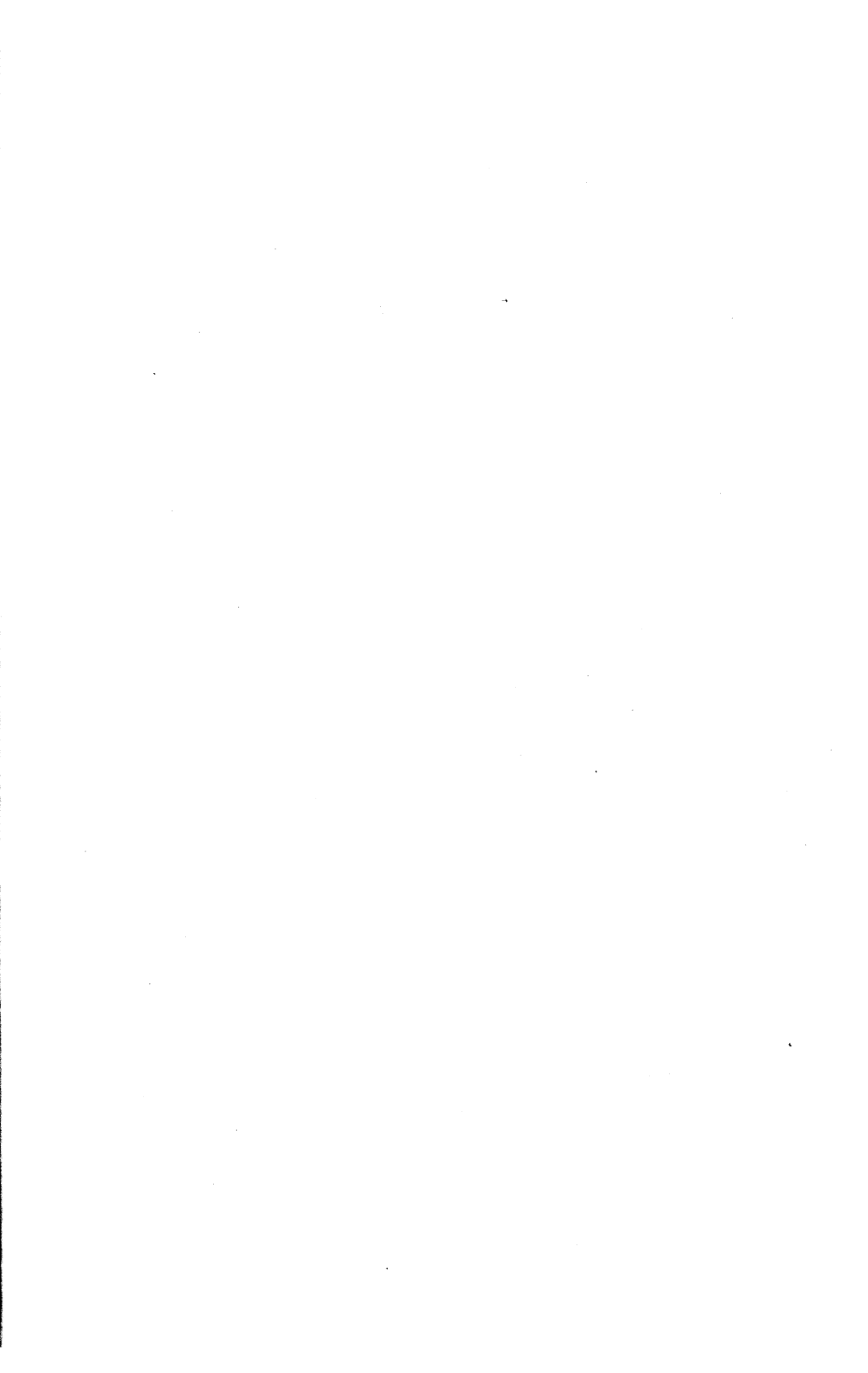
136TH GENERAL ASSEMBLY

Lt. Governor Dale E. Wolf, President of the Senate
Senator Richard S. Cordrey, President Pro Tempore

DISTRICT SENATOR

1st	Harris B. McDowell, III - 2311 Baynard Boulevard, Wilmington 19802
2nd	Herman M. Holloway, Sr. - 2008 Washington Street, Wilmington 19802
3rd	Robert I. Marshall - 601 South duPont Street, Wilmington 19805
4th	Richard A. Hauge - 122 Delview Drive (Windybush), Wilmington 19810
5th	Myrna L. Bair - 4 Little Leaf Court (Foulk Woods), Wilmington 19810
6th	Andrew G. Knox - 107 Quintynnes Drive (Centerville), Wilmington 19807
7th	Patricia M. Blevins - 209 Linden Avenue (Elsmere), Wilmington 19805
8th	David P. Sokola - 24 Beech Hill Drive, Newark 19711
9th	Thomas B. Sharp - 226 E. Huntington Drive (Pinecrest), Wilmington 19808
10th	James P. Neal - 50 Bridle Brook Lane, Newark 19711
11th	Roger A. Martin - 13 Pinedale Road (Windy Hills), Newark 19711
12th	Robert T. Connor - 18 Crippen Drive (Penn Acres), New Castle 19720
13th	David B. McBride - 21 Andover Court, New Castle 19720
14th	James T. Vaughn - 201 Washington Avenue, Clayton 19938
15th	Nancy W. Cook - P. O. Box 127, Kenton 19955
16th	William C. Torbert - 8-A Brady's Lane, Dover 19901
17th	John C. Still, III - P. O. Box 311, Dover 19903
18th	Ruth Ann Minner - R. D. #3 Box 694, Milford 19963
19th	Thurman Adams, Jr. - P. O. Box 367, Bridgeville 19933
20th	Richard S. Cordrey - Box 486, River Drive, Millsboro 19966
21st	Robert L. Venables - 116 Hearn Avenue, Laurel 19956

COMMITTEE MEMBERSHIPS



COMMITTEE MEMBERSHIP

ADMINISTRATIVE SERVICES: William C. Torbert, Chairman; Nancy W. Cook, Robert I. Marshall, Roger A. Martin, Robert T. Connor

ADULT AND JUVENILE CORRECTIONS: James T. Vaughn, Chairman; Nancy W. Cook, Herman M. Holloway, Thomas B. Sharp, William C. Torbert, Richard A. Hauge.

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

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

BOND BILL: Roger A. Martin, Co-Chairman; Nancy W. Cook, David B. McBride, Ruth Ann Minner, Richard A. Hauge, Andrew G. Knox.

CHILDREN, YOUTH AND FAMILIES: Harris B. McDowell, Chairman; Patricia M. Blevins, Herman M. Holloway, David P. Sokola, James T. Vaughn, Myrna Bair.

COMMITTEE TO COMBAT DRUG ABUSE: Thomas B. Sharp, Chairman; Richard S. Cordrey, James T. Vaughn, Robert T. Connor, James P. Neal.

COMMUNITY/COUNTY AFFAIRS: David P. Sokola, Chairman; Harris B. McDowell, Ruth Ann Minner, Robert L. Venables, Myrna L. Bair.

EDUCATION: David B. McBride, Chairman; Ruth Ann Minner, David P. Sokola, William C. Torbert, James P. Neal.

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

ETHICS: Richard S. Cordrey, Chairman; Harris B. McDowell, Thomas B. Sharp, Myrna Bair, Robert T. Connor.

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

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

HEALTH AND SOCIAL SERVICES/AGING: Herman M. Holloway, Chairman; Patricia M. Blevins, Robert I. Marshall, David B. McBride, Harris B. McDowell, David P. Sokola, Andrew G. Knox.

HIGHWAYS AND TRANSPORTATION: Roger A. Martin, Chairman; Nancy W. Cook, Ruth Ann Minner, Thomas B. Sharp, David P. Sokola, James P. Neal.

INSURANCE AND ELECTIONS: Thomas B. Sharp, Chairman; Thurman G. Adams, Harris B. McDowell, James T. Vaughn, John C. Still.

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

LABOR AND INDUSTRIAL RELATIONS: Robert I. Marshall, Chairman, Herman M. Holloway, Roger A. Martin, David B. McBride, Thomas B. Sharp, Robert T. Connor.

NATURAL RESOURCES AND ENVIRONMENTAL CONTROL: Ruth Ann Minner, Chairman, Patricia M. Blevins, Roger A. Martin, David P. Sokola, Robert L. Venables, Andrew G. Knox.

PUBLIC SAFETY: Patricia M. Blevins, Chairman; Thurman G. Adams, Ruth Ann Minner, Thomas B. Sharp, William C. Torbert, James T. Vaughn, Richard A. Hauge.

REVENUE AND TAXATION: Robert I. Marshall, Chairman, Herman M. Holloway, David B. McBride, John C. Still.

SMALL BUSINESS: Robert L. Venables, Chairman; Harris B. McDowell, David P. Sokola, Andrew G. Knox, James P. Neal.

SUNSET: Robert L. Venables, Chairman; Patricia M. Blevins, Ruth Ann Minner, Andrew G. Knox, Richard A. Hauge.

RULES
of the
SENATE

RULES OF THE SENATE

SENATE RESOLUTION #4

IN REFERENCE PERMANENT RULES OF THE DELAWARE STATE SENATE.

BE IT RESOLVED by the Senate of the 136th General Assembly that the following Permanent Rules of the Senate be and they hereby are adopted as Permanent Rules for the governing of the present session, until further action of the Senate:

Rule 1. ORDER OF BUSINESS

1. Calling of the Senate to Order.
2. Prayer.
3. Salute to Flag.
4. Roll call.
5. Reading of Journal.
6. Presentation of petitions, memorials or communications.
7. Reports from Standing and Special Committees.
8. Reporting by the Secretary of prior filed bills, resolutions and citations.
9. Introduction 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 Tuesday, Wednesday, Thursday at 2:00 p.m. All proceedings of the Senate shall be public.

Rule 3. ATTENDANCE OF MEMBERS

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

Rule 4. ROLL CALL: READING OF JOURNAL

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

Rule 5. CONTENTS OF JOURNAL

The proceedings of the Senate shall be briefly and accurately stated on the Journal; messages to the Governor in full; the titles of all bills and 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, MEMORIAL 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 states.

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

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

Rule 7. DELIVERY OF MESSAGES FROM THE SENATE: DUTIES OF SECRETARY

Messages shall be delivery 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 delivery to the Governor all resolutions and other communications which may be directed to him by the Senate.

Rule 8. PREPARATION OF BILLS AND RESOLUTIONS

(a) No bill or resolution shall be received by the Senate unless it be prefaced by a brief statement of the purpose of the bill or resolution, which shall be known as the title, and shall also contain the text of the bill or resolution in full. The original of all bills and resolutions shall be printed or stenciled on permanent rag content bond paper, be properly backed, contain no erasures or interlineations and shall be produced in such a manner as shall be approved by the State Archivist and Director of Legislative Council. At the end of each bill, Joint Resolution or amendments there shall be placed the name of the author and/or Department who was responsible for writing same and a brief synopsis of the intent of the bill. In the lower left hand corner of page one there shall be the initials of the unit preparing the bill or resolution, the initials of the author and the typist, and, if prepared by automatic equipment, the identification number. Each bill or resolution shall have an appropriate enacting or resolving clause. The first name listed after the word "sponsor" on the first page of a bill or resolution shall be the "prime" sponsor. Once a bill or resolution has been pre-filed or introduced, the addition or deletion of a sponsor shall not cause the bill to be reprinted. The change in sponsorship shall be noted in the calendar, on the jacket of the original bill and on the first page of the original bill.

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

(1) The date on which the report is due;

(2) to whom the report is to be presented;

(3) the appointing authority or authorities;

(4) the designation of a temporary chairperson to enable the committee to commence its duties.

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

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

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

Rule 9. PROCEDURE APPLICABLE TO BILLS AND JOINT RESOLUTIONS

(a) Every bill and joint resolution when introduced shall be read one time by title only, after which it shall be assigned to the proper committee.

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

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

(d) An agenda of bills to be considered on the succeeding day shall be kept by the Secretary of the Senate and published each day and a copy thereof distributed to each member, 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 prefiled 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, amendments or resolutions shall be distributed as provided in Rule 8.

B. Other Methods of Introduction.

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

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

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

Rule 10. MOTIONS

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

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

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

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

To adjourn;

To adjourn to a certain day.

To take a recess;

To proceed to the consideration of executive business;

To lay on the table;

To postpone indefinitely;

To postpone to a certain day;

To commit;

To amend.

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

Rule 11. VOTING

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

Rule 12. RECONSIDERATION

Any motion for reconsideration must be made by a member of the prevailing side within three (3) legislative days of the original action. When a motion for reconsideration is granted, there can be no further consideration until the sponsor or floor manager rescinds the roll call and takes appropriate action.

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

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

Rule 14. QUESTION OF ORDER

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

Rule 15. SPECIAL ORDER OF BUSINESS

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

Rule 16. PETITION OUT OF COMMITTEE

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

Rule 17. CONDUCT

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

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

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

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

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

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

Rule 18. APPOINTMENT OF COMMITTEES

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

Rule 19. STANDING COMMITTEE

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

- Administrative Services
- Adult and Juvenile Corrections
- Agriculture
- Banking
- Bond Bill
- Children, Youth and Their Families
- Committee to Combat Drug Abuse
- Community/County Affairs
- Education
- Energy
- Ethics
- Executive
- Finance
- Health and Social Services/Aging
- Highways and Transportation
- Insurance and Elections

Judiciary
Labor and Industrial Relations
Natural Resources and Environmental Control
Public Safety
Revenue and Taxation
Small Business
Sunset

Rule 20. DELIBERATIVE PROCESS AND PROCEDURES OF STANDING COMMITTEES

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

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

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

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

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

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

Rule 21. CONTESTS

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

Rule 22. UNDER THE LEADERSHIP, SUPERVISION OF ATTACHES

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

Rule 23. PRIVILEGE OF THE FLOOR

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

The Governor of the state
The Secretary of the State
Ex-Governors of the State
Ex-Lieutenant Governors of the State
Ex-Members of the General Assembly
Members of the Congress of the United States
Members of the House of Representatives of the State
Attorneys, Officers and Employees of the Senate
Attorneys, Officers & employees of the House of Representatives of the State
The staff of Legislative Council

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

Rule 24. CHANGE OR SUSPENSION OF RULES

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

Rule 25. RULES OF ORDER

All questions of parliamentary procedure not covered or provided for by the Rules of the Senate or the Constitution of the State of Delaware shall be decided in accordance with Roberts Rules of Order, Newly Revised.

Rule 26. NEWS MEDIA

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

Rule 27. TRAVEL BY MEMBERS OF THE SENATE

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

Rule 28. CONSENT CALENDAR

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

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

(c) Upon receipt of a proposal for inclusion the Secretary of the Senate shall prepare the Consent Calendar noting each inclusion thereon and present the Consent Calendar to the membership at the beginning of each legislative day.

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

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

Rule 29. CITATIONS

Every member of the Senate shall be granted the privilege to issue citations, in the categories of classifications available, at anytime during his or her tenure; provided, however, the procedures herein prescribed are adhered to. Citations, unlike resolutions which are highly detailed, invoking the entire Delaware State Senate as a body shall be sequentially numbered by the Secretary of the Senate and made a part of the permanent record of the Senate. Each citation before becoming an official document of the Senate shall be signed by the sponsor and/or sponsors, the President Pro Tempore of the Senate and the Secretary of the Senate. When the Senate is in session pursuant to Article II, Section 4 of the 1897 Constitution, as amended, the President Pro Tempore or his designee shall cause to be read into the permanent record of the Senate, for informational and archival purposes, on one of the three (3) legislative days mentioned in Rule 8, such citations as have been filed with the Secretary of the Senate, by topical notation along with the name of the Chief sponsor thereof. Such citations shall not require an official vote; however, at the time such citations are officially read into the record, any member of the Senate may comment, elaborate or simply expand on the content of the citation. Citations requested and issued by members of the Senate when the Senate stands in recess or adjournment (July 1 - December 31st) shall be administratively managed by the Secretary of the Senate and in his duties of compiling the permanent record of the Senate proceedings (the Senate Journal) he shall cause such citations to be made a part of the official proceedings of the Senate.

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

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

SENATE STAFF

SENATE STAFF

Bernard J. Brady - Secretary of the Senate
Kay Sandstrom - Assistant Secretary of the Senate
Joseph Anton Ullrich, Journal Clerk (1st Session)
Doris Clifton Argo, Journal Clerk (2nd Session)

Louise C. Allen
Scotty Wallace Amerine
Phyllis M. Ballance
Mary Lou Berry
Robert H. Bolden
Joy C. Bower
Angela Brainard
Wilbert Braxton
James Bucar
Mary M. Carey
Gina L. Cerasari
Willie Clark
Elizabeth M. Clendaniel
Dawn M. Coffman
Denise M. Coffman
Teresa Collier
Lisa Ann Dawson
Doris L. Dayton
Jean Ann Diener
Betty M. Dickinson
Marlene Dryden
John W. Elliott
Stephen Evans
Stephanie Fedena
John T. Fiorelli
Joseph F. Fitzgerald, Jr.
Barbara J. Fournier
Anita Elaine Furman
Ralph E. Godwin
Nancy Green
Mary Louise Guyer
Nicholas Halladay
Lorielee J. Harrison
Mary Ann Hearne
Harold M. Hilyard
Sylvia Holloway
Lecia Inden
Mary Jackson
Linda J. Kahn
Howard H. Killen
Francis Kosakowski
Tracey Lundblad
Anna Mae Massey
Mary E. Masten
Benjamin J. Matwey
William J. McCool, Jr.
Brian McGlinchey
Joan McNamara
Valerie Metzlaar
Richard Norwood
Ronald Patton
Joseph Perkins
Elizabeth Rappa
Norma Lea Rash
Theodore W. Ryan
Brett A. Schmidt
Clarence A. Schwatka, Jr.
George T. Sharp
Patricia Shellenbarger
Charlotte L. Shirey
Melissa Sipple

Lisa Katherine Skeens
Willie Snow
Doris Lee Spicer
Joan Stansky
Curtis W. Steen, Jr.
Janet E. Stern
Linda Street
Thomas R. Taylor
Scott Tester
Helen Truitt
Sonja Truitt
Charles W. Tulloch, II
Andrea B. Weaver
Raymond T. Wilson, III
Richard G. Winchell

Administrative Assistants

Richard B. Carter
Jack K. Russell
Stephen P. Tanzer
David E. Wilkins

Attorneys

Arthur G. Connelly, III, Esq.
John H. Cordrey, Esq.
Richard T. Dillard, Esq.
William J. Walls, Jr., Esq.

SENATE ACTION

136TH GENERAL ASSEMBLY
1ST LEGISLATIVE DAY
DOVER, DELAWARE
January 8, 1991

Pursuant to Section 4, Article 2 of the Constitution of the State of Delaware, the Senate met at Legislative Hall in Dover, Delaware at 2:40 p.m.; Lt. Governor Wolf presided.

A Prayer was offered by Reverend Covington.

Pledge of Allegiance to the Flag.

On motion of Senator Cordrey and without objection, Bernard J. Brady was appointed temporary Secretary of the Senate and Scotty Amerine as temporary Reading Clerk.

The Acting temporary Secretary then called the roll of the hold-over Senators:

PRESENT: Senators Hauge, Holloway, Knox, Marshall, Minner, Neal, Still, Torbert, Venables - 9; ABSENT: Senator Martin - 1.

Senator Cordrey moved that the President of the Senate appoint a committee of two to examine the Certificates of Election. No objection.

The President of the Senate appointed Senators Holloway and Hauge as a committee to receive and examine the Certificates of Election of the newly elected Senators.

The Chair called a short standing recess to allow the certificates to be examined.

The Senate reconvened at 2:49 p.m., and Senator Holloway reported that the Examining Committee found the Certificates to be in order.

The Certificates of Election were as follows:

For New Castle County: Harris B. McDowell (1st District), Myrna L. Bair (5th District), Patricia Blevins (7th District), David P. Sokola (8th District), Thomas B. Sharp (9th District), Robert T. Connor (12th District), David B. McBride (13th District), James T. Vaughn (14th District).

For Kent County: James T. Vaughn (14th District), Nancy W. Cook (15th District), Thurman Adams, Jr. (19th District).

For Sussex County: Thurman Adams, Jr. (19th District), Richard S. Cordrey (20th District).

Senator Sharp moved that the reading of one Certificate of Election shall constitute the reading of all. No objection. The Chair then directed the reading clerk to read the Certificate of Election of Senator Cordrey as follows:

The State of Delaware
Sussex County

Be it remembered, that at the general election held on the Tuesday next after the first Monday in November, 1990, for Sussex County, according to the Constitution and Laws of the State of Delaware, Richard S. Cordrey was duly elected Senator in General Assembly from Senatorial District No. 20 which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE William Swain Lee and T. Henley Graves, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this 8th day of November, 1990.

(Signed) William Swain Lee, Resident Associate Judge
(Signed) T. Henley Graves, Associate Judge
* * * * *

The State of Delaware
Sussex County

Be it remembered, that at the general election held on the Tuesday next after the first Monday in November, 1990, for Sussex County, according to the Constitution and Laws of the State of Delaware,

Eight thousand four hundred two (8,402) votes were cast for Richard S. Cordrey for Senator in the 20th District

Fifteen (15) votes were cast for Shirley Wilson for Senator in the 20th District

One/One (1/1) were given for Evelyn Thoroughgood and James Malone for Senator in the 20th District which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE William Swain Lee and T. Henley Graves, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this 8th day of November, 1990.

(Signed) William Swain Lee, Res. Assoc. Judge

(Signed) T. Henley Graves, Assoc. Judge

* * * * *

The newly-elected Senators were then sworn into Office in the following order: Senator McDowell by Judge Bifferato; Senator Bair by Judge Ridgeley; Senator Blevins by Judge Poppiti; Senator Sokola by Judge Poppiti; Senator Sharp by Judge Poppiti; Senator Connor by Judge Ridgeley; Senator McBride by Judge Bifferato; Senator Vaughn by Judge Hartnett; Senator Cook by Judge Hartnett; Senator Adams by Judge Ellis; Senator Cordrey by Judge Ellis;

Senator Martin marked PRESENT.

OATH OF OFFICE MEMBER OF THE STATE SENATE

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

SR 1 was introduced and considered for adoption:

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

BE IT RESOLVED by the Senate of the 136th General Assembly of the State of Delaware that the following constitute the permanent roll of the Senate of the 136th General Assembly: Thurman Adams, Jr., Myrna L. Bair, Patricia M. Blevins, Robert T. Connor, Nancy W. Cook, Richard S. Cordrey, Richard A. Hauge, Herman M. Holloway, Sr., Andrew G. Knox, Robert Marshall, Roger A. Martin, David B. McBride, Harris B. McDowell, III, Ruth Ann Minner, James P. Neal, Thomas B. Sharp, David P. Sokola, John C. Still, III, William C. Torbert, James T. Vaughn, Robert L. Venables.

* * * * *

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

SR 2 was introduced and considered for adoption:

SR 2 - IN REFERENCE TO ELECTION OF PRESIDENT PRO TEMPORE. Sponsor: Senator Sharp
Senator Sharp commented on the Resolution after which the roll call vote was taken and revealed 21 Senators voting YES, therefore, the Resolution was declared adopted.

Pursuant to the above Resolution and on motion of Senator Sharp, the Honorable Dale E. Wolf, Lieutenant Governor of the State of Delaware administered the following Oath of Office to Senator Richard S. Cordrey:

OATH OF OFFICE PRESIDENT PRO-TEMPORE

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

(Signed) Richard S. Cordrey
President Pro-Tempore

Sworn (or affirmed) and subscribed before me this 8th day of January A.D. 1991.

(Signed) Dale E. Wolf
Lieutenant Governor, State of Delaware
* * * * *

Senator Cordrey then made a few remarks to the Senate.

An Attendance Roll Call of the Session was taken on Senator Minner's Point of Order:

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

Senator Holloway, considered to be the Dean of the Majority Caucus, announced that Senator Sharp would be the Majority Leader and Senator McDowell would be the Majority Whip.

Senator Neal, Dean of the Minority Caucus, announced that Senator Bair would be the Minority Leader and Senator Connor would be the Minority Whip.

SR 3 was introduced and considered for adoption:

SR 3 - IN REFERENCE TO ELECTION OF OFFICERS. Sponsors: Senators Cordrey and Sharp. The roll call vote on the Resolution was taken and revealed 21 Senators voting YES, therefore, the Resolution was declared adopted.

The personal privilege of the floor was extended to Senator Minner who commented on SR 1 and SR 2.

SR 4 was introduced and considered for adoption:

SR 4 - IN REFERENCE PERMANENT RULES OF THE DELAWARE STATE SENATE. Sponsors: Senators Minner and Cordrey.

SR 5 was introduced and considered for adoption:

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

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

Pursuant to the above Resolution, the Chair appointed Senators Adams and Connor as a committee to inform the Governor that the Senate is ready to receive any communications that he may desire to present.

SR 6 was introduced and considered for adoption:

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

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

Pursuant to the above Resolution, the Chair appointed Senators Holloway and Knox as a committee to inform the House that the Senate is now organized and ready for business.

Senator Cordrey announced that a committee from the House of Representatives informed the Senate that the House is organized and ready for business.

Senator Sharp introduced the members of the Judiciary who were in attendance and thanked them.

At 3:42 p.m. on motion of Senator Sharp the Senate recessed for a reception of the new members and reconvened at 4:14 p.m., Senator Cordrey presiding.

HJR 1 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Sharp:

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

At 4:16 p.m., Lt. Governor Wolf presided.

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

Senator Adams announced that he and Senator Connor delivered the message to the Governor that the Senate is in Session.

At 4:18 p.m., on motion of Senator Sharp, the Senate recessed until 3:30 p.m., January 9, 1991.

The Senate reconvened at 3:53 p.m., January 9, Lt. Governor Wolf presiding.

The following legislation was introduced and assigned to committee:

SB 2 - AN ACT TO AMEND CHAPTER 25, TITLE 6, DELAWARE CODE RELATING TO PROHIBITED PRACTICES IN RESIDENTIAL TELEPHONE SOLICITATIONS. Sponsor: Senator Holloway. To Administrative Services.

SB 1 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, RELATING TO CONDUCT OF OFFICERS AND FORMER LEGISLATORS OF THE STATE. Sponsors: Senators McBride, Sharp, Minner. To Ethics.

SB 3 - AN ACT TO AMEND CHAPTER 9, TITLE 26 DELAWARE CODE RELATING TO TELEPHONE CORPORATIONS. Sponsor: Senator Holloway. To Administrative Services.

SB 4 - AN ACT TO AMEND TITLE 6, DELAWARE CODE RELATING TO PROHIBITED TRADE PRACTICES. Sponsor: Senator Holloway. To Finance.

SB 5 - AN ACT TO AMEND TITLE 26 DELAWARE CODE RELATING TO TELEPHONE SERVICE PROVIDERS. Sponsor: Senator Holloway. To Finance.

SB 6 - AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO LIMITATION OF LIABILITY FOR OIL AND HAZARDOUS MATERIAL DISCHARGE CLEANUP. Sponsors: Senator Minner, Representative Carey, Senator Vaughn, Representative D. Ennis. To Natural Resources and Environmental Control.

SB 7 - AN ACT TO AMEND CHAPTER 9, TITLE 26 DELAWARE CODE RELATING TO TELEGRAPH AND TELEPHONE CORPORATIONS. Sponsor: Senator Holloway. To Administrative Services.

SB 8 - AN ACT TO AMEND CHAPTER 19, TITLE 14, DELAWARE CODE, RELATING TO SCHOOL TAX REFERENDA. Sponsor: Senator McBride. To Education.

At 3:58 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 2nd Legislative Day.

2ND LEGISLATIVE DAY
January 9, 1991

The Senate convened at 3:58 p.m. with Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

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

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

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

The following communication was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

January 8, 1991

TO: Members of the 136th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Senate Standing Committees

Enclosed you will find a copy of the Senate Standing Committees and the members of each committee. This list includes the designated chairman for each of these committees as well as the members from both the Majority and Minority Caucuses in the Senate.

Thank you.

The assignments were partially read and a copy given to each Senator:

ADMINISTRATIVE SERVICES: William C. Torbert, Chairman; Nancy W. Cook, Robert I. Marshall, Roger A. Martin, Robert T. Connor

ADULT AND JUVENILE CORRECTIONS: James T. Vaughn, Chairman; Nancy W. Cook, Herman M. Holloway, Thomas B. Sharp, William C. Torbert, Richard A. Hauge

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

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

BOND BILL COMMITTEE: Roger A. Martin, Chairman; Nancy W. Cook, David B. McBride, Ruth Ann Minner, Andrew G. Knox, Richard A. Hauge

COMMITTEE TO COMBAT DRUG ABUSE: Thomas B. Sharp, Chairman; Richard S. Cordrey, James T. Vaughn, James P. Neal, Robert T. Connor

COMMUNITY/COUNTY AFFAIRS: David P. Sokola, Chairman; Harris B. McDowell, Ruth Ann Minner, Robert L. Venables, Myrna L. Bair

CHILDREN YOUTH AND FAMILIES: Harris B. McDowell, Chairman; Patricia M. Blevins, Herman M. Holloway, David P. Sokola, James T. Vaughn, Myrna L. Bair

EDUCATION: David B. McBride, Chairman; Ruth Ann Minner, David P. Sokola, William C. Torbert, James P. Neal

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

ETHICS: Richard S. Cordrey, Chairman; Harris B. McDowell, Thomas B. Sharp, Myrna L. Bair, Robert T. Connor

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

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

HEALTH AND SOCIAL SERVICES/AGING: Herman M. Holloway, Chairman; Patricia M. Blevins, Robert I. Marshall, David B. McBride, Harris B. McDowell, David P. Sokola, Andrew G. Knox

HIGHWAYS AND TRANSPORTATION: Roger A. Martin, Chairman; Nancy W. Cook, Ruth Ann Minner, Thomas B. Sharp, David P. Sokola, James P. Neal

INSURANCE AND ELECTIONS: Thomas B. Sharp, Chairman; Thurman G. Adams, Harris B. McDowell, James T. Vaughn, John C. Still

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

LABOR AND INDUSTRIAL RELATIONS: Robert I. Marshall, Chairman; Herman M. Holloway, Roger A. Martin, David B. McBride, Thomas B. Sharp, Robert T. Connor

NATURAL RESOURCES AND ENVIRONMENTAL CONTROL: Ruth Ann Minner, Chairman; Patricia M. Blevins, Roger A. Martin, David P. Sokola, Robert L. Venables, Andrew G. Knox
PUBLIC SAFETY: Patricia M. Blevins, Chairman; Thurman G. Adams, Ruth Ann Minner, Thomas B. Sharp, William C. Torbert, James T. Vaughn, Richard A. Hauge
REVENUE AND TAXATION: Robert I. Marshall, Chairman; Herman M. Holloway, David B. McBride, John C. Still

SMALL BUSINESS: Robert L. Venables, Chairman; Harris B. McDowell, David P. Sokola, James P. Neal, Andrew G. Knox

SUNSET: Robert L. Venables, Chairman; Patricia M. Blevins, Roger A. Martin (later removed), Ruth Ann Minner, Andrew G. Knox, Richard A. Hauge

At 4:03 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:55 p.m., Lt. Governor Wolf presiding.

The following legislation was introduced and assigned to committee:

SB 9 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO LEGISLATIVE AUTHORITY; AND PROVIDING FOR INITIATIVE AND REFERENDUM. (2/3 vote) Sponsors: Senator McBride, Representative Oberle. To Executive.

SB 10 - 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. (2/3 vote) Sponsors: Senator McBride, Representative Oberle. To Executive.

Senator Martin marked PRESENT.

SB 11 - AN ACT TO AMEND CHAPTER 28, TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS AND THE PRACTICE OF ENGINEERING. Sponsors: Senator Venables; Representative Amick; Senators McBride, Neal; Representatives Taylor, Houghton, Outten. To Sunset.

SB 12 - AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE, RELATING TO THE HUNTING OF RED FOXES. Sponsors: Senator Vaughn, Representative B. Ennis. To Natural Resources and Environmental Control.

The Secretary announced that a message from the House informed the Senate that it had adopted HJR 1, HCR 1, HCR 2.

SENATE CONSENT CALENDAR #1 was introduced and considered for adoption on motion of Senator Minner:

SCR 1 - EXTENDING THE LIFE OF THE DELAWARE RIVER AND BAY OVERSIGHT COMMITTEE FOR THE PURPOSE OF STUDYING AND CONSIDERING ADDITIONAL MATTERS, INCLUDING THE DESIGN AND ESTABLISHMENT OF A PERMANENT DELAWARE RIVER AND BAY OVERSIGHT COMMISSION. Sponsors: Senator Minner, Representative Carey, Senator Vaughn, Representative D. Ennis.

SCR 2 - COMMENDING EDDIE DAVIS OF SMYRNA, DELAWARE ON HIS RECENT ACHIEVEMENT OF FIVE THOUSAND WINS IN HARNESS RACING DURING HIS CAREER, MAKING HIM THE NINTH DRIVER IN THE HISTORY OF HARNESS RACING EVER TO ACCOMPLISH SUCH AN OUTSTANDING MILESTONE. Sponsors: Senators Vaughn, Cook; Representatives B. Ennis, Clark, Quillen.

SCR 3 - PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE TO BE CONVENED TO HEAR THE ANNUAL STATE OF THE STATE ADDRESS BY GOVERNOR MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE. Sponsors: Senators Cordrey, Sharp, McDowell.

SCR 4 - COMMENDING PAYNTER A. LYNCH OF MILFORD FOR HIS MANY YEARS OF OUTSTANDING AND DEDICATED SERVICE TO THE STATE OF DELAWARE AND ITS CITIZENS AND EXPRESSING BEST WISHES FOR A HEALTH, LONG AND HAPPY RETIREMENT. Sponsors: Senator Minner, Representative Caulk.

The roll call vote on the Calendar was taken and revealed: YES: Senators Adams, Blevins, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Sokola, Torbert, Vaughn, Venables - 15; ABSENT: Senators Bair, Connor, Hauge, Knox, Neal, Still - 6.

The Resolutions were declared adopted by the Senate and sent to the House for consideration.

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

January 9, 1991

TO: All Members of the 136th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Appointments - Delaware Commission of Interstate Cooperation

The following members of the 136th General Assembly, Delaware State Senate shall serve as appointees of the Delaware Commission of Interstate Cooperation: Senator Thurman G. Adams, Senator Herman M. Holloway, Senator Robert T. Connor

cc: House of Representatives
Office of the Governor

Senator Cordrey announced that Senator Martin was being removed as a member of the Sunset Committee.

SB 13 was introduced and assigned to Health-Social Services/Aging Committee:

SB 13 - AN ACT TO AMEND TITLE 24, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A BOARD OF PHYSICIAN ASSISTANT PRACTICE; TO PROVIDE FOR THE MAXIMUM UTILIZATION OF QUALIFIED PHYSICIAN ASSISTANTS IN THE PROVISION OF HEALTH CARE TO THE CITIZENS OF DELAWARE, IN ANY HEALTH CARE PRACTICE SETTING, UNDER THE SUPERVISION OF PHYSICIANS LICENSES UNDER CHAPTER 17 OF THIS TITLE.

Sponsors: Senators Holloway, Marshall, Knox, Bair, Cordrey; Representatives Moore, Sills, Oberle, George, Gilligan, Campanelli, Hebner, Amick, Jonkiert.

The Reading Clerk read a request from Senator Marshall that his name be removed as a sponsor of SB 13.

At 5:07 p.m. on motion of Senator Sharp, the Senate recessed until January 10 at 1:45 p.m.

The Senate reconvened at 1:50 p.m., January 10, 1991 with Lt. Governor Wolf presiding. On motion of Senator Sharp, the Senate adjourned to immediately convene for the 3rd Legislative Day.

3RD LEGISLATIVE DAY January 10, 1991

The Senate convened at 1:52 p.m. with Lt. Governor Wolf presiding.

A Prayer was offered by Senator Knox.

Pledge of Allegiance to the Flag.

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

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

At 1:54 p.m. on motion of Senator Sharp, the Senate recessed to prepare for the Joint Session with the House for the Governor's State of the State address.

The members of the House of Representatives were announced, admitted and welcomed to the Senate Chamber.

Lt. Governor Wolf invited the Speaker of the House, Representative Terry Spence and the President Pro Tempore of the Senate, Senator Richard Cordrey to join him on the podium.

The Sergeant-at-Arms announced the Chief Justice of the Supreme Court, The Honorable Andrew D. Christie, and other members of the Judiciary. They were admitted and welcomed by Lt. Governor Wolf.

The Sergeant-at-Arms announced the State and County elected officials. They were admitted and welcomed by the Lt. Governor.

The Sergeant-at-Arms announced the arrival of the cabinet officials. They were admitted and welcomed by the Lt. Governor.

JOINT SESSION - SENATE CHAMBER State of the State Message January 10, 1991

At 2:02 p.m., Senator Sharp moved that the Senate and House meet in Joint Session for the purpose of hearing the State of the State address by Michael N. Castle, Governor. No objection.

Senator Sharp moved that the Lt. Governor preside over the Joint Session. There was no objection.

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

Senator Sharp moved that the Chair appoint a committee of four to escort the Governor to the Joint Session. No objection.

Pursuant to the above motion, the Chair appointed Senator Adams (spokesperson), Senator Knox, Representatives George and Fallon to form the escort committee.

Upon the departure of the escort committee, the Chair called a short standing recess to await the arrival of the Governor.

After a short period the Chair called the Joint Session back into session and recognized the Sergeant-at-Arms who announced the arrival of the escort party with the Governor.

Governor Castle was admitted and introduced by Senator Adams.

The Governor was welcomed by the Chair and invited to the rostrum.

The Governor addressed the assembly as follows:

Lieutenant Governor Wolf, Mr. President Pro Tempore, Mr. Speaker, members of the 136th General Assembly, other elected officials, the Judiciary, the Cabinet, honored guests, and the people of Delaware:

As I first sat down a few weeks ago to begin thinking of what I would say today in this, my seventh State of the State address, I realized that, unfortunately for me, a majority of the members in this Chamber have endured all of them -- all delivered in more prosperous times.

And since no politician, especially a Governor, ever wants to be the bearer of anything but good news, I was tempted to reach for the phone and see if Dale wanted to try this one.

But on reflection, I felt that perhaps Teddy Roosevelt's approach was more appropriate.

In October, 1912, as Teddy Roosevelt was beginning a formal address, he was shot in the chest. Determined to give the speech despite his serious injury, Roosevelt turned to his audience and declared, "I will deliver this speech and die, one way or the other." Which goes to prove that almost nothing can stop a politician from giving a speech.

In January of 1985, when I delivered my first State of the State address, we were preparing to celebrate the Bicentennial of the United States Constitution and Delaware's unique role in the adoption of that document. We reflected that day not only on the history of those two hundred years, but on the principles of the Constitution which protect future generations.

I said that day, "For as long as one child is in danger or neglected, as long as one senior citizen is denied the benefits of modern medical technology, as long as one community must endure the threat posed by hazardous wastes, as long as one family is denied the opportunity to enjoy the benefits of a growing economy, then the challenge to make this state the best place to live in remains before us."

Those principles -- the best education system for our children; health care for those in our society unable to meet costs; preservation of the environment to ensure that our grandchildren have clean air and water; and, an economy that provides real opportunity for our citizens -- are principles that stand as true today in harsh times as they stood six years ago in more prosperous surroundings.

They are principles for which we must all draw the line in the sand.

They are principles for which we must all continue to fight.

In the end, however, it is not politicians, governors legislators or cabinet officials who protect these principles. Rather, it is the unique character and strength of the people of Delaware which in the past allowed us to prosper by working together and which in the future will allow us to continue to move forward -- not retreat as the resources at our disposal diminish.

It is difficult to describe this strength of character that is unique in Delawareans, but there are times that it's presence touches us all.

A year ago when I delivered the State of the State speech, Cliff Lee sat among us. Today, his son Biff represents those Sussex Countians who had developed a close and personal tie to his father's gentle quality of leadership.

On a crisp, clear fall day last October, most of us here sat in that quiet church in Laurel at Cliff's funeral and I am sure that you, like me, were moved when Cliff's grandson left the family pew and walked down the aisle to join his fellow Laurel students in tribute to his grandfather by singing,

Did you ever know that you're my hero
And everything I would like to be
I can fly higher than an eagle
'Cause you are the wind beneath my wings.

The strength and courage of the Lee family in those moments of deep personal anguish personified that character unique to Delaware.

The character of the Lee family should remind us today that there are thousands of Delaware families who are struggling to face difficult challenges -- in education, in health care, in job opportunities.

For six consecutive years, I have been able to declare in the State of the State that the resources available to meet the growing needs of our citizens was more than ample. Today I cannot make that statement.

In just one year, despite the tough decisions that you made last session by increasing revenues, the Delaware Economic and Financial Advisory Council estimates have fallen nearly 100 million dollars.

Even Washington has finally recognized what any Delaware family could have told them months ago: the economy is in a recession and the prospect of a quick turnaround that will send revenues soaring again is virtually non-existent.

Those of you sitting here for the first time, Senators Patricia Blevins and Dave Sokola, and Representatives Wayne Smith, Rourke Moore, Vince Lofink and Biff Lee, face the prospect of serving a full term without significant increased revenue growth -- your colleagues have considered routine.

Caught in the tide of national economic problems -- from the massive federal deficit to rising fuel prices to the threat of war in the Middle East -- our greatest challenge for 1991 will be to protect the strong economic foundation that has already helped shelter us from the winds of the storms around us.

We have all seen the accounts of the fiscal disasters encountered by many of our sister states resulting in massive cuts of programs and people.

Part of their problems were caused by the slowing economy. Others, however, were caused by the failure of those states to deal with changing economic conditions. They did not reduce spending -- they merely depleted the reserves. They did not re-examine priorities. There were no legal restraints.

As we cope with the downturn in our economy, we cannot look for a quick fix.

We must not follow the way of Massachusetts where massive tax increases have fallen short of balancing the budget. We will not go the way of New York, where the never-ending shell game has finally been played out on the backs of thousands of employees who are suddenly turned out onto the streets.

We cannot allow a divided government to be reduced to the wrangling of Philadelphia, where the future of a once great city has faded.

None of that will happen in Delaware because Richard Cordrey and Terry Spence; Tom Sharp and Joe Petrilli; Nancy Cook and Phil Corrozi; Lonnie George and Myrna Bair, and, most importantly, the people of Delaware will not let it happen.

We have learned in the last decade the valued lesson of a true government/private sector partnership. We have learned that by challenging outmoded concepts with visionary thinking, we create new jobs and opportunities for our people. We have learned that the easy solution of tax and spend didn't work in the past and won't work now.

And yet, as we prepare to weather the storm of this spring and beyond, we need not abandon the course that we have set -- in education, in environmental protection, in health care services and in economic growth.

* * *

For a long time, in large measure, the basic quality of the education that a child received in Delaware was decided by geography.

If you lived in a wealthy district with vast resources, your local school boards had the ability to pay teachers more, to fund innovative programs and to meet special needs. Since then, the foundation of Delaware's education system has radically changed. Step-by-step we have narrowed the gap between rich and poor districts by massive increases in state equalization.

In each of the last six years, we have increased equalization by an average annual growth rate of 27 percent and we will continue that progress. In these same years, we made dramatic progress in pay for our teachers. In 1985, the average teacher's salary was 24,624 dollars. Today, it is 35,246 dollars, moving us in rank among the states from 21st place to tenth.

But, as we in Delaware realized, money alone will not improve our system.

In 1989, with that realization weighing on our minds, the Nation's 50 Governors joined in only their third summit in history to address the one subject we all resoundingly agreed was of sufficient magnitude to warrant this gathering. The subject was America's education system.

In preparation for this meeting, hundreds of concerned citizens and professional educators joined me at Delaware's own Summit. I carried their ideas to that historic meeting of Governors and the President in Charlottesville, Virginia, where, for the first time, a national education agenda was agreed upon.

We determined that we must build flexibility, accountability and results into our education system. At the conclusion of that conference, the President and Governors committed to accomplishing six goals by the year 2000.

Now, nearly one and a half years later, it is only fitting that we measure the progress we have made in achieving these goals and what we will do in the future to meet them.

Goal One: All children will start school ready to learn.

Delaware began meeting this challenge when it became one of the first states to mandate universal kindergarten and launched the "Focus on the First Sixty Months" program, helping set the national trend towards preparing children for school through proper health care and early exposure to education. We have made substantial progress preparing our youngsters for school by improving the health of babies born to at-risk mothers and by increasing resources available to our poorest mothers and children.

One program begun last year has been particularly successful -- the SMART START project that provides enhanced prenatal care to Medicaid-eligible women with a history of high risk pregnancies has had tremendous results. Last year, nearly 200 babies were born at healthy weights under this program, and as I held one on my lap at a birthday party to celebrate this success, I was struck by the fact of how much we can lessen the obstacles for our children as they begin their odyssey into life.

Goal Two: The high school graduation rate will increase to at least 90 percent.

Through our Children-At-Risk and alternative high school initiatives, we have reduced our dropout rate by 12 percent. The Adult Secondary Education program has also contributed to this decline, giving us a great leg up in our climb to have ALL our children complete school.

Goal Three: Students will leave grades 4, 8 and 12 having demonstrated competency in challenging, basic subject matter.

Under legislation you passed last year, the Department of Public Instruction has begun redesigning our testing and student assessment programs. When done, it will provide the accountability that has been so lacking in our system before, by measuring the competence of our students at least four grade levels, and thus measuring the quality of our schools.

To further that progress, we produced the State's first-ever set of school profiles, and as restructured testing comes on-line, the results should be incorporated in our profiles so that every citizen can see what a school does well and where it needs improvement.

Goal Four: Our student's math and science achievement will match the best of our international competitors.

With Delaware's great resources in the sciences, we should be first among all the states. We are beginning. We are beginning thanks to people such as the parents and teachers at Eisenberg Elementary School in New Castle, who this year created a "hands-on" science room for their kids. The genius of this approach is that parents and teachers together made it, and that kids learn science by experimenting with it -- not just reading about it.

This same active learning approach is growing around the state. Student participation in the Science Olympiad, the Math League, and the Computer Fair are all on the rise. These are undoubtedly just beginnings, but as we give educators more flexibility to create these types of programs, there will be specific results.

Goal Five: Every adult will be literate and possess the skills necessary to compete in a global economy and to exercise the rights and responsibilities of citizenship.

When we pursue the adult literacy goal we get a double benefit because, as adults gain confidence in their own academic abilities, they become both more productive in the workplace and more helpful teachers at home. In another results-oriented project, Adult Basic Education, participation increased 17 percent in 1990, 90 percent of its participants reported gains in their academic skills and half said their new skills had translated into economic gains.

In addition, the Lieutenant Governor's summit on literacy held last year set goals and established a statewide task force to manage the programs to achieve them in the coming year.

Goal Six: Every school will be free of violence and drugs and offer a disciplined environment conducive to learning.

We can be cautiously optimistic on this front. Our annual student survey shows a downturn in drug use in almost every area. The Christina and Colonial Districts have put in place student assistance programs help students who recognize their abuse problems to address them and, in time, overcome them. And our community cluster programs against substance abuse continue spreading to new areas in need. The key is to allow individual groups to determine how to solve their own specific problems.

We are making progress toward total fulfillment of these six goals by the year 2000, but we still have a long way to go. The key to achieving these goals is to incorporate flexibility, accountability and results into all our programs. When I first received the National Geographic poster commemorating these goals, I was struck by the complete commitment that would be needed by every member of our community to fulfill them. Today I am sharing these posters with you because we have a shared responsibility to achieve that goal.

Recognizing where we have been in education, and where we are now, we must turn our focus to the future.

We must remain open to revising other rigid systems, such as school transportation. While we must be assured that our children are safely transported to school, we need to examine whether our present system makes sense economically and logistically.

Can we adjust the formulas that dictate the routes? Can we use alternative methods such as public transportation options for older students? Would these changes allow us to re-direct dollars to the classroom?

I am asking the State School Board to examine this multi-million dollar issue and to determine if we can make changes that would save dollars that we can put toward teaching our children and not merely busing them.

The challenges to the education community and our ongoing efforts to meet the National Education goals will bring us the means and methods necessary to make our education system the very best in the nation.

Besides the benefits that the education system provides all of us, nothing affects our daily lives more than the environment in which we live.

On more than one balmy summer evening, many of us have sat looking across the still waters of Rehoboth Bay and watched the orange glow of the sun setting behind Thompson's Island. It is that scene which captures the essence of what we must do to protect the land.

It is also a scene that Department of Natural Resources and Environment Control Secretary Toby Clark perhaps saw for the first time just one year ago. Yet he, more than any other individual I know, has worked tirelessly and creatively to protect Delaware's environmental legacy.

Toby has strengthened the effort we began three years ago when we embarked on a program of land acquisition and conservation with a goal to preserve those pristine acres, like Thompson's Island, that could disappear in an instant -- forever -- in the name of progress.

The initial investment of 21 million dollars combined with conservation easements has already protected nearly 4,000 acres. Your actions last session in passing Senate Bill 110 and providing over 70 million dollars for land acquisition will begin to produce additional results next year as the Open Space Council begins to select specific parcels for acquisition.

This February we will unveil a comprehensive, statewide plan for establishing the Delaware Greenways Program, a program which I hope will result in hiking trails and bike paths linking communities, parks, and greenspace throughout the state.

To further this process, I would ask each legislator to join me in considering the enhancement that would occur in each of your districts if you allocated up to 15 percent of your existing suburban streets funds for acquisition and development for fitness trails, hiking trails, bike paths, and other types of greenways.

If each of you were to participate, that would mean an allocation of 1.5 million dollars a year towards the effort of making a greenway program a reality in every corner of Delaware.

Cooperation has been a cornerstone for our environmental progress. Through the efforts of hundreds of Delawareans, a comprehensive program has been formulated, debated, adopted and is being implemented to address threats to the stability and livability of our Inland Bays.

The implementation of that plan will continue this year -- including stricter marina regulations designed to reduce impacts on water quality, continuation of successful demonstration projects for shoreline protection, establishment of a central sewer system in West Rehoboth to help eliminate both septic and surface water pollution, and a current conservation plan being adopted by owners of 14,000 acres of farm land in the Inland Bays to help reduce pollution caused by present agricultural practices.

Cooperation also brought us one of our most significant new initiatives in 1991 -- the statewide voluntary recycling program -- RECYCLE DELAWARE.

This program is now offering people the opportunity to recycle household materials at 19 centers -- and another 20 will be opened by June. The success has been instantaneous. The Delaware Solid Waste Authority estimates that more than 50,000 families will routinely use those centers and already almost 55,000 pounds of paper, plastic, glass and cans have been collected.

And RECYCLE DELAWARE is just one part of DNREC's new waste minimization and pollution prevention program "Three Rs for the 90s" which means that we will reduce, reuse and recycle our wastes. The program establishes a whole new thrust for our pollution control effort, an approach based on the realization that it is much better economically, as well as environmentally, to avoid producing pollution at the outset.

Delaware turned a corner in 1990 with nearly unanimous public, private and political commitment to environmental protection, yet we still face significant challenges: maintaining this level of commitment through strict regulatory enforcement and program development, and forcing industry to improve operating standards to the point that no citizens in Delaware -- from Delmar to Delaware City -- should be fearful or threatened by the affects of their operations.

The actions that we have taken in the last six years are a beginning toward meeting our basic goals of assuring that future Delawareans have clean air and water, open space and greenways and the chance to enjoy the beauty of a sunset on Rehoboth Bay uncluttered by development.

In so much as we have dedicated ourselves to the protection of the environment which sustains us, we have made an equally strong commitment to protecting the well-being of our people.

When I first took office, among the problems we faced was the high rate of infant mortality.

With that challenge, we created the programs I spoke of earlier when I discussed education to meet the first goal of preparing children for school, but we have taken many other steps. In 1985, we had a very basic Medicaid program that reached fewer than half the poor pregnant women and children. Today we have reversed that trend and are providing health coverage for an additional 2500 women and children.

During this time, we also built comprehensive women's health clinics in New Castle County and began offering prenatal care and maternity services in Kent and Sussex Counties. At Kent General Hospital alone, 50 percent of the women giving birth receive services through the prenatal care clinic in Kent County.

Today, our infant mortality rate is declining, thanks to efforts such as SMART START and the Diamond Deliveries programs.

And our efforts in this area will continue. In 1991 we will further expand Medicaid coverage to pregnant women and children up to age eight. We will offer coverage to children up to age 18 living below the poverty level. And, this year, for the first time, we will offer health care coverage to the general assistance population.

By October, Delaware will receive 2.2 million new federal dollars for child care services. In order to effectively determine the best use of these new dollars, I will later this month form an interagency group to develop strategies and programs.

With this money, we will be able address the needs of the thousands of Delaware children who are in child care programs. To improve the quality of these efforts, we will soon announce the implementation of the nation's first statewide effort to train child care providers.

Our work in protecting people goes much farther than helping children. Through our continuing shift from institutional-based mental health care to community-based care, we have begun providing services in a more humane and effective manner. Through this shift, we have funded 35 residential facilities for the mentally retarded and dramatically increased the number of mentally retarded and mentally ill clients we serve in the community rather than in institutions. Thanks to Tom Eichler's strong leadership, the people of Delaware are receiving these services in a much more effective manner.

As we look to the leadership of Nev Curtis and the Delaware Health Care Commission to begin implementing a strategy to provide adequate health care to the 72,000 medically indigent Delawareans, we again expand our efforts in helping people in need.

The Delaware State Housing Authority has expanded into a multi-faceted program providing a variety of housing related resources and services. Through this expansion the Authority has:

- *Offered a variety of home loan assistance programs to different income level families.

- *Created on-site child care at State-owned facilities, such as the Mifflin Meadows Child Development Center.

- *And, provided assistance to housing units through the Housing Development Fund. For the family struggling to make ends meet, or the homeless, housing is much more than just bricks and mortar, housing is a right of humanity and is a foundation for the family structure.

In order to meet the demands of a growing homeless population, the state has already invested 1.1 million dollars in projects to aid the homeless by assisting with the construction of Sojourner's Place and the Home Life Management Center in Wilmington, Northport in Georgetown and Shepard Place in Dover.

Caring means not only sheltering people, but protecting them from outside threats. When I took office, only one state and the District of Columbia had mandatory seat belt laws. As I stand here today, that number has risen to 36. Ladies and gentlemen, the time has come for the Delaware General Assembly to pass mandatory seat belt legislation.

We considered the safety of our people enough to create a program that will move us this year from providing just local paramedic services to providing these critical state services statewide when the first people will graduate from the training program. And after years of careful planning and study, we will break ground on two new prison facilities in 1991, broadening our efforts to meet the increasing demands of public protection from crime.

* * *

While the 80s saw an explosion of new job opportunities, the year ahead will not match that growth. Working together, we in this state have done everything in our power to provide meaningful job opportunities for our citizens in the last six years. In fact, job growth has outpaced our new workforce population by nearly 10 percent.

In my 1987 State of the State address, I spoke of the link between a strong economy and our ability to fund government services.

I said, "A strong and growing economy provides the means to pay our teachers and state employees better, do more for our young children, preserve and protect open space and wetlands, to shelter the homeless, to feed the poor, to comfort the aged."

"A strong and growing economy makes all that possible -- without imposing a tax burden so great that we destroy individual initiative and shut down the economic engine."

The growth of Delaware's economy has paused, it has not stopped; in fact, Delaware is better poised than any other state to take advantage of a recovery when it comes.

The development of the financial service industry as a new significant employer will be a key to realizing that rebound.

In the financial services industry alone, the job growth since 1985 has been about 11,000. Even as the economy turns down nationally, this industry continues to expand locally. The Associates, one of the largest credit operations in the country, will establish its bank here; Sears/Discover Card, Manufacturers Hanover, Corestate, and NCNB have all expanded in 1990 and will add more jobs in 1991.

With the passage of the Banking and Insurance legislation, we correctly recognized our right to empower Delaware-chartered banks to engage in insurance activities.

We are hopeful that the attempt by the Federal Reserve to thwart our decision will be quickly decided in the courts so that Citibank can proceed with its plans here in Dover to bring another major source of job opportunity to central Delaware.

While the success in our financial industry has been stunning, we all recognize that economic diversity -- from food production at General Foods in Dover, to auto manufacturing at Chrysler in Newark -- has paid off in new jobs as well.

In 1992, the new Hewlett-Packard facility will be completed and the tax revenue from their estimated 800 excellent jobs and almost 30 million dollars in payroll will be a major revenue source for decades to come.

The Department of Labor and the Delaware Development Office will establish, through the use of Blue Collar Tax revenue, a scholarship program to allow adults to upgrade their skills. This program will include matching participation with small business employers.

In addition, we have expanded one of our most important industries in an exciting new way, thanks to the leadership of Dale Wolf. Dale has made the innovative industry of aquaculture a viable economic and agricultural development for Delaware in the 90s.

Also with Dale's help, and the leadership of a newly created Board of Directors, the Composites Park -- a joint project of the Delaware Development Office, the University of Delaware and private industry, is moving forward. This Park will put Delaware at the forefront of developing high performance materials used in the automotive and aerospace industries.

With our natural proximity to high-tech companies such as Du Pont, Hercules, and ICI, this project represents our best prospect for a new industry providing job opportunities.

Delaware remains the dominant legal home of corporate America. The Department of State and the Delaware Development Office will seek to expand that dominance by accelerating existing programs directed at companies not presently legally located here. In addition, the departments will target international investors and companies already Delaware residents to convince them to physically locate their financial and management headquarters here. Success in this area would complement our growing reputation as the state where financial and management operations should be headquartered.

In all that we do in attempting to develop new job opportunities for Delawareans, nothing has been more critical to our success than the personal attention that is the hallmark of our efforts. It is essential that one-on-one involvement at all levels of government continue if we are to be successful in expanding job opportunities in these difficult times.

It is also essential that we continue our extraordinary efforts in transportation to sustain this economic growth. With all of the highway and road improvements in recent years, we are building on that achievement and moving successfully into the area of mass transit. Last year alone we introduced a popular beach park and ride service, expanded commuter rail service to Philadelphia and transit service for Dover. We expect these services to expand further as ridership increases.

Not forgetting that our highways, however, are a reflection of our state, I am asking the Department of Transportation to take the success of the Adopt-A-Highway program and establish a State Highway Beautification program in 1991.

* * *

In looking back over the past six years, it is fair to say that we have made significant progress toward building the very best education system, to expanding health benefits to those in need, to protecting the environment and to providing economic security for our citizens.

But much more needs to be accomplished.

In my budget address this year, you will see we have not retreated from these principles -- we will go forward despite the fact that we will not have substantial resources to expand programs as rapidly as we have in the past.

And as you examine the overall economy and its effect on our revenues, I believe you will join me in concluding that our sound, rational, prudent approach has provided the foundation which will allow this progress to continue in these difficult times.

Those of us in this hall and chamber tend to concentrate particularly as we begin each new session on the specific needs and problems of Delaware. Those problems pale in comparison to the threat that looms before us as a nation in the next few days.

Today, more than a thousand military reservists, hundreds of National Guard members

under the leadership of Major General Art Episcopo, as well as Delawareans serving on active duty in the United States armed forces -- many from Dover Air Force Base, are responding as citizen soldiers have responded throughout our nation's history -- from Bunker Hill to Guadalcanal to the Mekong delta.

Just a few weeks ago, they were our neighbors -- the nurse who manned the night shift at Wilmington General -- the minister who delivered the Sunday sermon -- the construction worker helping to complete a new office building in Dover -- the son-in-law who left on Labor Day weekend and was missing from the family table at Thanksgiving.

In the next five days, as the world heads for that deadline and perhaps beyond -- much will be written and said about why we are there, about oil prices, and about a new world order.

But to those Delawareans far away and their loved ones here, there is one issue pervading their thoughts: will they survive whatever comes, will they see Delaware again, alive and well.

I spoke at the beginning of this address about the difficulty of getting a politician to resist the temptation to give a speech. Perhaps the real contribution that we could make today is not to speak, but to pray.

Senator Adams' son-in-law, Captain Jay Mervine, is a pilot in the Gulf.

Thurman, would you please lead us in offering for Jay, and to all those brave Delawareans, their families, and all the men and women in America prepared to defend freedom -- a prayer for their safe return. Ladies and gentlemen will you please rise.

(Editor's note: Senator Adams then offered a short prayer.)

I would like to thank Senator Adams and each and every Delawarean who in their own way, everyday, continues the legacy of our great state, described so well by Thomas Jefferson when he said of Delaware, "It is a jewel among the states."

Mr. President, Mr. Speaker -- the State of the State and the character of its people could not be stronger.

Thank you.

(FINIS)

Lt. Governor Wolf thanked the Governor and asked the escort committee to reassemble and escort the Governor back to his executive office.

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

The Secretary of the Senate, Bernard J. Brady, reported that the Journals were in agreement.

Senator Sharp moved that the Joint Session be adjourned and the two Houses separate to reconvene in their respective Chambers. No objection. The Joint Session was declared adjourned at 2:51 p.m.

At 2:53 p.m. on motion of Senator Sharp, the Senate recessed for approximately one half hour and reconvened at 3:54 p.m.; Lt. Governor Wolf presiding.

The Secretary proceeded to read the minutes of the previous day and Senator Sharp moved that they be approved as read. No objection.

The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: SB 6 - 5 Favorable; SB 12 - 5 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 3.

SB 14 was introduced and assigned to Finance Committee:

SB 14 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO JAMES H. HARBISON, TRANSFERRING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsors: Senators Vaughn, Torbert, Cordrey, Connor, Bair, Knox, Hauge, Still, and Representatives Spence, Buckworth, Brady, Bunting, Amick, Caulk, West.

Sensors Connor, Hauge, McBride, Martin, Marshall marked PRESENT.

SB 15 was introduced and assigned to Judiciary Committee:

SB 15 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO COMPENSATION FOR VICTIMS OF CRIME. Sponsors: Senator Vaughn; Representative Hebner, Senator Connor; Representatives VanSant, Amick.

At 4:00 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:17 p.m.; Lt. Governor Wolf presided.

SB 16 was introduced and assigned to Insurance and Election Committee:

SB 16 - AN ACT TO AMEND CHAPTER 23, TITLE 18 OF THE DELAWARE CODE RELATING TO CERTAIN DISCLOSURES. Sponsor: Senator Still.

A messenger from the Governor was announced and admitted.

SB 17 was introduced and assigned to Administrative Services Committee:

SB 17 - AN ACT TO AMEND TITLE 6, DELAWARE CODE, TO ESTABLISH A DELAWARE LEASE-PURCHASE

AGREEMENT ACT. (2/3 vote) Sponsors: Senator Holloway, Representative DiPinto.

SENATE CONSENT CALENDAR #2 was introduced and considered for adoption on motion of Senator Minner:

HCR 1 - MOURNING THE LOSS OF CLIFFORD F. LEE, FORTIETH DISTRICT REPRESENTATIVE AND A MUCH ADMIRER MAN TO ALL WHO HAD THE GOOD FORTUNE TO KNOW HIM. Sponsors: Representatives Spence, Buckworth, Petrilli, all Representatives, all Senators.

HCR 2 - EXPRESSING CONDOLENCES TO THE FAMILY OF HARRY A. SHAGRIN OF MIDDLETOWN, DELAWARE, AN ASTUTE BUSINESSMAN AND ACTIVE COMMUNITY LEADER WHO PASSED AWAY AT THE AGE OF NINETY. Sponsors: Representative B. Ennis, Senator Vaughn.

SCR 5 - COMMENDING WILLIAM B. KEENE FOR THIRTY YEARS OF DEDICATED SERVICE TO THE DELAWARE PUBLIC SCHOOL SYSTEM. Sponsors: Senator McBride, Representative Fallon, all Senators, all Representatives.

SCR 6 - EXTENDING THE COMMENDATION AND CONGRATULATIONS OF THE GENERAL ASSEMBLY TO MR. DOUGLAS P. COREY OF SEAFORD ON THE OCCASION OF HIS BEING NAMED DELAWARE'S "OUTSTANDING YOUNG FARMER" FOR 1990. Sponsors: Senator Adams, Representative Ewing.

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

At 5:22 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 15, 1991.

The Senate reconvened at 2:48 p.m., January 15, 1991, Lt. Governor Wolf presiding.

The following legislation was introduced and assigned to committee:

SB 18 - AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES OF THE STATE OF DELAWARE TO AMEND THE SPOUSAL IMPOVERISHMENT PROVISIONS OF THE STATE PLAN UNDER TITLE XIX (MEDICAID) OF THE SOCIAL SECURITY ACT. Sponsors: Senator Holloway, Representative George; Senators Neal, Blevins, Sokola; Representatives Moore, Sills. To Health-Social Services/Aging.

SB 14 was reported out of the Finance Committee: 2 Favorable, 3 Merits.

The following legislation was introduced and assigned to committee:

SB 19 - AN ACT TO AMEND CHAPTER 23, TITLE 18, DELAWARE CODE, RELATING TO UNFAIR PRACTICES IN INSURANCE. Sponsor: Senator Holloway. To Insurance and Elections.

SB 20 - AN ACT TO AMEND SUBCHAPTER IX, CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO DRIVING WHILE INTOXICATED. Sponsor: Senator Holloway. To Public Safety.

SB 21 - AN ACT TO AMEND SUBPART C, SUBCHAPTER VII, CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO LITERATURE HARMFUL TO MINORS. Sponsor: Senator Torbert. To Judiciary.

SB 22 - AN ACT TO REINCORPORATE THE TOWN OF ELSMERE. (2/3 vote) Sponsors: Senator Blevins, Representative Campanelli, Senator Marshall, Representative Van Sant. To Community/County Affairs.

SA 1 to SB 13. Sponsor: Senator Holloway. 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
January 9, 1991

To the Senate of the 136th 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: Alex Jerome Smalls, 505 West Lea Boulevard, Wilmington, DE 19801, to be appointed a Judge of the Municipal Court for the City of Wilmington to serve a twelve year term to succeed Carl Goldstein.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
January 10, 1991

To the Senate of the 136th 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: Joshua M. Twilley, Esq., 124 Meadow Glen Drive, Dover, DE 19901, to be reappointed as a member of the Public Service Commission to serve a five year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 10, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Nancy M. Norling, 2409 Willard Street, Wilmington, DE 19806, to be reappointed as a member of the Public Service Commission of the State of Delaware to serve a five year term expiring May 1, 1996.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 10, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Joan H. Donoho, 2400 Grant Avenue, Wilmington, DE 19806, to be reappointed as a member of the Environmental Appeals Board to serve for a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 10, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Muriel E. Gilman, 17 Woodbrook Circle, Wilmington, DE 19810, to be reappointed as a member of the Consumer Affairs Board to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 10, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William C. Pfeifer, 17 Garrisons Circle, Smyrna, DE 19977, to be reappointed as a member of the Board of Parole to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 10, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Ray K. Woodward, Post Office Box 165, Middletown, DE 19709, to be reappointed as a member of the Environmental Appeals Board to serve a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 10, 1991

To the Senate of the 136th 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: Raymond K. Arzinger, 1 Bridle Brook Lane, Covered Bridge Farms, Newark, DE 19711, to be reappointed as a member of the Board of Trustees of the University of Delaware to serve a six year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 10, 1991

To the Senate of the 136th 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 R. M. Carpenter, III, Powder Mill Square, Suite 204, 3844 Kennett Pike, Greenville, DE 19807, elected as a member of the Board of Trustees of the University of Delaware to serve a six year term to expire December 4, 1996.

The above is not a gubernatorial appointment.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 10, 1991

To the Senate of the 136th 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: Heather M. Bell, 1942-B Fry Loop Avenue, Carlisle, PA 17013, re-elected as a member of the Board of Trustees of the University of Delaware to serve a one year term to expire on June 30, 1991.

The above is not a gubernatorial appointment.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 10, 1991

To the Senate of the 136th 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: Patricia Bryant Harris, 801 Lombard Street, Wilmington, DE 19801, to be reappointed as a member of the Board of Parole to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 10, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Robert J. Hanson, 2702 Point Breeze Drive, Wilmington, DE 19810, to be reappointed as a member of the Delaware Solid Waste Authority to serve a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

At 2:57 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 4th Legislative Day.

4TH LEGISLATIVE DAY
January 15, 1991

The Senate convened at 2:57 p.m., Lt. Governor Wolf presiding.
A Prayer was offered by Senator Adams with special emphasis on the crisis in the Persian Gulf.

Pledge of Allegiance to the Flag.

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

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

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

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 4.

The following communication was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19903

January 10, 1991

TO: All Members of the 136th General Assembly
FROM: Senator Richard S. Cordrey, President Pro Tempore
SUBJECT: Appointment - Legislative Council

As per the power invested in me, as President Pro Tempore of the 136th General Assembly, I hereby appoint Senator Nancy W. Cook a member of Legislative Council.

The Secretary read a memorandum from Senator Vaughn adding Senators Cook, McBride and Holloway as co-sponsors to SB 14.

The Secretary read a communication from the Chief Clerk of the House, JoAnn M. Hedrick, which informed the Senate that Representatives Ewing and Carey signed SCR 4 as additional sponsors on January 10, 1991.

SB 6 was taken up for consideration on motion of Senator Minner:

SB 6 - AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO LIMITATION OF LIABILITY FOR OIL AND HAZARDOUS MATERIAL DISCHARGE CLEANUP.

Several Senators commented on the Bill and the privilege of the floor was extended to William Walls, Senate Attorney, after which the roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Knox marked PRESENT during the above roll call.

At 3:42 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:30 p.m., Lt. Governor Wolf presiding.

SJR 1 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Sharp:

SJR 1 - IN REFERENCE TO ELECTION OF OFFICERS. Sponsors: Senators Sharp and Cordrey.

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

SB 12 was taken up for consideration on motion of Senator Vaughn:

SB 12 - AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE, RELATING TO THE HUNTING OF RED FOXES.

SA 1 to the Bill was introduced and considered for adoption on motion of sponsor Senator Still.

The roll call vote on the Amendment was taken and revealed: YES: Senators Bair, Connor, Neal, Still - 4; NO: Senators Adams, Blevins, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Sokola, Torbert, Vaughn, Venables - 16; ABSENT: Senator Knox - 1.

The Amendment was declared defeated.

Several Senators entered into discussion of the Bill during which the privilege of the floor was extended to Ray C. Mays, Delaware Trappers Association, after which the roll call vote was taken and revealed: YES: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, Minner, Neal, Sharp, Sokola, Vaughn, Venables - 17. NO: Senators McBride, McDowell, Still, Torbert - 4.

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

SB 14 was taken up for consideration on motion of Senator Vaughn:

SB 14 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO JAMES H. HARBISON, TRANSFERRING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

At the request of Senator Vaughn, the following Senators were added as co-sponsors of the Bill: Minner, Martin, McDowell, Sharp, Marshall, Venables, Sokola.

Several Senators commented on the Bill.

Senator Connor requested that his name be removed as co-sponsor of the Bill.

The roll call vote on the SB 14 was then taken and revealed 19 Senators voting YES and 2 (Connor, Neal) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Minner requested that SENATE CONSENT CALENDAR #3 be read in; however, the Senator withdrew her request before action was taken.

At 5:15 p.m. on motion of Senator Sharp, the Senate recessed until 4:00 p.m., January 16, 1991.

The Senate reconvened at 4:35 p.m., January 16, 1991 Lt. Governor Wolf presiding.

SB 11 was reported out of the Sunset Committee: 3 Merits.

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

STATE OF DELAWARE
Office of the Governor
January 15, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: H. Alfred Tarrant, Jr. 37 Old Oak Road, Newark, DE 19711 to be appointed Associate Judge of the Family Court, in and for New Castle County, State of Delaware to serve for a twelve year term to succeed Karl J. Parrish, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 15, 1991

To the Senate of the 136th 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: Jay Paul James, 707 Blackshire Road, Wilmington, DE 19805, to be reappointed Associate Judge of the Family Court, in and for New Castle County, State of Delaware to serve for a twelve year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 15, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Vincent J. Poppitt, 1 Imperial Drive, Wilmington, DE 19805, to be appointed Chief Judge of the Family Court, State of Delaware to serve for a twelve year term to succeed Robert D. Thompson, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 15, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: **James J. Horgan**, 900 N. Broom Street, Wilmington, DE 19806, to be reappointed Associate Judge of the Family Court, in and for New Castle County, State of Delaware to serve for a twelve year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 15, 1991

To the Senate of the 136th 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 N. Nicholas**, RD 3, Box 56N, Wyoming, DE 19934, to be appointed Associate Judge of the Family Court, in and for Kent County, State of Delaware to serve for a twelve year term to succeed Roger D. Kelsey whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 15, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: **Thomas Clark Jackson**, 233 Walker Road, Dover, DE 19901 to be appointed Associate Judge of the Family Court, in and for Kent County, State of Delaware, to serve for a twelve year term to succeed David P. Buckson, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

The following legislation was introduced and assigned to committee:
SB 23 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PROVISION OF TELEPHONE SERVICE FOR PERSONS WITH SPEECH AND HEARING IMPAIRMENTS. Sponsors: Senator McBride, Representative Caulk. To Administrative Services.
SB 24 - AN ACT TO AMEND CHAPTER 3, TITLE 24 DELAWARE CODE RELATING TO THE BOARD OF ARCHITECTS. (2/3 vote) Sponsor: Senator Venables. To Sunset.
At 4:40 p.m. on motion of Senator Sharp the Senate adjourned to immediate convene for the 5th Legislative Day.

5TH LEGISLATIVE DAY
January 16, 1991

The Senate convened at 4:40 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

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

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

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

SENATE CITATION ANNOUNCEMENT #1: S91:1-5 inclusive was partially read and a copy made available to each Senator.

Senator Torbert introduced to the Senate Dr. Rhoslyn Bishoff of Dover.

At the request of Senator Sharp a panel of speakers consisting of Stephen Golding, Secretary of Finance, Matt Fallis, Director of Personnel, Don McArdle, Pension Office, and Scott R. Douglass, State Budget Director, was granted the privilege of the floor to speak on and answer questions concerning the Administration's proposed Early Retirement Plan for State Employees.

Senators Martin, Minner, Hauge, Still, Neal marked PRESENT.

Many Senators directed questions on the issue to the panel and the discussion continued until 5:43 p.m. when, on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 17, 1991.

The Senate reconvened at 2:15 p.m., January 17, 1991, Senator Cordrey presiding.

The panel of speakers which had been on the floor at the time of recess was excused at the request of Senator Sharp.

At 2:16 p.m., Lt. Governor Wolf presided.

Senator Cordrey marked PRESENT.

SB 22 was reported out of the Community/County Affairs Committee: 5 Merits.

At the request of Senator Sharp, Scott Douglas, Budget Office, and Don McArdle, Pension Office, were again granted the privilege of the floor and questioned by several Senators and then excused.

Senator Cook marked PRESENT.

The nomination for appointment of Alex Jerome Smalls was reported out of the Executive Committee: 5 Favorable.

At 2:55 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 6th Legislative Day.

6TH LEGISLATIVE DAY

January 17, 1991

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

A Prayer was offered by Senator Neal.

Pledge of Allegiance to the Flag.

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

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

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

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 6, HCR 4, HCR 5, SCR 5, SCR 6, SCR 2, SJR 1.

The following legislation was introduced and assigned to committee:

SB 25 - AN ACT TO AMEND CHAPTERS 9 AND 11 OF TITLE 19, DELAWARE CODE, RELATING TO THE MINIMUM WAGE AND WAGE PAYMENT AND COLLECTION ACTS. Sponsors: Senator McBride, Representative Oberle; Senators Connor, Marshall, McDowell, Martin, Holloway, Sharp; Representatives Houghton, Campanelli, Mack, Reynolds. To Labor and Industrial Relations.

SB 26 - AN ACT TO AMEND CHAPTER 437, VOLUME 67, LAWS OF DELAWARE RELATING TO IGNITION INTERLOCK DEVICES. Sponsors: Senator McBride, Representative Ewing. To Public Safety.

Senator Sharp was granted the privilege of the floor to comment on the conflict in the Persian Gulf and expressed pride in America and its fighting personnel.

SB 11 was taken up for consideration on motion of Senator Venables:

SB 11 - AN ACT TO AMEND CHAPTER 28, TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS AND THE PRACTICE OF ENGINEERING.

The privilege of the floor was extended to William T. Sperry, Jr., Delaware Association of Professional Engineers, who was questioned by several Senators after which the roll call vote 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 3:15 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:14 p.m., Senator Cordrey presided.

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

At 4:17 p.m., Lt. Governor Wolf presided during the above roll call.

SB 22 was taken up for consideration on motion of Senator Blevins:

SB 22 - AN ACT TO REINCORPORATE THE TOWN OF ELSMERE. (2/3 vote)

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

SA 2 to the Bill (Sponsor: Senator Blevins) 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.

Several Senators commented on the Bill after which the roll call vote on SB 22 w/SA 1, 2 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SENATE CONSENT CALENDAR #3 was introduced:

SR 7 - CONGRATULATING PASTOR ELDON W. FOWLER OF THE CAPITOL BAPTIST CHURCH, DOVER, ON THE 25th ANNIVERSARY OF HIS PASTORATE. Sponsor: Senator Torbert.

SCR 7 - COMMENDING THE CAESAR RODNEY HIGH SCHOOL RIDERS FOOTBALL TEAM ON WINNING THE DIVISION I STATE CHAMPIONSHIP TOURNAMENT AND CONGRATULATING HEAD COACH TOM LEONARD AND MEMBERS OF HIS STAFF FOR A MAGNIFICENT VICTORY. Sponsors: Senator Torbert, Representative Buckworth, all Senators, all Representatives.

SCR 8 - RESPECTFULLY REQUESTING THE SECRETARY OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO STUDY THE FEASIBILITY OF FLYING THE POW-MIA FLAG AT ALL STATE FACILITIES WHERE THE AMERICAN FLAG IS FLOWN. Sponsors: Senators McBride, Cordrey, Vaughn; Representatives Brady, Bennett, Bunting, Campanelli, Clark, B. Ennis, Hebner, Houghton, Oberle, Outten, Quillen, VanSant, West.

SCR 9 - PETITIONING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, FOR SUBMISSION TO THE STATES, TO LIMIT THE NUMBER OF TERMS A PERSON MAY SERVE IN THE UNITED STATES HOUSE OF REPRESENTATIVES TO NO GREATER THAN SIX AND TO LIMIT THE NUMBER OF TERMS A PERSON MAY SERVE IN THE UNITED STATES SENATE TO NO GREATER THAN TWO, OR IN THE ALTERNATIVE, TO CALL A CONVENTION FOR THE SOLE AND EXCLUSIVE PURPOSE OF PROPOSING SUCH AN AMENDMENT FOR SUBMISSION TO THE STATES FOR RATIFICATION. Sponsors: Senators, Hauge, Bair, Knox, Venables; Representative D. Ennis.

SCR 10 - COMMENDING THE CARAVEL ACADEMY BUCCANEERS FOOTBALL TEAM ON THEIR VICTORY OVER DICKINSON HIGH SCHOOL GIVING THE BUCCANEERS THE DIVISION II FOOTBALL CHAMPIONSHIP FOR THE THIRD TIME IN THE DIVISION II TOURNAMENTS' SIXTEEN YEAR HISTORY. Sponsors: Senator Vaughn, Representative Lofink.

SCR 11 - MOURNING THE DEATH OF MRS. HELEN HESS OF DOVER, DELAWARE, A CIVIC AND COMMUNITY LEADER WHO DEVOTED ENDLESS HOURS OF HER TIME GRATUITOUSLY ASSISTING THE LADIES AUXILIARY OF THE AMERICAN LEGION IN GIRLS STATE, AN EVENT HELD ANNUALLY AT LEGISLATIVE HALL. Sponsors: Senators Still, Vaughn, Cook, Torbert, Minner; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk, Buckworth.

SCR 4 - CONGRATULATING MCKEAN HIGH SCHOOL SOCCER COACH GUS HIGHFIELD ON BEING NAMED DELAWARE COACH OF THE YEAR OF 1990. Sponsors: Representative Petrilli, Senator Sokola; Representatives Roy, Corrozi, Gilligan, VanSant, Senator Blevins.

SCR 5 - HONORING TWELVE YEAR OLD BRIDGEVILLE HERO MICHAEL WILLIAMS FOR SAVING HIS YOUNGER BROTHER'S LIFE BY ADMINISTERING CARDIOPULMONARY RESUSCITATION (CPR). Sponsors: Representative Ewing, Senator Adams.

SCR 9 was removed from the Calendar at the request of Senator Sharp.

Roll call vote on the Calendar was taken on motion of Senator Minner and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted and sent to the House.

SCR 9 was assigned to the Insurance and Elections Committee on motion of Senator Sharp. No objection.

At 4:40 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 22, 1991.

The Senate reconvened at 3:19 p.m., January 22, 1991, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 19; HB 23; HB 1; HB 18 w/HA 1; SB 6; SB 14; HB 25 w/HA 1 and adopted SCR 1.

The following legislation was introduced and assigned to committee:

SB 27 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO GROUNDS FOR REFUSAL OF AN ALCOHOLIC LIQUOR LICENSE. Sponsors: Senators Venables, Blevins, Cordrey, McBride, Minner, Sharp, Still, Torbert; Representatives Bennett, Bunting, Brady, Boykin, Buckworth, Caulk, Corrozi, Davis, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Houghton, Jonkiert, Hebner, Lee, Maroney, Oberle, Petrilli, Quillen, Roy, VanSant, West. To Administrative Services.

SB 28 - AN ACT TO AMEND CHAPTER 25 OF TITLE 18, DELAWARE CODE, RELATING TO RATE FILINGS BY INSURERS AND HEALTH SERVICE CORPORATIONS. Sponsors: Senators Venables, Holloway, Minner, Torbert; Representatives Bennett, Brady, Clark, Carey, Caulk, B. Ennis, Gilligan, Houghton, Outten, VanSant, West. To Insurance and Elections.

SB 29 - AN ACT TO AMEND SECTION 10203, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE SUNSET COMMITTEE. Sponsor: Senator Cordrey. Laid on the table on motion of the sponsor.

SB 30 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO PAYMENTS BY CREDIT CARDS. (2/3 vote) Sponsor: Senator Connor. To Judiciary.

HB 1 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO GAMBLING. (2/3 vote) Sponsors: Representatives Quillen, Jonkiert; Senators McBride, Holloway. To Executive.

HB 18 w/HA 1 - AN ACT PROPOSING THE ADDITION OF ARTICLE IV, SECTION 38B, TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO THE APPOINTMENT OF SENIOR STATUS JUDGES AND JUSTICES, AND THE REDESIGNATION OF EXISTING ARTICLE IV, SECTION 38 AS SECTION 38A. (2/3 vote) Sponsors: Representatives Hebner, Petrilli, Spence; Senators Cordrey, Sharp, Vaughn. To Executive; Reassigned at the request of Senator Sharp to the Judiciary Committee.

HB 19 - AN ACT TO AMEND ARTICLE 4, SECTIONS 12, 13 AND 38 OF THE CONSTITUTION OF THE STATE OF DELAWARE TO HARMONIZE THOSE SECTIONS REGARDING THE AUTHORITY OF A JUSTICE UNDER SECTIONS 12, 13 AND 38 TO DESIGNATE STATE JUDGES TO SIT IN VARIOUS COURTS OF THE STATE OR TO DESIGNATE RETIRED STATE JUDGES OR JUSTICES TO TEMPORARILY PERFORM JUDICIAL SERVICE IN THE ABSENCE, DISQUALIFICATION OR INCAPACITY OF THE CHIEF JUSTICE OR A VACANCY IN THAT OFFICE, AND TO HARMONIZE SECTION 13 WITH SECTIONS 2, 3, AND 12 TO MAKE UNIFORM THE REFERENCES THEREIN TO MEMBERS OF THE SUPREME COURT, TO ELIMINATE OBSOLETE REFERENCES IN SECTION 13 TO THE ORPHANS' COURT, WHICH NO LONGER EXISTS, AND TO PROVIDE FOR THE DESIGNATION OF A STATE JUDGE FROM VARIOUS COURTS OF THE STATE TO SIT IN THE COURT OF CHANCERY AND SUPERIOR COURT TO TEMPORARILY PERFORM JUDICIAL SERVICE. (2/3 vote) Sponsors: Representative Hebner, Senator Sharp. To Executive; Reassigned at the request of Senator Sharp to the Judiciary Committee.

HB 23 - AN ACT PROPOSING AN AMENDMENT TO SECTION 22, ARTICLE III, AND ARTICLE IV OF THE DELAWARE CONSTITUTION RELATING TO THE APPOINTMENT BY THE COURT OF CHANCERY OF A REGISTER IN CHANCERY IN EACH COUNTY AND THE POWERS AND DUTIES OF REGISTERS IN CHANCERY. (2/3 vote) Sponsors: Representative Hebner, Senator Sharp. To Judiciary.

HB 25 w/HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE TO ALLOW SPECIAL PLATES FOR MEMBERS OF THE DELAWARE NATIONAL GUARD AND RESERVES. Sponsors: Representatives Oberle, Spence; Senators McBride, Sharp; Representatives Buckworth, Carey, Mack, Lofink, Smith, B. Ennis, Brady, Soles, Houghton, West; Senators Bair, Torbert, Connor. Laid on the table on motion of Senator Sharp.

At 3:32 p.m. on motion of Senator Sharp the Senate adjourned to immediately convene for the 7th Legislative Day.

7TH LEGISLATIVE DAY
January 22, 1991

The Senate convened at 3:32 p.m. with Lt. Governor Wolf presiding.

A Prayer was offered by Senator Cordrey.

Pledge of Allegiance to the Flag.

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

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

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

The Secretary announced that a memorandum from Senator Minner informed the Senate that Senator Sokola signed as a co-sponsor of SB 6.

The Secretary announced that the Chief Clerk of the House informed the Senate that Representative Bunting signed as an additional sponsor of SB 6; Representatives Ewing, Reynolds, Campanelli signed as additional sponsors of SB 14.

Senator Holloway requested that Senators Still and Hauge be added as additional co-sponsors of SB 13.

Senator Hauge marked PRESENT.

At 3:37 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 4:42 p.m., Lt. Governor Wolf presided.

HB 25 w/HA 1 was lifted from the table for consideration on motion of Senator Sharp under suspension of the necessary rules. No objection.

HB 25 w/HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE TO ALLOW SPECIAL PLATES FOR MEMBERS OF THE DELAWARE NATIONAL GUARD AND RESERVES. Sponsors: Representatives Oberle, Spence, Carey, Lofink, B. Ennis, Soles, West, Gilligan, Buckworth, Mack, Smith, Brady, Houghton; Senators Sharp, Torbert, McBride, Bair, Connor.

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 9 was introduced and considered for adoption on motion of Senator Blevins:

SR 9 - URGING GOVERNOR MICHAEL N. CASTLE TO DIRECT THE DIVISION OF REVENUE TO WAIVE STATE TAX FILING DEADLINES FOR THOSE DELAWAREANS AND THE IMMEDIATE FAMILIES OF

DELAWAREANS SERVING IN THE GULF CONFLICT. Sponsors: Senators Blevins, Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Sokola, Torbert, Vaughn, Venables. Several Senators commented on the Resolution and all Senators were added as co-sponsors of the Resolution after which the roll call vote was taken and revealed 21 Senators voting YES; therefore, SR 9 was declared adopted.

Senator Bair brought up the possibility of inviting the National Guard leaders to address the Senate on problems they are facing. Senator Sharp concurred as did Senator Neal.

At 4:52 p.m. on motion of Senator Sharp the Senate recessed until January 23, 1991 at 4:00 p.m.

The Senate reconvened at 4:24 p.m., January 23, 1991, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From Judiciary: SB 15 - 5 Merits.

From Administrative Services: SB 17 - 4 Merits; SB 27 - 4 Merits.

From Executive: HB 1 - 6 Merits.

From Public Safety: SB 26 - 6 Merits.

The following legislation was introduced and assigned:

SB 31 - AN ACT TO AMEND AN ACT BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO" TO PERMIT THE SALE OF BONDS BY PUBLIC OR PRIVATE SALE. (2/3 vote) Sponsor: Senator Cordrey. Laid on the table on motion of the sponsor.

SA 1 to SB 17 - Sponsor: Senator Holloway. Placed with the Bill.

SA 2 to SB 17 - Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 27 - Sponsor: Senator Venables. Placed with the Bill.

SB 31 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cordrey. No objection.

SB 31 - AN ACT TO AMEND AN ACT BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO" TO PERMIT THE SALE OF BONDS BY PUBLIC OR PRIVATE SALE. (2/3 vote) Sponsor: Senator Cordrey.

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.

SCR 12 was introduced and considered for adoption on motion of Senator Adams:

SCR 12 - HONORING THE TOWN OF GEORGETOWN ON THE OCCASION OF THE 200TH ANNIVERSARY OF ITS ESTABLISHMENT BY THE GENERAL ASSEMBLY ON JANUARY 29TH, 1791. Sponsors: Senator Adams, Representative West.

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

At 4:34 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 8th Legislative Day.

8TH LEGISLATIVE DAY

January 23, 1991

The Senate convened at 4:34 p.m. with Lt. Governor Wolf presiding.

A Prayer was offered by Senator Bair.

Pledge of Allegiance to the Flag.

Roll call for the Legislative Day revealed the following attendance:

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

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

At 4:36 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:08 p.m. Lt. Governor Wolf presiding.

At 5:09 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 24, 1991.

The Senate reconvened at 2:21 p.m., January 24, 1991 Senator Cordrey presiding.

SB 25 was reported out of the Labor and Industrial Relations Committee: 5 Merits.

The following legislation was introduced and assigned to committee:

SB 32 - AN ACT TO AMEND CHAPTER 27, TITLE 25, DELAWARE CODE, RELATING TO THE DUTY OF CONTRACTORS TO GIVE NOTICE TO SUBCONTRACTORS OF THE DATE OF SETTLEMENT WITH THE OWNERS OR PROSPECTIVE OWNERS OF REAL ESTATE TO WHICH THE SUBCONTRACTORS HAVE PROVIDED LABOR AND/OR MATERIAL AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF. Sponsors: Senator Vaughn, Representative B. Ennis. To Administrative Services.

SB 33 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO METERING AND CHARGES FOR UTILITY SERVICES FOR COMMERCIAL UNITS. Sponsors: Senators Venables, Holloway, Minner, Torbert, Knox, Still; Representatives Boykin, DiPinto, D. Ennis, Smith, Jonkiert. To Judiciary.

SB 34 - AN ACT TO AMEND TITLE 14 AND TITLE 29 RELATING TO LEAVE OF ABSENCE FOR MILITARY SERVICE. Sponsor: Senator Blevins. To Executive.

At 2:24 p.m., Lt. Governor Wolf presiding.

SB 35 - AN ACT TO AMEND CHAPTERS 79, 89, AND 90, TITLE 29, RELATING TO STATE GOVERNMENT. Sponsors: Senator Sharp, Representative Oberle. To Finance.

SB 36 - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SOCIAL SERVICES, FOR THE PURPOSE OF PROVIDING FINANCIAL ASSISTANCE FOR DAY CARE FOR FAMILIES WITH A PARENT OF DEPENDENT CHILDREN SERVING IN THE PERSIAN GULF AS A MEMBER OF THE DELAWARE NATIONAL GUARD OR A DELAWARE MEMBER OF THE MILITARY RESERVE. Sponsor: Senator Holloway. To Health-Social Services/Aging.

At 2:25 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 9th Legislative Day.

9TH LEGISLATIVE DAY
January 24, 1991

The Senate convened at 2:25 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Marshall.

Pledge of Allegiance to the Flag.

Roll Call for the Legislative Day revealed the following attendance:

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

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

On motion of Senator Adams and without objection, the following nominations for appointment by the Governor were considered for confirmation under suspension of the necessary rules and the roll calls taken:

Raymond K. Arzinger: 16 Senators voting YES and 5 (Hauge, Knox, Martin, Still, Torbert) ABSENT; therefore, the appointment was declared confirmed.

Senator Neal marked PRESENT during the above roll call.

Heather M. Bell: 17 Senators voting YES and 4 (Hauge, Knox, Martin, Still) ABSENT; therefore, the appointment was declared confirmed.

Senator Torbert marked PRESENT during the above roll call.

Robert R. M. Carpenter, III: 17 Senators voting YES and 4 (Hauge, Knox, Martin, Still) ABSENT; therefore, the appointment was declared confirmed.

Joan H. Donoho: 17 Senators voting YES and 4 (Hauge, Knox, Martin, Still) ABSENT; therefore, the appointment was declared confirmed.

Muriel E. Gilman: 18 Senators voting YES and 3 (Knox, Martin, Still) ABSENT; therefore, the appointment was declared confirmed.

Senator Hauge marked PRESENT during the above roll call.

Patricia Bryant Harris: 18 Senators voting YES and 3 (Knox, Martin, Still) ABSENT; therefore, the appointment was declared confirmed.

William C. Pfeifer: 18 Senators voting YES and 3 (Knox, Martin, Still) ABSENT; therefore, the appointment was declared confirmed.

Joshua M. Twilley, Esq.: 18 Senators voting YES and 3 (Knox, Martin, Still) ABSENT; therefore, the appointment was declared confirmed.

Ray K. Woodward: 18 Senators voting YES and 3 (Knox, Martin, Still) ABSENT; therefore, the appointment was declared confirmed.

SB 17 was taken up for consideration on motion of Senator Holloway:

SB 17 - AN ACT TO AMEND TITLE 6, DELAWARE CODE, TO ESTABLISH A DELAWARE LEASE-PURCHASE AGREEMENT ACT. (2/3 vote)

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Holloway and the roll call vote taken which revealed 18 Senators voting YES and 3 (Knox, Martin, Still) ABSENT; 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 Holloway and the roll call vote taken which revealed 17 Senators voting YES and 4 (Knox, McDowell, Sharp, Still) ABSENT; therefore, the Amendment was declared adopted.

Senator Martin marked PRESENT during the above roll call.

The privilege of the floor was extended to Christopher A. Korst, Delaware Rental Dealers Association, and several Senators entered into discussion of the Bill after which the roll call vote on SB 17 w/SA 1,2 was taken; however, the roll call was laid on the table before being announced on motion of Senator Holloway.

SB 29 was lifted from the table for consideration on motion of Senator Cordrey under suspension of the necessary rules:

SB 29 - AN ACT TO AMEND SECTION 10203, TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE SUNSET COMMITTEE.

Senator Hauge and others entered into discussion of the Bill after which the roll call vote was taken and revealed: YES: Senators Adams, Blevins, Cook, Cordrey, Holloway,

Marshall, Martin, McBride, McDowell, Minner, Sharp, Sokola, Torbert, Vaughn, Venables - 15; NO: Senators Connor, Hauge, Neal - 3; NOT VOTING: Senator Bair - 1; ABSENT: Senators Knox, Still - 2.

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

SB 25 was taken up for consideration on motion of Senator McBride:

SB 25 - AN ACT TO AMEND CHAPTERS 9 AND 11 OF TITLE 19, DELAWARE CODE, RELATING TO THE MINIMUM WAGE AND WAGE PAYMENT AND COLLECTION ACTS.

SA 1 to the Bill (sponsor: Senator McBride) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Holloway, Knox, Still) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Karen Peterson, Department of Labor, who was questioned by several Senators after which the roll call vote on SB 25 w/SA 1 was taken and revealed 19 Senators voting YES and 2 (Knox, Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:53 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:17 p.m., Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 7, HCR 8, SCR 7, SCR 10, SCR 11, SCR 12.

The Secretary announced that a message from the House informed the Senate that Representatives Carey, Ewing and Fallon signed as additional sponsors of SCR 12 on January 12, 1991.

SB 15 was taken up for consideration on motion of Senator Vaughn:

SB 15 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO COMPENSATION FOR VICTIMS OF CRIME.

The privilege of the floor was extended to Edward Stansky, Violent Crimes Compensation Board, who was questioned by several Senators after which the roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Knox, Martin, Neal, Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

HB 1 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO GAMBLING. (2/3 vote)

The roll call vote on the Bill was taken and revealed 17 Senators voting YES, 1 (Venables) voting NO and 3 (Knox, Martin, Still) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SJR 2 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Holloway. No objection.

SJR 2 - AUTHORIZING AND DIRECTING THE DELAWARE DEVELOPMENT OFFICE TO PROVIDE DELAWARE FLAGS TO EACH DELAWAREAN SERVING IN OPERATION DESERT STORM. Sponsor: Senator Holloway.

The privilege of the floor was extended to Timothy R. Akers. Several Senators spoke on the Resolution after which it was laid on the table on further motion of the sponsor.

SB 37 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Adams. No objection.

SB 37 - AN ACT TO AMEND AN ACT, BEING CHAPTER 276, VOLUME 65, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN" TO INCREASE THE MUNICIPALITY'S INDEBTEDNESS LIMITATION. (2/3 vote) Sponsors: Senator Adams, Representative West.

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

SENATE CONSENT CALENDAR #4 was introduced on motion of Senator Minner:

SR 10 - CONGRATULATING OUR COLLEAGUE SENATOR MYRNA L. BAIR ON RECEIVING THE 1991 DISTINGUISHED LEGISLATIVE SERVICE AWARD CONFERRED BY THE DELAWARE STATE BAR ASSOCIATION. Sponsors: Senator Connor, all Senators.

SCR 13 - IN RECOGNITION OF DELAWARE DAY AT VERO BEACH, FLORIDA, ON MONDAY, FEBRUARY 18, 1991, IN HONOR OF FORMER AND PRESENT DELAWAREANS. Sponsors: Senator Adams, Representative Bennett.

HCR 7 - PROVIDING THAT A JOINT SESSION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES BE CONVENED FOR THE PURPOSE OF HEARING THE ANNUAL BUDGET MESSAGE OF GOVERNOR MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE. Sponsors: Representatives Petrilli, Spence, Buckworth.

HCR 8 - MOURNING THE DEATH OF MILTON R. ROBERTS, MEMBER OF THE LACROSSE HALL OF FAME, AND PREMIERE LACROSSE FIGURE IN DELAWARE. Sponsors: Representatives Bennett, Schroeder; Senators Cordrey, Adams.

On motion of Senator Minner, roll call vote was taken on Consent Calendar #4; however the roll call was laid on the table before being announced.

HCR 6 was introduced on the motion of Senator Sharp.

HCR 6 - RELATING TO THE BUSING OF SCHOOL CHILDREN IN NEW CASTLE COUNTY, DELAWARE. Sponsors: Representatives Oberle, Petrilli, Spence, Senator Hauge; Representatives Davis, Boykin, Corrozi, Mack, Roy, Caulk, Lee, Ewing, Maroney, Quillen, Smith, DiPinto,

Carey, Gilligan, Brady, VanSant, Houghton; Senators Connor, Knox, Sharp, Martin, Cook, Vaughn, Venables, Minner, Torbert.

Several Senators addressed HCR 6 after which it was laid on the table on motion of Senator Sharp.

SJR 3 was introduced and considered for adoption on motion of Senator McBride under suspension of the necessary rules. No objection.

SJR 3 - PROVIDING FOR THE ESTABLISHMENT OF A TASK FORCE TO REVIEW AND MAKE RECOMMENDATIONS ON A NUMBER OF ISSUES RELATING TO SCHOOL TRANSPORTATION. Sponsors: Senator McBride, Representative Fallon; Senators Blevins, McDowell, Minner, Sokola, Torbert, Neal; Representatives Amick, Oberle, Quillen, Reynolds, Brady, Moore, Outten.

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.

The roll call vote on Consent Calendar #4 was then lifted from the table and revealed 19 Senators voting YES and 2 (Knox, Still) ABSENT; therefore, the Resolutions were adopted. The House Concurrent Resolutions were returned to the House; The Senate Concurrent Resolutions were sent to the House from concurrence.

At 5:04 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., January 29, 1991.

The Senate reconvened at 2:12 p.m., January 29, 1991, Lt. Governor Wolf presiding.

The following legislation was introduced and assigned to committee:

SB 38 - AN ACT TO AMEND CHAPTER 49, TITLE 15 OF THE DELAWARE CODE RELATING TO CONDUCT OF ELECTION. Sponsors: Senators Hauge, Adams, Bair, Blevins, Connor, Cook, Holloway, Knox, Marshall, McDowell, Minner, Neal, Sokola, Still, Torbert, Vaughn, Venables; Representatives Amick, Boykin, Buckworth, Bunting, Carey, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Moore, Quillen, Reynolds, Roy, Smith, Spence, Taylor, West. To Insurance and Elections.

SB 39 - AN ACT TO AMEND CHAPTER 89, TITLE 29, DELAWARE CODE, TO REQUIRE THE COMMISSIONER OF CORRECTIONS TO ADOPT A PLAN OF MANDATORY WEAPONS TRAINING OF PROBATION AND PAROLE COUNSELORS AND THE OPTIONAL ARMING OF SUCH COUNSELORS FOR WORK IN THE FIELD. Sponsor: Senator Sharp. To Corrections.

The Secretary announced that a message from the House informed the Senate that it had passed HB 53; HB 52; HB 87; HB 88 w/HA 1.2; SB 22 w/SA 1.2.

The following legislation was introduced and assigned to committee:

HB 52 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO THE CIVILIAN PENSION PLAN. (2/3 vote) Sponsors: Representatives Outten, Bennett, Clark; Senators Torbert, Still. To Community Affairs

HB 53 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO REPLACEMENT OF THE COUNCIL PRESIDENT. (2/3 vote) Sponsors: Representatives Outten, Bennett, Clark; Senators Torbert, Still. To Community Affairs.

HB 88 w/HA 1.2 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO AN EARLY RETIREMENT OPTION FOR STATE EMPLOYEES. Sponsors: Representative Petrilli, Senator Cook; Representatives Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Spence, Lofink, Taylor, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Moore, Jonkiert, Outten, Schroeder, Sills, Soles, VanSant, West; Senators Bair, Connor, Knox, Neal, Still, Holloway, Venables, Martin. To Finance.

HB 87 - AN ACT TO AMEND TITLE 29 RELATING TO LIMITATIONS ON THE ISSUANCE OF DEBT AND OTHER OBLIGATIONS BY THE STATE AND ITS AGENCIES AND AUTHORITIES. Sponsors: Representative Roy, Senator Martin; Representatives Petrilli, Buckworth, Spence, Maroney, DiPinto, Boykin, Ewing, Smith, Taylor, Hebner, Corrozi, Davis, Quillen, Amick, Lofink, Lee, Reynolds, D. Ennis, Carey, Fallon, Gilligan, Bennett, Outten, Sills, B. Ennis, West, Clark, Jonkiert, Houghton, VanSant, Bunting; Senators Holloway, Bair, Knox, Neal, Still, Connor, Cook, Minner, Venables. To Finance.

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

STATE OF DELAWARE
Office of the Governor
January 24, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Earp F. Jennings, Jr., 21 Oxford Place, Hockessin, DE 19707, to be appointed as the Chairman of the Delaware Solid Waste Authority to serve for a term during the pleasure of the Governor.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
January 24, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William B. Mitten, III, 14 Willard Circle, Dover, DE 19901, to be reappointed as a member of the Delaware Alcoholic Beverage Control Commission to serve for a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

SS 1 for SB 13 was introduced and adopted in lieu of the Original on motion of Senator Holloway:

SS 1 for SB 13 - AN ACT TO AMEND TITLE 24, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A BOARD OF PHYSICIAN ASSISTANT PRACTICE; TO PROVIDE FOR THE MAXIMUM UTILIZATION OF QUALIFIED PHYSICIAN ASSISTANTS IN THE PROVISION OF HEALTH CARE TO THE CITIZENS OF DELAWARE, IN ANY HEALTH CARE PRACTICE SETTING, UNDER THE SUPERVISION OF PHYSICIANS LICENSED UNDER CHAPTER 17 OF THIS TITLE. Sponsors: Senators Holloway, Still, Hauge, Knox, Bair, Cordrey; Representatives Moore, Sills, Oberle, George, Gilligan, Campanelli, Hebner, Amick, Jonktert.

At 2:20 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 10th Legislative Day.

10TH LEGISLATIVE DAY January 29, 1991

The Senate convened at 2:20 p.m. with Lt. Governor Wolf presiding.

A Prayer was offered by Senator Connor.

Pledge of Allegiance to the Flag.

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

PRESENT: Senators Adams, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Sokola, Torbert, Vaughn, Venables - 18.

ABSENT: Senators Bair, Knox, Still - 3.

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

LEGISLATIVE ADVISORIES #1 and 2 were partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #1, dated January 22, 1991: On 1-17-91 the Governor signed HJR 1 and on 1-18-91 the Governor signed SB 14 (Volume 68, Chapter 1, Laws of Delaware).

LEGISLATIVE ADVISORY #2, dated January 29, 1991: On 1-17-91 the Governor signed SJR 1 and on 1-28-91 the Governor signed HB 25 w/HA 1 (Volume 68, Chapter 2, Laws of Delaware).

At the request of Senator Sharp, the privilege of the floor was extended to General Arthur V. Episcopo of the Delaware National Guard to address the Senate on the conflict in the Persian Gulf.

At the request of Senator McDowell, the privilege of the floor was extended to Captain Jolly Bailey and Major Edward H. Smith who spoke in support of the men and women participating in Operation Desert Shield.

During the above presentations by the military officers, several Senators posed questions and made comments on the military situation.

At the request of Senator Sharp, the privilege of the floor was extended to Marguerite H. Pruitt, American Red Cross, in support of the men and women involved in Operation Desert Shield. Senator Neal asked questions of the witness.

SB 27 was taken up for consideration on motion of Senator Venables:

SB 27 - AN ACT TO AMEND CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO GROUNDS FOR REFUSAL OF AN ALCOHOLIC LIQUOR LICENSE.

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

Senators Hauge and Torbert marked PRESENT.

The roll call vote on SA 1 was taken and revealed 18 Senators voting YES and 3 (Bair, Knox, Still) ABSENT; therefore, the Amendment was declared adopted.

Senator Martin marked PRESENT during the above roll call.

During a lengthy discussion of SB 27 w/SA 1, the privilege of the floor was extended to Raymond S. Pusey, representing himself.

At 3:43 p.m., Senator Cordrey presided.

SB 27 w/SA 1 was still under discussion and the privilege of the floor was extended to Jan Konesey, representing herself, Kenneth M. Vincent, representing himself and John J. Corrigan, Delaware Alcoholic Beverage Control Commission.

At 4:15 p.m., Lt. Governor Wolf presided.

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

At 4:58 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:27 p.m.; Senator Cordrey presided.

SCR 14 was introduced:

SCR 14 - CONGRATULATING ST. MARKS COACH, TOM DEMATTEIS, UPON BEING HONORED AS THE TOP REGIONAL SOCCER COACH OF THE YEAR. Sponsors: Senator Sharp; Representatives Roy, Taylor.

Pursuant to the above Resolution, Senator Sharp introduced to the Senate Tom Dematteis and Nick Papanicolas, the State's leading scorer.

The roll call vote on the Resolution was then taken and revealed 17 Senators voting YES and 4 (Bair, Knox, Still, Venables) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SJR 4 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Holloway. No objection.

SJR 4 - AUTHORIZING AND DIRECTING THE DELAWARE DEVELOPMENT OFFICE TO PROVIDE A DELAWARE FLAG TO EACH DELAWAREAN WHO SERVES IN OPERATION DESERT STORM; AND PROVIDING THE FUNDS THEREFOR. Sponsors: Senators Holloway, Cook.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Bair, Knox, Still, Venables) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 16 was introduced and considered for adoption on motion of Senator Marshall:

SCR 16 - URGING THE STATE BANK COMMISSIONER TO WORK WITH DELAWARE LENDING INSTITUTIONS TO MINIMIZE THE FINANCIAL PROBLEMS OF THOSE SERVING IN THE GULF CONFLICT AND THEIR IMMEDIATE FAMILIES. Sponsors: Senator Marshall, Representative D. Ennis; all Senators, all Representatives.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Bair, Knox, Still, Venables) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SCR 15 was introduced and considered for adoption on motion of Senator Neal:

SCR 15 - CONGRATULATING ARKAN SAY, P.E., RECIPIENT OF THE PRESTIGIOUS "1991 ENGINEER OF THE YEAR" AWARD PRESENTED BY THE DELAWARE ENGINEERING SOCIETY, INC. Sponsors: Senators Neal, Sokola, McBride; Representative Petrilli.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Bair, Knox, Still, Venables) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Senator Martin requested that his name be added as a co-sponsor of SCR 15.

At 5:39 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., January 30, 1991.

The Senate reconvened at 3:55 p.m., January 30, 1991 with Lt. Governor Wolf presiding and immediately adjourned on motion of Senator Sharp to reconvene for the 11th Legislative Day.

11TH LEGISLATIVE DAY January 30, 1991

The Senate convened at 3:55 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Martin.

Pledge of Allegiance to the Flag.

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

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

The Journal of the previous day was approved as read on motion of Senator Sharp.
SENATE CITATION ANNOUNCEMENT #2 - S91:6-16 inclusive was introduced and a copy made available to each Senator.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 11 and passed HB 13, HB 37, HB 110, HB 96 w/HA 1, HB 20.

The following legislation was introduced and assigned to Committee:

SB 40 - AN ACT TO AMEND TITLE 13, CHAPTER 11 OF THE DELAWARE CODE RELATING TO THE TERMINATION OF PARENTAL RIGHTS. Sponsors: Senators Holloway, Venables; Representatives Sills, Amick, Moore, Houghton, Reynolds. To Judiciary.

SB 41 - AN ACT APPROVING AND VALIDATING ALL ACTIONS TAKEN BY THE CAPITAL SCHOOL DISTRICT RELATING TO AUTHORIZATION OF THE ISSUANCE OF BONDS FOR A SCHOOL CONSTRUCTION PROGRAM. Sponsors: Senators Cook, Minner, Still, Torbert, Vaughn; Representatives Bennett, Outten, Clark, Quillen. Laid on the table on motion of Senator Cook.

SB 42 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO EXCLUSION OF CERTAIN CHILD CARE INCOME FROM DELAWARE PERSONAL INCOME TAX. Sponsors: Senator Sokola, Representative Oberle; Senators Blevins, Holloway, Marshall, McDowell, Sharp; Representatives Amick, Boykin, Brady, Carey, Caulk, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Hebner, Mack, Moore, Roy, Spence. To Revenue and Taxation.

SB 43 - AN ACT TO PROVIDE SALARY INCREASES FOR CERTAIN STATE EMPLOYEES. Sponsors: Senators McDowell, Holloway, Marshall, Martin, McBride, Minner, Vaughn; Representatives Brady, Campanelli, Davis, B. Ennis, Houghton, Mack, Oberle, Outten, Reynolds, Schroeder, Spence, West. To Finance.

SB 44 - AN ACT TO AMEND TITLE 18, DELAWARE CODE RELATING TO CONTRACTUAL RELATIONSHIPS BETWEEN INSURANCE COMPANIES AND AGENTS. Sponsors: Senator Vaughn, Representative Gilligan. To Insurance and Elections.

SB 45 - AN ACT TO AMEND CHAPTERS 2, 13, 17 AND 31, TITLE 14, DELAWARE CODE, TO CHANGE THE TERMS USED FOR CERTAIN GROUPS OF HANDICAPPED STUDENTS. Sponsors: Senator McBride, Representative Fallon. To Education.

SB 46 - AN ACT AUTHORIZING THE ISSUANCE OF OBLIGATIONS OF THE STATE OF DELAWARE TO FUND ADULT CORRECTIONAL FACILITIES. (3/4 vote) Sponsors: Senator Vaughn. Representative Davis; Senators Cook, Adams, Cordrey, Marshall, Minner, Torbert, Martin, Bair, Connor, Hauge, Knox, Neal, Still; Representatives Carey, Buckworth, Corrozi, DiPinto, D. Ennis, Ewing, Fallon, B. Ennis, George, Hebner, Houghton, Jonkiert, Lee, Lofink, Maroney, Oberle, Outten, Petrilli, Quillen, Roy, Schroeder, Smith, Taylor, VanSant, West, Spence, Amick, Bennett, Boykin. Laid on the table on motion of Senator Vaughn.

SB 47 - AN ACT AMENDING CHAPTER 54, TITLE 30, DELAWARE CODE RELATING TO REALTY TRANSFER TAX REVENUE BONDS IN SUPPORT OF THE CONSERVATION TRUST FUND; AUTHORIZING THE ISSUANCE OF REALTY TRANSFER TAX REVENUE BONDS; AND PROVIDING FOR THE USE OF CERTAIN BOND PROCEEDS FOR GREENWAYS. (3/4 vote) Sponsors: Senator Minner, Representative Carey; Senators McDowell, Holloway, Marshall, Blevins, Sokola, Sharp, Martin, McBride, Vaughn, Cook, Torbert, Adams, Cordrey, Venables, Hauge, Bair, Knox, Neal, Connor, Still; Representatives Amick, Bennett, Boykin, Buckworth, Bunting, Campanelli, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, George, Gilligan, Hebner, Houghton, Jonkiert, Lee, Lofink, Mack, Maroney, Moore, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sills, Smith, Soles, Spence, Taylor, VanSant, West. Laid on the table on motion of Senator Minner.

The following amendments were introduced:

SA 1 to SB 26 - Sponsor: Senator McBride. Placed with the Bill.

SA 1 to HB 88 - Sponsor: Senator Martin. Placed with the Bill.

Senator Marshall marked PRESENT.

SA 2 to HB 88 - Sponsor: Senator McBride. Placed with the Bill.

HB 13 - AN ACT TO AMEND CHAPTER 102, TITLE 29 OF THE DELAWARE CODE RELATING TO THE FINAL REPORT OF THE JOINT SUNSET COMMITTEE. Sponsors: Representative Roy, Senator Venables; Representatives Boykin, Houghton, Jonkiert; Senators Minner, Knox, Still. To Sunset.

HB 37 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO CONDOMINIUM MANAGEMENT COUNCILS. Sponsor: Senator Amick. To Administrative Services.

HB 96 w/HA 1 - AN ACT TO AMEND CHAPTER 20, TITLE 30, DELAWARE CODE AND 64 DELAWARE LAWS, CHAPTER 460 AS AMENDED RELATING TO ELIGIBILITY FOR BUSINESS TAX CREDITS. Sponsors: Representatives Oberle, Gilligan, Spence, Petrilli, Buckworth, Amick, Boykin, Carey, Davis, DiPinto, D. Ennis, Hebner, Lee, Lofink, Mack, Maroney, Reynolds, Roy, Smith, Taylor, Ewing, Brady, Bunting, Bennett, Campanelli, B. Ennis, Houghton, Moore, Schroeder, Sills, Soles, VanSant, West; Senators Bair, Hauge, Connor, Neal, Knox, Still. Laid on the table on motion of Senator Sharp.

HB 88 w/HA 1,2 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HB 88 w/HA 1,2 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO AN EARLY RETIREMENT OPTION FOR STATE EMPLOYEES.

SA 1 to the Bill was brought up for consideration on motion of Senator Martin. Sen. Cook requested personal privilege of the floor for Mr. Donald McArdle, Administrator of the Pension Office who responded to questions from the Assembly. Senator Cook also requested that Mr. Stephen Golding, Finance Director, join Mr. McArdle.

Senator Cook marked PRESENT.

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

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator McBride and the roll call vote taken which revealed 19 Senators voting YES and 2 (Bair, Knox) ABSENT; therefore, the Amendment was declared adopted.

Senator Hauge marked PRESENT during the above roll call.

SA 3 to the Bill (Sponsor: Senator Cook) was introduced and considered for adoption. The privilege of the floor was again extended to Donald F. McArdle, Pension Office, and Scott Douglas, Budget Director, and several Senators entered into the questioning of the witnesses after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Bair, Knox) ABSENT; therefore, the Amendment was declared adopted.

SA 4 to the Bill (sponsor: Senator Minner) was introduced and considered for adoption. Many Senators entered into discussion of the Amendment and the privilege of the floor was extended to William Walls, Senate Attorney, after which the Amendment was laid on the table on further motion of the sponsor.

SA 5 to the Bill (sponsor: Senator Martin) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Bair, Knox) ABSENT; therefore, the Amendment was declared adopted.

SA 6 to the Bill (sponsor: Senator McDowell) was introduced and laid on the table by the sponsor following questioning from Senator Cordrey.

SA 7 to the Bill (sponsor: Senator Sokola) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Bair, Knox) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Donald McArdle, Pension Office, during which Senator Martin requested a portion of a letter from a constituent be read in. No objection. That correspondence was not made part of the journal.

Senator Cook asked for the privilege of the floor for Stephen Golding, Secretary of Finance. Several Senators engaged in the discussion of the Bill. The witness was excused.

Senator McBride asked for the privilege of the floor for Mr. Don Dryden, Controller General, who were questioned by several Senators.

SA 8 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Bair, Hauge, Knox) ABSENT; therefore, the Amendment was declared adopted.

SA 9 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, Blevins, McBride, McDowell, Minner, Sharp, Sokola, Torbert, Vaughn - 9; NO: Senators Connor, Cook, Cordrey, Hauge, Marshall, Martin, Neal, Still, Venables - 9; NOT VOTING: Senator Holloway - 1; ABSENT: Senators Bair, Knox - 2.

The Amendment was declared defeated.

SA 4 to the Bill which had been laid on the table, was stricken on motion of Senator Minner.

The privilege of the floor was again extended to Donald McArdle of the Pension Office after which the roll call vote on HB 88 w/HA 1,2, SA 2,3,5,7,8 was taken; however, the roll call was laid on the table before being announced on motion of Senator Cook.

HB 87 was taken up for consideration on motion of Senator Martin:

HB 87 - AN ACT TO AMEND TITLE 29 RELATING TO LIMITATIONS ON THE ISSUANCE OF DEBT AND OTHER OBLIGATIONS BY THE STATE AND ITS AGENCIES AND AUTHORITIES.

At 6:28 p.m. Senator Cordrey presided.

At 6:31 P.m. Lt. Governor Wolf presided.

The roll call vote on HB 87 was then taken and revealed 18 Senators voting YES, 1 (McBride) NOT VOTING and 2 (Bair, Knox) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 46 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Vaughn:

SB 46 - AN ACT AUTHORIZING THE ISSUANCE OF OBLIGATIONS OF THE STATE OF DELAWARE TO FUND ADULT CORRECTIONAL FACILITIES. (3/4 vote)

The privilege of the floor was extended to Stephen Golding, Secretary of Finance, after which the Bill was laid on the table on further motion of the sponsor.

SB 47 was lifted from the table for consideration on motion of Senator Minner under suspension of the necessary rules. No objection.

SB 47 - AN ACT AMENDING CHAPTER 54, TITLE 30, DELAWARE CODE RELATING TO REALTY TRANSFER TAX REVENUE BONDS IN SUPPORT OF THE CONSERVATION TRUST FUND; AUTHORIZING THE ISSUANCE OF REALTY TRANSFER TAX REVENUE BONDS; AND PROVIDING FOR THE USE OF CERTAIN BOND PROCEEDS FOR GREENWAYS.

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

HB 96 w/HA 1 was lifted from the table for consideration on motion of Senator Marshall under suspension of the necessary rules:

HB 96 w/HA 1 - AN ACT TO AMEND CHAPTER 20, TITLE 30, DELAWARE CODE AND 64 DELAWARE LAWS, CHAPTER 460 AS AMENDED RELATING TO ELIGIBILITY FOR BUSINESS TAX CREDITS.

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

SB 41 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cook:

SB 41 - AN ACT APPROVING AND VALIDATING ALL ACTIONS TAKEN BY THE CAPITAL SCHOOL DISTRICT RELATING TO AUTHORIZATION OF THE ISSUANCE OF BONDS FOR A SCHOOL CONSTRUCTION PROGRAM.

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

SB 34 was taken up for consideration on motion of Senator Blevins under suspension of the necessary rules:

SB 34 - AN ACT TO AMEND TITLE 14 AND TITLE 29 RELATING TO LEAVE OF ABSENCE FOR MILITARY SERVICE.

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

SB 46 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Vaughn.

A Fiscal Note to the Bill was introduced and partially read after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Bair, Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 6:55 p.m. on motion of Senator Sharp the Senate recessed until 1:30 p.m., January 31, 1991.

The Senate reconvened at 1:50 p.m., January 31, 1991 with Lt. Governor Wolf presiding. Senator Bair marked PRESENT.

At 1:50 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 12th Legislative Day.

12TH LEGISLATIVE DAY January 31, 1991

The Senate convened at 1:50 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Hauge.

Pledge of Allegiance to the Flag.

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

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

At 1:53 p.m. on motion of Senator Sharp, the Senate recessed to meet in the House Chamber for a Joint Session for the Governor's Budget message.

JOINT SESSION House Chamber January 31, 1991

The members of the Senate were welcomed to the House Chamber by the Speaker of the House, Representative Spence. Lt. Governor Wolf and Senator Cordrey were invited to the podium as guests of the Speaker.

The county and statewide elected officials were announced and admitted to the Chamber.

The members of the Governor's cabinet were announced and admitted.

Representative Petrilli moved that the House and Senate meet in Joint Session for the purpose of hearing the annual budget message by Governor Michael N. Castle. So ordered.

Representative Petrilli moved that the Speaker of the House preside over the Joint Session. No objection - so ordered.

Representative Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate act as secretaries to the Joint Session. No objection, so ordered.

Representative Petrilli moved that the Speaker appoint a committee of four to escort the Governor to the Chamber. No objection - so ordered. The Speaker appointed Representative Quillen as spokesperson, Representative Jonkiert, Senator Minner, Senator Neal to form the committee to escort the Governor to the Chamber.

The Speaker called for a temporary recess while awaiting the Governor.

The Sergeant-at-Arms announced the escort committee with the Governor.

Representative Quillen, spokesperson of the escort party, introduced the Governor to the Joint Session. The Governor was welcomed by the Speaker and then addressed the assembly as follows:

Thank you very much, Mr. Speaker and Lieutenant Governor Wolf and Mr. President Pro Tempore, members of the 136th General Assembly, other elected officials who are here, the Judiciary, my Cabinet, honored guests, and the people of Delaware:

Since the ball dropped in Times Square just a month ago to the familiar strains of "Auld Lang Syne," the world has turned upside down.

We have witnessed the dramatic debates by Congress, which endorsed President Bush's policy to go forward to war illustrating that our deliberative process does produce unity of purpose. Our television screens daily flash images of journalists delivering their latest Scud versus Patriot missile reports from the rooftops in Tel Aviv, Riyadh and Dhahran -- showing to the world that preparedness is vital to stop aggression. The bruised faces of our fliers on Iraqi television personalize the commitment of fighting for principles as well as the tragic impact of that fight.

While our attention will remain drawn halfway around the world until we have removed Saddam Hussein from Kuwait, here in Delaware we must maintain our focus to shaping the course of government for the next 18 months.

Before January 16th, the newspaper front pages were dominated by the economy -- rising unemployment, falling consumer confidence, slowing gross national product -- all signals of the nation in recession. Today those problems are hard-pressed to make the second section.

The economic downturn has hit many of our sister states hard -- some face layoffs of up to 10,000 employees -- others have 30 percent of their budgets unfunded -- others face elimination of entire programs in such key areas as social services and many must borrow large sums of money to close their budget gaps, threatening their bond ratings. And most of the longer term remedies to these budget woes involve large tax increases.

The impact of the economic slowdown has taken its toll here in Delaware as well; but we have managed the downturn without similar dramatic impact.

In just one year, from the December 1989 meeting of the Delaware Economic and Financial Advisory Council to its December 1990 meeting, we witnessed a decline of almost 100 million dollars in available revenues. Yet, during that period through a spirit of cooperation, we managed to maintain state services.

Last spring, we met in a series of frank and open meetings to map out a long-range plan that included both cuts in my proposed budget and revenue measures to meet the shortfall.

Two weeks ago, I said that Delaware's economy had paused -- not stopped. This budget reflects that pause as well as our commitment not to stop providing the very best education for our children, protection for our water and air, health care for the needy and job opportunities for all Delawareans.

We will not lay off thousands of employees.

We will not retreat from our capital funding commitments to schools, health care facilities, and our transportation system.

We will continue our dedication to addressing health care needs of our children.

We will continue to narrow the gap between rich and poor school districts.

While tomorrow's headlines certainly cannot read, "1992: Boom Year for Delaware," they also cannot read "Doom and Gloom Year for Delaware" because Delaware will continue to move ahead.

* * *

One of the nation's leading bond analysts recently warned us that it is not the size of a state's economic problem that determines its bond rating; rather, it is the success or failure of government, through both the executive and legislative branches, to enact a reasonable plan to manage the problems. Delaware, thus far, has strictly adhered to a reasonable plan.

Together, we have managed each change in our economy directly, quickly and effectively.

Together, we have built a system that guarantees Delaware's fiscal integrity.

And together we will protect that system of prudent financial management and use it as our best weapon in this financial fight.

In 1976, the "75 Percent Rule" was established to force down our bonded indebtedness.

In 1976, we began to fully fund the Pension Fund.

In 1977, DEFAC was established to remove revenue forecasting from the partisan arena.

In 1980, proposals to amend the Constitution to require an extraordinary vote for spending the two percent set-aside account and permanently establish the Rainy Day Fund were enacted.

In fiscal years 1988, 1989, 1990, and again in 1991 we directed one-time surplus revenues to the Bond Bill to finance important capital projects without borrowing.

In 1988, the Transportation Trust Fund was funded to manage requirements of our transportation infrastructure.

All of these important management decisions have built a structure that allows us -- even in these tough times -- to present a recommended budget that, for the fifteenth straight year, is balanced without the necessity of a general tax increase.

Further, this budget is designed to minimize negative impact on state services and employees. However, recognizing the world's instability and the fact that fiscal conditions could dramatically change prior to June's markup, I will stand ready to ask the Joint Finance Committee and the joint leadership to work with me in making whatever adjustments we must to present a balanced budget.

So, as Phil Corrozi, Nancy Cook, and the members of the Joint Finance Committee prepare a budget for fiscal year '92, I would suggest they look carefully at the budget's long-term impacts.

We must adopt a budget in June that can be reasonably sustained in fiscal years '93 and '94 on a revenue base that will show a little growth.

Today I recommend to you a budget of 1.19 billion dollars while setting aside 18.4 million dollars for Grant-in-Aid. This is actually 32.2 million dollars less than the budget enacted last June. Without the substantial cuts made during this current fiscal year, we would not have had the funds needed to meet the increases in automatic obligations that will begin this July 1st. While the total fiscal year '92 budget represents a 1.0 percent increase over this year's reduced budget, we have, in fact, made cuts in the base to accommodate costs generated from formula spending, entitlements and inflation.

In other words, ladies and gentlemen, the decision was to pay now by making the cuts, rather than paying far too dear a price later when the problem would only have worsened.

Let me caution, though, that while the budget is balanced without a proposed tax increase, it will require the appropriation of almost 100 percent of available revenues.

My highest priority in this budget is to continue funding existing programs and I recommend implementation of four key policies to meet that goal:

- *An early retirement option;

- *A transfer of the Department of Transportation General Fund personnel operating costs to the Transportation Trust Fund;

- *An appropriation of the two percent set-aside; and,

- *Additional budget cuts in fiscal year '92.

First, the early retirement option will produce a net savings of 10.6 million dollars in fiscal year '92 by permanently eliminating 500 currently filled positions. As we began our internal deliberations, it was clear we could not close the budget gap without addressing personnel costs, which represent more than half of the total budget.

If we adopted a policy of immediate layoffs, the number of positions eliminated would be substantially more than 500, since the salaries would be at the lower end of the scale. Instead, we fashioned an alternative that can achieve the necessary savings through voluntary retirement, not through forced firing. The cost of this program, including the additional benefits paid out, will be recovered in just two budget cycles. But additional and more permanent savings can be achieved if positions do not creep back into the budget. Our recommendations prevent that from occurring.

The second policy that involves the transfer of all remaining general fund personnel costs in the Department of Transportation to the Transportation Trust Fund, is being recommended to help make 32 million dollars available to the General Fund and because it is the correct policy to follow organizationally.

Since June of 1987, the Administration and the Legislature have pursued a policy of establishing and funding the State's transportation needs by means of a separate fund with dedicated revenues. This policy recognizes the continuing need to address the infrastructure of our transportation system and the direct link it serves in sustaining economic growth and prosperity. Further, it was clear that in order to design and construct improved transportation systems, as outlined in the Department's Six Year Plan, dedicated funding would be necessary to create the continuity required to meet the Plan's goals.

Since the initial proposal for the Trust Fund and its accompanying financial package was presented, it has undergone substantial revisions, including the addition of Municipal Street Aid, increases to the Suburban Street Program, and increased emphasis on mass transit statewide. Construction of a new bridge over the Chesapeake and Delaware Canal also has financial implications on the Trust Fund.

But, by transferring the balance of operating expenses of the Department of Transportation to the Trust Fund, we will be taking the next logical step in fully establishing a fund that will contain all transportation expenses and include all required dedicated transportation revenues. This does not mean, however, that we will not have to continue adding transportation-related and dedicated revenues in future years. In the course of your budget debate, Secretary Justice will outline the proposed me table for those revenue decisions.

Two points you should note -- One, this does not mean that salary and related operating expenditures will be bonded -- they will be paid by the on-going revenues to be dedicated to the Trust Fund; and two, this decision does not, in any way, remove the Department from the direct appropriation control of the legislature in the budget or the Bond Bill.

The third measure I am recommending is use of the two percent reserve account as an extraordinary appropriation at the time the budget is adopted to produce almost 24 million dollars.

If the two percent was not used, we would have no other choice than to make even deeper budget cuts during the course of this budget cycle. In my previous budgets, appropriation of these funds has not been recommended; however, the final budget I signed last June showed an anticipated expenditure of a part of that reserve. In light of our reduced revenues this year, I have concluded that this step must be taken at the outset.

And fourth, I am proposing cuts in the fiscal year '92 budget in addition to the ones made during this year. It would be unwise -- and indeed almost imprudent -- to balance a budget without making reductions. If you do not have the revenues, you must make cuts. And this budget reflects that necessity.

These four policies are the fundamental tools used to build this budget. Yet there is one tool -- far more drastic than all these -- that I will not consider using at this time.

Last year, as we faced reduced revenues after the budget was adopted, many suggested we merely continue to spend according to that budget and at the end of the year, tap into the Rainy Day Fund to cover the deficit. The most common question I heard was: "When is it raining?"

Before you can answer that question, you must answer the question: "What is the Rainy Day Fund?" Very simply, it is government's savings account -- government's protection against the costs of emergencies or occurrences over which we have no control. Like your family's savings account, it is something you manage carefully and spend only after every other dollar is used up.

And like the family savings account, the Rainy Day Fund is something to be protected, and those who established this fund did so with important restrictions and as an ultimate safeguard.

First, the law requires that the Fund be replenished almost immediately, which in unpredictable economic times may be virtually impossible.

Second, the Fund itself is a safeguard, considered very seriously when Moody's and Standard and Poors determines our bond rating. A healthy Rainy Day Fund helps guarantee us low interest rates on our bond payments; a depleted Fund would almost certainly lead to a lower rating and higher interest costs.

And third, in times of deteriorating revenues, the Fund remains our only insulation from financial disaster -- from drastic lay offs, program cuts and tax increases -- that could cripple not only our economy, but also our ability to provide essential services and to respond in the event of a national disaster.

So, the Rainy Day Fund, in my opinion, is the very last place we turn when faced with hard times and should be used only after all other approaches to closing a budget gap have been exhausted.

I reject the notion that the Rainy Day Fund should be counted on or used in any way to construct the proposed budget.

Using the Rainy Day Fund would be a dangerous short-term, quick fix that would create a long-term financial fiasco. So it is important in structuring the next budget that we recognize that any spending level adopted must be sustainable for future revenue sources.

Each of the components I have discussed today is essential to the continued prudent management of Delaware's finances that will result in a balanced and fair budget on June 30.

Ladies and gentlemen, we all talk freely about the future -- about more and better jobs, about progress and prosperity. But talk will not balance the budget, and a budget balanced on sound principles and not on anyone's back is the only true way to do more than just talk about the future. The budget is our opportunity to shape the future.

Damaging policies used by other states, such as endless tax and spend cycles, short-term borrowing and expenditure of one-time money, simply cannot be used in Delaware. We cannot leverage our future in this way. Remember that the budget you adopt for fiscal year 1992 will determine whether the budgets for 1993 and 1994 are balanced -- whether Delaware will go forward or fall back.

I believe that the budget I am offering you today will move us forward and is our best chance for maintaining the quality of our people's lives.

Building a budget is far more than number-crunching and the end result is much more than cold calculations. The budget process is government's way of addressing citizens' needs. The budget itself is a means of getting those needs by funding programs which

give people a clean environment, a good education system, accessible social and health services and the opportunity for employment.

While Delaware's slowing economic growth cannot be disputed, the strength of our solid foundation -- built upon our commitment to sound fiscal management and focused long-term planning -- will sustain our momentum.

It is this foundation which will energize our efforts to do more with less.

And, it is this foundation which will continue providing an unequaled quality of life in Delaware.

Delaware has weathered far worse storms than the one hitting us today and when these storms have passed we will have far better times than perhaps we can imagine today.

Programs created and expanded in the last six years remain basically intact in this budget -- an achievement of paramount priority.

Efforts in environmental protection, public safety, health and social services and economic development have sustained reductions during the course of the last two years as revenues declined. But public education -- the largest single area of our budget -- has had no reductions in state funding.

In My State of the State address I devoted great attention to the strides we are making toward achievement of the National Education Goals -- goals based on three premises: that our education system should have flexibility, should have accountability and that this combination should produce results.

One of my greatest continuing commitments has been to the substantial financial investments needed to support an excellent education system. The recent announcement by local school district superintendents of their plan for changes in education shows we are all moving toward creation of such a system. We cannot, however, allow this energy to go unchanneled or to have impact only at the margins.

Today we stand at the crossroads in education. We must continue to challenge both ourselves and the status quo; we must ask fundamental questions about the current number and organization of districts; about the basic formulas and about the proper roles of the Department of Public Instruction and the State Board of Education. We must move from a system that prescribes only the hours and content of instruction to a system that demands specific outcomes and abilities; from a system that runs on common practice to one that is based on common sense.

What I offer today is a first step toward building this system together -- toward providing our educators with the flexibility to meet individual school needs and to establishing accountability for these efforts.

What I offer today is a slightly modified budget for education; a renewed commitment to helping our poorer districts and a few new initiatives.

First, to provide the flexibility and accountability our present system lacks, and manage the cuts we felt must be made, I am proposing measures to restructure approximately 30 individual line-items -- known as pass-throughs -- into four broad categories of block grants. These grant categories include: State Board of Education Contractual Services, Adult Education and Work Force Training, Professional Accountability and Instructional Advancement, and Ancillary Education Services. While the funds for these programs are reduced, the new funding structure allows the State Board and local districts flexibility to set their own priorities in these areas.

Second, to protect the core classroom programs provided by Divisions I, II, and III, I am proposing a 5.5 percent increase in these Divisions largely due to increased student population counts. And under equalization, we will continue our commitment to close the resource gap between poor and wealthy school districts. I am maintaining that commitment by putting 1.8 million new dollars in addition to the increase associated with unit growth, into this formula so that the districts are eligible to receive increases in funding up to 20 percent.

Finally, my third offering is a few new initiatives in education -- including a federally mandated 1.4 million dollar Therapeutic Preschool Program which will provide developmental educational services to mildly handicapped youngsters aged three to five and the Children's Service Cost Recovery Project.

These policies cannot succeed without the commitment of our educators. Many of our teachers and administrators are already working to raise our system to the caliber our students deserve. With their willingness to work and your cooperation in implementing the initiatives I have outlined, I am confident that the important process of building an excellent education system based on the good one we have today will be successful.

* * *

While education has had six years of undisturbed financial investment, other agencies have sustained cuts; yet, they still continue to provide essential and innovative services and will do so again in 1992.

Since I submitted my first budget, operating expenditures have increased by 56 percent for an average annual budget growth of 9.3 percent.

I could easily discuss most of the new programs, new positions and new expenditures you have heard announced in all my previous budget addresses again today because they will continue to benefit our citizens in this year. We will also renew our commitment

to the type of economic development initiatives that in the last six years have increased employment opportunities and broadened our tax base. And while there are some new programs in key areas of this budget that I will discuss, we must all remember that our focus has shifted from surplus spending to deficit management and from program creation to program reduction.

Budgets for departments including Agriculture, Administrative Services, and Public Safety, will generally remain flat compared to fiscal year '91, but will still provide essential services created through the growth experienced in the last six years.

However, there are small increases in certain key areas.

For example, the Judicial branch will receive 700,000 dollars for civil development of automated child support information systems and the Board of Parole and Department of Labor will receive funding for new positions in key areas.

The budget for the Department of Health and Social Services is increasing by nearly four percent over last year for total growth since 1985 of 81 percent. Under federal Medicaid mandates, we will provide services for children aged eight and an additional 124,000 dollars for the Early Periodic Screening, Diagnostic and Treatment program. This means that more poor children whose health may have been neglected can have their eyes, their ears and their hearts checked just like your children can. This may sound simple to you and me, but to the six-year old who may never have seen a doctor, it is one of the most important services we could offer.

I am recommending full year funding for Paramedic Training Funds at 700,000 dollars and have set aside adequate funds in the Grant-in-Aid Bill to pay the State's 60 percent share of the implementation cost so that people from Magnolia to Millsboro will have accessible emergency medical services. I am also proposing small increases for the Special School Graduates program and the Post-21 program to expand assistance to those who require the services.

Our greatest effort in this area will be the beginning of our Indigent Health Care strategy. And while economic restraints will prevent the funding levels I had hoped for this year, we will still move boldly ahead to help this needy population. As part of this plan we will provide health care coverage for the General Assistance population and children age six and seven, as well as increased services for pregnant women and infants. If we can help a teenager manage her pregnancy so that the end result is a happy and healthy baby, or help the 64-year old man at high risk for diabetes but with no money to be diagnosed for it, then not only have we reduced costs to society, but we have helped give the greatest gift of all -- the gift of life.

While protecting and helping people remains my highest priority this year, I am also looking to the Department of Natural Resources and Environmental Control for continued dynamic efforts to preserve and protect the environment. Over the last three years, 21 million dollars has been made available for Land Acquisition and 70 million dollars over the next 10 years will be made available for the Land and Water Conservation programs.

While we have substantially funded land protection programs, we have also found ways to protect environmentally sensitive land at no cost through property transfers to the state or conservation easements. And with the help of volunteers and community committees dedicated to problem-solving, DNREC will continue looking for public and private support in efforts such as the Atlantic Coast Beach Nourishment project under my Environmental Legacy program.

A recent editorial in the Washington Post noted that the two fastest growing demands on state budgets are Medicaid mandates and prisons -- trends we are experiencing in Delaware.

The construction of two new prisons will create needs for other operating expansions including the addition of 41 full-time positions for guards and community supervision, and the purchase of an additional 50 electronic monitoring anklets to expand the successful House Arrest program. And finally, Professor Jim Inciardi of the University of Delaware has received a 4.8 million dollar federal grant to develop drug treatment programs for prisoners on work release in conjunction with the State to help address the drug problem and reduce recidivism.

All state government agencies will have the opportunity this year to be more effective through restructuring because of initiatives such as the Early Retirement Option, but it is not the only way we can reduce the size of government or make it more efficient.

In the spring, I will present a plan to reorganize the delivery of some state services. Many of these ideas will be at the divisional level and will be justified by new economies of scale. There is one initiative, however, that I am announcing today, because it is the largest, and will require the most time to work through in an orderly fashion. This is the merger of the functions of the Department of Community Affairs into other state agencies. Functions which are important to the people of this State. This is being done at the suggestion of Secretary Frances West, and I would like to thank her for her foresightedness.

While some states have asked their employees to give back benefits or salaries in order to balance the budget, we will not. However, there will not be a general salary increase included in the budget I am recommending to you. Teachers who are proceeding

from one step to another or changing degree lanes will receive that step increase. While everything that we read and hear indicates that revenues are more likely to fall than rise, if that situation is reversed and we do enjoy an increase in available revenues before mark-up, I believe that the increase in pay for our state employees should be our first priority.

* * *

I am also presenting the capital budget today, which calls for new expenditures of 79.1 million dollars in fiscal year '92. This capital budget is premised on the adoption of a new rule for state debt issuance, which has already been passed by the House. As you know, that formula will impose a "cap" each year on all new bonds authorized equal to five percent of total state general fund revenues.

The Bond Bill reflects our continuing commitment to capital projects which have a direct impact on people's lives.

In the area of public education, 25 million dollars is being recommended for school renovations and improvements and a total of 15.9 million dollars is earmarked for higher education projects including the University of Delaware's Chemical, Biochemical & Marine Science Lab, Delaware State's Science Center Annex construction and Delaware Tech's Higher Education Facility completion.

In addition, 8.1 million dollars is recommended for health and social service-related projects; 6.9 million dollars for infrastructure, including 1.2 million dollars for the 800 megahertz system and 2.5 million dollars for the Port of Wilmington expansion; 1.4 million dollars for the completion of the juvenile detention facility and 200,000 dollars for the Sussex Fire Training Center and 2 million dollars for the Housing Development Fund. In the area of housing we will be embarking on a new initiative that I will announce in the next few months and, that will expand our efforts to provide safe and affordable housing.

To build two new prisons, I am recommending 37 million new dollars to complete the 50 million dollar commitment for these facilities.

Each of the projects recommended for funding has been funded in some manner in some previous bond bill. Many of these expenditures represent the final phase of the project; others continue the necessary funds recommended by their agencies to keep their construction on schedule, while others represent the remaining share of the state's commitment to projects which require private sector action before these funds can be expended.

The bottom line in the departmental budgets is that state services will continue and Delaware will move forward in the positive direction we have set for the last six years. Our ability to maintain services and go forward, as states surrounding us eliminate services and fall backwards, can be directly attributed to the innovative policies and prudent management we have used. The creativity with which we have traditionally approached problems has helped ensure that we are not crippled in the face of challenges such as those facing us today.

We have shown a great ability to be flexible and creative in times of plenty -- to develop new programs and experiment with cutting-edge projects. Now we must stretch the limits of these abilities in these times of reductions.

* * *

History teaches us that difficult times do not last forever and that it is the people who make tough decisions during these times who eventually enjoy better ones. Delaware has not only made tough decisions, but you and I working together have made the right decisions.

Together, we have succeeded and our people have prospered.

Together, we have worked hard and our state has progressed.

Together, I believe we can manage the economic challenge before us today as we have managed those in the past.

There is one person in particular who has been an integral part of this process and who I am sorry to say will not be together with us as he has been for the last 10 years.

As you all know, my Secretary of Finance, Steve Golding is concluding his service to the State of Delaware.

Please know, Steve, that you will be missed in my office for your intelligence and patience; that you will be missed in these chambers for your honesty and innovation, and that while they may not know it, the people of this State will miss the compassion you have shown them.

You were given the very special opportunity to touch peoples' lives and you did so in many important ways that none of us will ever forget.

Please know, Steve, that you leave with my deep personal thanks, my wishes for a successful future and hope that you will always remain a Delawarean.

* * *

Delawareans understand that in managing our way through this downturn we will become stronger. Delawareans know that even now we must look forward to a time when our economy resumes its rapid growth and the world is at peace.

Peace is perhaps our most elusive goal: that one achievement from which we learn our most important and difficult lessons.

The war has forced us to teach our children lessons we had hoped they would never need to learn, and it has forced us to confront issues ourselves that we had prayed would never surface.

No person in state government has felt the reality of this war more than Major General Art Episcopo. I would like to take a moment today and ask you to join me in saluting General Episcopo, his troops, the men and women of Dover Air Force Base and the families of each of these courageous soldiers. Thank you, General.

As I watched President Bush deliver his State of the Union message Tuesday night I realized that the determination and resolve he is using to successfully fight this war are the characteristics you and I must use in the coming months.

Determination to see that every option is known and pursued.

Determination not to waver.

Determination to make the right decisions and the resolve to stick to a decision once made.

One of the President's statements I feel captures the message I would like to leave you with is, "The conviction and courage we see in the Persian Gulf today is simply the American character in action. The indomitable spirit that is contributing to this victory for world peace and justice is the same spirit that gives us the power and potential to meet our toughest challenges at home."

Our commitment to these brave people must equal the commitment they have made to us.

Let us remember that it is within our power to overcome any obstacle and defend against any threat.

It is within our power to prosper in the face of problems and progress with unity of purpose.

And, Ladies and Gentlemen, it is within our power to provide a quality of life that is worth fighting for now, and in the future.

Thank you very much.

(FINIS)

Representatives Quillen and Jonkiert and Senators Minner and Neal escorted the Governor from the Chamber.

The Speaker thanked Governor Castle for his enlightening and challenging budget message and asked the escort committee to accompany the Governor back to his Executive Office.

Representative Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals to see if they agree. The Chief Clerk of the House announced that the Journals were found in agreement.

At 2:46 p.m. on motion of Representative Petrilli, the Joint Session adjourned and the two Houses departed to reconvene in their respective Chambers.

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

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

The Secretary announced that a message from the House informed the Senate that it had passed HB 33, HB 24 w/HA 1 and adopted HCR 12, HCR 13, SCR 13, SCR 14, SCR 15.

LEGISLATIVE ADVISORY #3 dated January 30, 1991 was partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #3: On January 30, 1991 the Governor signed SB 22 w/SA 1, 2 (Volume 68, Chapter 3, Laws of Delaware). HB 1 is the second leg of a constitutional amendment and does not require the Governor's signature (Volume 68, Chapter 4, Laws of Delaware).

Senators Connor, Blevins, Martin marked PRESENT.

At 4:08 p.m., Lt. Governor Wolf presided.

Under suspension of rules, on motion of Senator Cook and without objection, the roll call vote on HB 88 w/HA 1, SA 2, 3, 5, 7, 8 was lifted and announced: YES: Senators Bair, Connor, Cook, Hauge, Holloway, Marshall, Martin, Neal, Sokola, Still, Vaughn, Venables - 12; NO: Senators Adams, Cordrey, McBride, Minner, Sharp, Torbert - 6; NOT VOTING: Senators Blevins, McDowell - 2; ABSENT: Senator Knox - 1.

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

The following nomination for appointment by the Governor was read:

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th 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: Scott R. Douglass, 602 West 21st Street, Wilmington, DE 19802, to be appointed Secretary of the Department of Finance, State of Delaware, to serve a term during the pleasure of the Governor to succeed Stephen T. Golding.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

The nomination was considered for confirmation under suspension of the necessary rules on motion of Senator Adams (no objection) and the roll call vote taken; however, the roll call was laid on the table before being announced on motion of Senator Adams.

SB 26 was taken up for consideration on motion of Senator McBride:

SB 26 - AN ACT TO AMEND CHAPTER 437, VOLUME 67, LAWS OF DELAWARE RELATING TO IGNITION INTERLOCK DEVICES.

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

The roll call vote on SB 26 w/SA 1 was then taken and revealed 19 Senators voting YES and 2 (Knox, Torbert) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Adams and without objection, the roll call vote on the nomination for appointment of Scott R. Douglass was announced and revealed 19 Senators voting YES and 2 (Knox, Torbert) ABSENT; therefore, the appointment was declared confirmed.

The following legislation was introduced and assigned to Committee:

SB 48 - AN ACT TO AMEND TITLE 9, DELAWARE CODE, RELATING TO MILEAGE RATES FOR OFFICERS OR EMPLOYEES OF THE COUNTIES. Sponsor: Senator Cordrey. To Community Affairs.

SB 49 - AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE, RELATING TO BOARD OF FUNERAL PRACTITIONERS. Sponsors: Senator Holloway. To Administrative Services.

SB 50 - AN ACT TO AMEND CHAPTER 64, TITLE 7, DELAWARE CODE, RELATING TO COMPENSATION AND OTHER EXPENSES OF THE DIRECTORS OF THE DELAWARE SOLID WASTE AUTHORITY. Sponsors: Senators Vaughn, Adams, Representatives Carey, B. Ennis, Quillen, VanSant. To Natural Resources and Environmental Control.

The following letter of nomination for appointment from the Governor was read and considered for confirmation under suspension of the necessary rules on motion of Senator Adams No objection.

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Michael C. Ferguson, 13 Garrison Circle East, Smyrna, DE 19777, to be appointed Budget Director of the State of Delaware to serve during the pleasure of the Governor to succeed Scott R. Douglass.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

The roll call vote on the nomination was taken and revealed 19 Senators voting YES and 2 (Knox, Torbert) ABSENT; therefore, the appointment was declared confirmed.

SENATE CONSENT CALENDAR #5 was introduced on motion of Senator Minner:

SCR 17 - EXPRESSING SYMPATHY TO THE FAMILY OF WILLIS EDWARD POWELL OF DOVER, DELAWARE, A KENT COUNTY EDUCATOR AND A MEMBER OF DELAWARE STATE HALL OF FAME, WHO DIED ON SATURDAY, JANUARY 19, 1991 AT THE AGE OF 71. Sponsors: Senators Still, Vaughn, Cook, Torbert, Minner; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk, Buckworth.

SCR 18 - COMMENDING GERALD AND MARY ELLEN BURKE OF DOVER, RECIPIENTS OF THE NATIONAL CHILD LABOR COMMITTEE'S LEWIS HINE AWARD TO HONOR SIGNIFICANT VOLUNTEER CONTRIBUTIONS THAT IMPROVE THE LIVES OF CHILDREN. Sponsors: Senators Torbert, Adams, Cook, Minner, Vaughn, Still; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk, Buckworth.

HCR 11 - MEMORIALIZING THE PRESIDENT OF THE UNITED STATES OF AMERICA, THE SECRETARY OF DEFENSE, THE SECRETARY OF THE NAVY, AND OUR DELAWARE CONGRESSIONAL DELEGATION TO POSTHUMOUSLY ADVANCE IN RANK REAR ADMIRAL HUSBAND E. KIMMEL USN (RETIRED) (DECEASED) TO THE RANK OF ADMIRAL ON THE LIST OF RETIRED NAVAL OFFICERS. Sponsors: Representative Maroney, Senator Knox; Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Mack, Petrilli, Quillen, Reynolds, Spence, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Moore, Outten, Schroeder, Sills, West; Senators Bair, Hauge, Blevins, Marshall, Martin, Minner, Vaughn.

HCR 12 - CONGRATULATING ROBIN MAYFORTH AND THE LARK QUARTET FOR THEIR OUTSTANDING ACCOMPLISHMENTS. Sponsors: Representative Maroney, Senator Bair.

HCR 13 - IN RECOGNITION OF THE 22ND ANNUAL DELAWARE DAY IN FLORIDA IN POMPANO BEACH ON THURSDAY, FEBRUARY 14, 1991, AND ENCOURAGING DELAWAREANS TO ATTEND AND PARTICIPATE IN THE MANY FESTIVE ACTIVITIES PLANNED FOR THE DAY. Sponsors: Representative Bennett; Senators Cook, Cordrey.

HCR 11 was removed from the CALENDAR at the request of Senator Holloway after which the roll call vote on the CALENDAR was taken on motion of Senator Minner and revealed 19 Senators voting YES and 2 (Knox, Torbert) ABSENT; therefore, the Resolutions were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolutions were sent to the House for consideration.

At the request of Senator Cordrey the following Citation was read:

STATE OF DELAWARE
SENATE
Tribute

Be it hereby known to all that the Senate commends

The Honorable Thomas B. Sharp

On the occasion of the honor done our friend, colleague and Majority Leader by that illustrious representative of the Fourth Estate, Mr. Ralph Moyed, in bestowing upon him his "Delaware Person of the Year" award for 1991. In view of the reported competition posed by Mr. Moyed's best friend, one Mr. Sam Moyed, canine, this award is all the more significant.

The Senate extends its sincere congratulations and directs this tribute be presented on this 31st day of January 1991.

(Signed) Richard S. Cordrey, President Pro Tempore

(Signed) Bernard J. Brady, Secretary of the Senate

Sponsors: Senators Adams, Cook, Cordrey, Blevins, Holloway, Marshall, Martin, McDowell, McBride, Minner, Sokola, Torbert, Vaughn, Venables.
Number S91:20

* * * * *

Senator Bair requested that the members of the Minority Caucus be added as co-sponsors of the Citation.

SCR 19 was introduced and considered for adoption on motion of Senator Holloway:

SCR 19 - THANKING THE DU PONT COMPANY FOR DONATING THE NYLON NECESSARY TO MAKE DELAWARE FLAGS WHICH WILL BE SENT TO DELAWAREANS SERVING IN THE PERSIAN GULF CONFLICT NOW AND IN THE FUTURE. Sponsors: Senator Holloway, Representative Petrilli.

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

Senator Connor requested Senator Sharp to consider lifting HCR 6 from the table for consideration. Senator Sharp consented; no objection. However, the Resolution was again laid on the table on further motion of Senator Sharp, until such time when copies of the Resolution are made available to the Senators.

All Senators were added as co-sponsors of SCR 19.

HCR 11 which had been removed from SENATE CONSENT CALENDAR #5 was now taken up for consideration on motion of Senator Blevins. Senators Holloway and Martin commented on the Resolution after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Knox, Torbert) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 6 was again lifted from the table for consideration on motion of Senator Connor and after considerable debate, the Resolution was again laid on the table.

Senator McDowell requested the personal privilege of the floor to make additional comments of HCR 6 even though it was laid on the table.

HB 110 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook. No objection:

HB 110 - AN ACT TO AMEND TITLES 11, 5, 7, 23, 30, 21, 19, AND 3 OF THE DELAWARE CODE RELATING TO CERTAIN REVENUES OF THE STATE. Sponsor: Representative Corrozi.

The privilege of the floor was extended to Keith Brady, Legal Counsel to the Governor, and several Senators entered into discussion of the Bill after which the Bill was laid on the table on motion of Senator Cook.

SR 11 was introduced and considered for adoption on motion of Senator Cook:

SR 11 - EXTENDING WARM AND HEARTFELT THANKS AND APPRECIATION TO STEPHEN T. GOLDING, SECRETARY OF FINANCE, WHOSE FINAL DAY OF STATE SERVICE IS TODAY, JANUARY 31, 1991, AND WISHING HIM THE BEST ON HIS NEW ASSIGNMENT AS EXECUTIVE DIRECTOR OF THE OFFICE OF RESOURCE PLANNING AND BUDGET AT THE UNIVERSITY OF PENNSYLVANIA. Sponsors: Senators Cook, McDowell, Holloway, Marshall, Blevins, Sokola, Sharp, Martin, McBride, Vaughn, Torbert, Minner, Adams, Cordrey, Venables, Hauge, Bair, Knox, Neal, Connor, Still.

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

HB 110 was lifted from the table for consideration on motion of Senator Cook.

The privilege of the floor was extended to Stephen T. Golding, Secretary of Finance, during a short discussion of the Bill after which the roll call vote on the Bill was taken and revealed: YES: Senators Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, Neal, Sokola, Still, Venables - 13; NO: Senators Adams, McBride, McDowell, Sharp, Vaughn - 5; ABSENT: Senators Knox, Minner, Torbert - 3.

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 adopted SJR 3 w/HA 1.2.

On motion of Senator McBride and without objection, SJR 3 w/HA 1.2 was taken up for consideration under suspension of the necessary rules. The roll call vote was taken which revealed YES: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Neal, Sharp, Sokola, Still, Vaughn, Venables - 18; ABSENT: Senators Knox, Minner, Torbert - 3.

The Resolution was declared adopted by the Senate and sent to the Governor for his consideration.

SB 57 was introduced and assigned to Natural Resources and Environmental Control Committee:

SB 57 - AN ACT TO AMEND TITLE 7, DELAWARE CODE RELATING TO HORSESHOE CRABS. Sponsors: Senators Minner, Blevins, Martin, McDowell, Sokola, Still, Torbert, Venables; Representatives Schroeder, Bunting, Buckworth, Carey, Gilligan, Mack, Outten, Soles, Quillen. 3/5 vote.

SR 12 was introduced and considered for adoption on motion of Senator Sokola:

SR 12 - URGING ALL STATE OFFICIALS, INCLUDING LEGISLATORS AND CABINET SECRETARIES, TO CURTAIL ALL UNNECESSARY OUT-OF-STATE TRAVEL PAID FOR BY STATE FUNDS. Sponsor: Senator Sokola.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Knox, McDowell, Minner, Torbert) ABSENT; therefore, the Resolution was declared adopted.

Senator Cordrey commented on the fact that Debra Allen (Senate Bill Clerk) was retiring from the Senate and moving on to a new position and wished her well.

At 5:35 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 19, 1991 or to the call of the President Pro Tempore.

The Senate reconvened at 2:37 p.m., March 19, 1991 with Lt. Governor Wolf presiding.

Senator Torbert marked PRESENT.

Senator Torbert requested that he be removed as a co-sponsor of HB 84.

The Secretary announced that a message from the House informed the Senate that it had passed HB 115, HB 90, SB 37, SB 31, SB 41, SB 46, SB 47, HB 121 w/HA 1 and adopted HCR 15, SCR 17, SCR 18, SCR 19, SJR 4.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that Representative Ewing signed SB 47; Representative Buckworth signed SB 41 and Representatives Boykin, Smith, Davis, Amick, George, DiPinto, Carey, Ewing, Lee, Quillen, Reynolds, Mack and Lofink signed SJR 4 as additional sponsors on January 31, 1991.

Senator Knox marked PRESENT.

SB 24 was reported out of the Sunset Committee: 3 Merits.

The following legislation was introduced and assigned to Committee:

SB 51 - AN ACT TO AMEND CHAPTER 84, TITLE 29, DELAWARE CODE RELATING TO THE DUTIES OF THE DEPARTMENT OF TRANSPORTATION. Sponsor: Senator Sokola. To Highways and Transportation.

SB 52 - AN ACT TO AMEND CHAPTER 64, TITLE 7 OF THE DELAWARE CODE RELATING TO THE SOLID WASTE AUTHORITY. Sponsor: Senator Cordrey. To Natural Resources and Environmental Control.

SB 53 - AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO EMPLOYEES OF SUBSIDIARIES OF THE DELAWARE TRANSPORTATION AUTHORITY. Sponsors: Senator Martin, Representative Roy. To Highways and Transportation.

SB 54 - AN ACT TO AMEND CHAPTERS 30, 51 AND 52 OF TITLE 30, CHAPTER 13 OF TITLE 2, ND CHAPTER 3 OF TITLE 21, RELATING TO ACTIONS OR CLAIMS TO RECOVER ERRONEOUSLY OR ILLEGALLY COLLECTED REVENUES PLEDGED TO THE TRANSPORTATION TRUST FUND. Sponsors: Senator Martin, Representative Roy. To Highways and Transportation.

SB 55 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO COUNSEL FEES RECOVERABLE IN ACTIONS ON WRITTEN INSTRUMENTS. Sponsor: Senator Cordrey. To Judiciary.

SB 56 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE PROCUREMENT OF MATERIEL AND AWARD OF CONTRACTS FOR PUBLIC WORKS. Sponsors: Senator Martin, Representative Roy. To Finance.

SB 58 - AN ACT TO AMEND PART III, CHAPTER 51, TITLE 25, DELAWARE CODE, RELATING TO THE LANDLORD-TENANT CODE. Sponsor: Senator Holloway. To Administrative Services.

SB 59 - AN ACT TO AMEND CHAPTER 45, TITLE 6, DELAWARE CODE, RELATING TO THE USE OF TOILET FACILITIES IN PUBLIC ESTABLISHMENTS. Sponsors: Senator Torbert, Representative Ewing; Senators Sharp, Minner; Representatives George, Amick, Buckworth, Caulk, Clark, Roy. To Administrative Services.

SB 60 - AN ACT TO AMEND CHAPTER 11, TITLE 19 OF THE DELAWARE CODE RELATING TO PAYMENT OF WAGES. Sponsor: Senator Connor. Assigned to Finance Committee.

SA 1 to SS 1 for SB 13. Sponsor: Senator Holloway. Placed with the Bill.

HB 20 - AN ACT TO AMEND TITLE 16 AND TITLE 24, DELAWARE CODE RELATING TO THE STATE BOARD OF HEALTH AND THE BOARD OF MEDICAL PRACTICE AND WARNINGS TO PREGNANT WOMEN REGARDING POSSIBLE PROBLEMS FROM USE OR CONSUMPTION OF ALCOHOL, COCAINE, MARIJUANA, HEROIN OR OTHER NARCOTICS. (2/3 vote) Sponsors: Representative Hebner, Senator Sharp. To Health-Social Services/Aging.

HB 24 w/HA 1 - AN ACT TO AMEND TITLE 14, CHAPTER 13, DELAWARE CODE, RELATING TO SPEECH AND HEARING SPECIALISTS. Sponsors: Representatives Bennett, Fallon, Outten; Senators Cook, Vaughn. To Education.

HB 33 - AN ACT TO AMEND SECTION 4177B, TITLE 21, DELAWARE CODE REQUIRING PARTICIPANTS IN THE FIRST OFFENDER PROGRAM TO PAY THE COSTS OF PROSECUTION. Sponsors: Representatives Davis, Hebner, Ewing, Lee, Bennett, Houghton; Senator Vaughn. To Public Safety.

HB 90 - AN ACT TO AMEND AN ACT BEING CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" TO CHANGE THE FISCAL YEAR AND TO MAKE OTHER CHANGES FOR FIXING OF THE BUDGET NECESSITATED BY THE CHANGE IN THE FISCAL YEAR. (2/3 vote) Sponsor: Representative Lee. To Community Affairs.

HB 115 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO CREATION OF AN ELECTION BOARD AND COUNCIL APPOINTMENTS. (2/3 vote). Sponsors: Representatives Outten, Bennett, Clark; Senators Still, Torbert. To Community Affairs.

HB 121 w/HA 1 - AN ACT TO AMEND CHAPTER 3, TITLE 30 OF THE DELAWARE CODE RELATING TO ADMINISTRATION OF TAX LAWS IN THE EVENT OF SERVICE IN A COMBAT ZONE. Sponsors: Representative Smith, Senator Blevins; Representatives Buckworth, Spence, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Lofink, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Petrilli, Taylor, Gilligan, George, Brady, Bunting, Campanelli, Clark, B. Ennis, Houghton, Jonkier, Moore, Outten, Schroeder, Sills, Soles, VanSant, West, Bennett; Senators Cordrey, Adams, McBride, Sokola, Bair, Connor, Hauge, Knox, Neal, Still. To Revenue and Taxation.

SB 61 - AN ACT TO AMEND SUBTITLE I, ARTICLE 2, TITLE 6, DELAWARE CODE, BY ADDING THERETO A NEW PART 8 RELATING TO PRIZES. Sponsors: Senator Torbert, Representative Buckworth; Senators Sharp, J. Still, Minner; Representatives Amick, Caulk, George, Clark, Ewing, Roy. To Finance.

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

STATE OF DELAWARE
Office of the Governor
January 30, 1991

To the Senate of the 136th 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: **Ruffin M. Noisette**, 507 West 19th Street, Wilmington, DE 19802, to be reappointed as a member of the New Castle County Board of Elections to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 30, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: James J. Sullivan, Esq., 303 Waverly Road, Wilmington, DE 19803, to be reappointed as a member of the New Castle County Board of Elections to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 30, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Thomas S. Lodge, Esq. 2 Fols Crescent, New Castle, DE 19720, to be reappointed as a member of the New Castle County Board of Elections to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 30, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Stephen L. Manista, 300 Taylor Road, Wilmington, DE 19804, to be reappointed as a member of the Violent Crimes Compensation Board to serve for a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th 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: Emperatriz Alaix, 5129 West Woodmill Drive, Wilmington, DE 19808, to be appointed as a member of the State Ethics Commission to serve a one year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 24, 1991

To the Senate of the 136th 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 A. Armstrong, 763-10 Montclair Drive, Claymont, DE 19703, to be appointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term to succeed Morris Levenberg, deceased.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th 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: Linda Neff Bly, 409 Brentwood Drive, Wilmington, DE 19803, to be appointed as a member of the State Ethics Commission to serve a two year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John E. Burris, 714 North Shore Drive, Milford, DE 19963, to be appointed as a member of the State Ethics Commission to serve a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Arthur G. Connolly, Jr., 4615 Meldin Road, Wilmington, DE 19803, to be appointed as a member of the State Ethics Commission to serve a five year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: **James H. Gilliam, Sr.**, 1803 Fairfax Boulevard, Wilmington, DE 19803, to be appointed as a member of the State Ethics Commission to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th 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 F. Maroon**, 242 N. Greenview Dr., Dover, DE 19901, to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term to succeed **Ellis B. Parrott**, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 24, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: **David R. Anderson, Sr.**, 614 Blackbird Station Road, Townsend, DE 19734, to be reappointed as a Justice of the Peace, in and for New Castle County to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
January 24, 1991

To the Senate of the 136th 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:

Virginia M. Johnson, 2204 N. Harrison Street, Wilmington, DE. 19802, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 24, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Richard L. Brandenburg, Post Office Box 126, Odessa, DE 19730, to be reappointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Richard W. Harrison, 20 Hackberry Drive, Felton, DE 19943, to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term to succeed Margaret Barrett, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 24, 1991

To the Senate of the 136th 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 F. Plack, Jr., 507 Seabury Avenue, Milford, DE 19963, to be reappointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 16, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Mable E. Pitt, 12 Aldershot Drive, Newark, DE 19713, to be reappointed as Justice of the Peace, in and for New Castle County, State of Delaware to serve for a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th 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: Pamela Deeds Holloway, R.D. #3, Box 392, Milford, DE 19963, to be appointed as an Interim Commissioner of the Family Court to serve a one year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th 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: Gary Evans Grubb, 69 Huntly Circle, Dover, DE 19901, to be appointed as an Interim Commissioner of the Family Court to serve a one year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th 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: Frederic H. Kenney, 9 Belmont Drive, Wilmington, DE 19808, to be appointed as an Interim Commissioner of the Family Court to serve a one year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th 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: Kimber E. Vought, 39 Pennsylvania Avenue, Rehoboth Beach, DE 19971, to be appointed as a member of the State Ethics Commission to serve a seven year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
January 29, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: C. Ann Mellius, 5 Tam O'Shanter Court, Dover, DE 19901, to be appointed as a member of the State Ethics Commission to serve a six year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

At 2:58 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 13th Legislative Day.

13TH LEGISLATIVE DAY
March 19, 1991

The Senate convened at 2:58 p.m.; Lt. Governor Wolf presided.

A Prayer was offered by Senator Still.

Pledge of Allegiance to the Flag.

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

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

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

SR 13 was introduced and considered for adoption on motion of Senator Holloway:

SR 13 - COMMENDING AND CONGRATULATING ANNIE B. KING OF WILMINGTON ON HER RECEIPT OF THE 1991 J. THOMPSON BROWN AWARD FROM FAMILY SERVICE DELAWARE INC. IN HONOR OF HER LONG SERVICE TO THE WELFARE OF FAMILIES IN DELAWARE. Sponsor: Senator Holloway.

At his request, Senator Connor was added as co-sponsor of the Resolution after which the roll call vote was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

SR 14 was introduced and considered for adoption on motion of Senator Holloway:

SR 14 - DEEPLY MOURNING THE SUPREME SACRIFICE OF ARMY CPL. JAMES R. MCCOY OF WILMINGTON WHO WAS KILLED UNDER ENEMY FIRE WHILE SERVING IN IRAQ DURING OPERATION DESERT STORM. Sponsor: Senator Holloway.

At his request, Senator Marshall was added as co-sponsor of the Resolution after which the roll call vote was taken; however, the roll call was laid on the table before being announced on motion of Senator Holloway.

SCR 15 was introduced and considered for adoption on motion of Senator Vaughn:

SCR 15 - COMMENDING THE CLAYTON FIRE COMPANY ON ITS UPCOMING ONE HUNDREDTH GOLDEN ANNIVERSARY (1891-1991) AND EXTENDING MANY THANKS FOR THE FINE AND EXEMPLARY SERVICE THEY HAVE PERFORMED OVER THE YEARS, AND FURTHER WISHING THE COMPANY BEST OF SUCCESS IN ITS FUTURE. Sponsors: Representative B. Ennis, Senator Vaughn.

At their request, Senators Still and Cook were added as co-sponsors of the Resolution after which the roll call vote was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 3:08 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 4:35 p.m.; Senator Cordrey presiding.

At 4:37 p.m. on motion of Senator Sharp the Senate recessed until 3:30 p.m., March 20, 1991.

The Senate reconvened at 3:49 p.m., March 20, 1991, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 40 w/HA 1, HB 49 w/HA 1,2, HB 21, SB 12 w/HA 1 and adopted HCR 16.

The following legislation was introduced and assigned to Committee:

SJR 5 - MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO TAKE WHATEVER STEPS ARE NECESSARY FOR DELAWARE TO REGAIN LEGAL CUSTODY OF ITS COPY OF THE BILL OF RIGHTS. Sponsors: Senators Connor, Martin; Representatives Hebner, Soles. To Administrative Services.

SB 62 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO THE EMPLOYMENT OF STRIKEBREAKERS. Sponsors: Senator Marshall, Representative Oberle; Senator Holloway, McBride; Representative Campanelli. To Labor and Industrial Relations.

SB 63 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, TO PERMIT RECREATIONAL DRIFT GILL NET FISHING FOR SHAD IN THE DELAWARE RIVER. Sponsors: Senator Vaughn; Representatives Mack, B. Ennis. To Natural Resources and Environmental Control.

A messenger from the Governor was announced and admitted.

Legislation continued to be introduced and assigned:

SB 64 - AN ACT TO AMEND CHAPTER 215, VOLUME 64, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE CITY OF HARRINGTON," AS AMENDED, RELATING TO THE POWER TO BORROW MONEY. (2/3 vote) Sponsors: Senator Minner, Representative Quillen. To Community/County Affairs.

SB 65 - AN ACT TO AMEND TITLE 23, DELAWARE CODE RELATING TO LIMITATION OF LIABILITY FOR RENDERING VESSEL TRAFFIC INFORMATION SERVICES. Sponsors: Senators Minner, Vaughn; Representatives Carey, D. Ennis. To Natural Resources and Environmental Control.

HB 21 - 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 Hebner, Senator Sharp. To Judiciary.

HB 22 - AN ACT TO AMEND CHAPTER 53, TITLE 11 OF THE DELAWARE CODE RELATING TO THE RIGHT TO JURY TRIAL IN THE COURT OF COMMON PLEAS AND IN THE SUPERIOR COURT. Sponsors: Representative Hebner, Senator Sharp. To Judiciary.

HB 40 w/HA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 4 OF THE DELAWARE CODE RELATING TO THE PURCHASING, BUYING OR GIVING OF ALCOHOLIC LIQUOR TO A MINOR OR THE CONSUMPTION OF ALCOHOLIC LIQUOR BY SUPERVISED MINORS AND PENALTIES THEREFOR. (2/3 vote) Sponsors: Representatives Oberle, Spence. To Community Affairs.

HB 49 w/HA 1,2 - AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO LIGHTS AND EQUIPMENT ON VEHICLES. Sponsors: Representative B. Ennis, Senator Holloway; Representatives Houghton, Campanelli, VanSant, Brady, Gilligan, Clark, Outten, West, Davis, Caulk, Ewing, Lee; Senator Vaughn. To Public Safety.

At 3:56 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 14th Legislative Day.

14TH LEGISLATIVE DAY March 20, 1991

The Senate convened at 3:56 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Torbert.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

HCR 16 was introduced and considered for adoption on motion of Senator Sharp:

HCR 16 - WELCOMING UNITED STATES MARINE CORPS STAFF SERGEANT H. JAMES CREW BACK FROM HIS COURAGEOUS BATTLES IN OPERATION DESERT STORM AND HONORING HIS VALOR ON BEHALF OF THE PEOPLE OF DELAWARE, THIS NATION AND THE CITIZENS OF KUWAIT. Sponsors: Representatives D. Ennis, Boykin; Senators Hauge, Knox; Representatives Spence, Petrilli, Buckworth, George, Gilligan; Senators Cordrey, Sharp, Marshall, Bair, Connor.

At their request, Senators Blevins and Sokola were added as co-sponsors to the Resolution.

The privilege of the floor was extended to Sgt. Crew who was introduced to the Senate by Senator Knox.

The roll call vote on HCR 16 was then taken and revealed 20 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

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

SCR 21 was introduced and considered for adoption on motion of Senator Marshall:

SCR 21 - EXPRESSING OUR GRATITUDE TO THE MEN AND WOMEN OF THE WILMINGTON POLICE DEPARTMENT FOR THEIR COURAGE IN FOILING TWO RECENT BANK ROBBERIES AND WISHING FOR SPEEDY AND COMPLETE RECOVERIES FOR PATROL OFFICERS MICHAEL A. SMAGALA AND THOMAS B. MONAHAN, BOTH OF WHOM SUSTAINED WOUNDS IN THE PERFORMANCE OF THEIR DUTIES. Sponsors: Senators Marshall, Holloway, McDowell; Representatives DiPinto, George, Jonkiert, Moore, Sills.

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.

SB 20 and SJR 2 were stricken at the request of the sponsor, Senator Holloway.

SB 24 was taken up for consideration on motion of Senator Venables:

SB 24 - AN ACT TO AMEND CHAPTER 3, TITLE 24 DELAWARE CODE RELATING TO THE BOARD OF ARCHITECTS. (2/3 vote)

Senators McDowell and Holloway commented on the Bill after which it was laid on the table on further motion of Senator Venables.

SB 12 which had previously passed the Senate and amended by HA 1 was taken up for consideration on motion of Senator Vaughn. The roll call vote on SB 12 w/HA 1 was therefore, taken and revealed: YES: Adams, Bair, Blevins, Connor, Cook, Hauge, Holloway, Knox, Marshall, Martin, Neal, Sharp, Sokola, Vaughn, Venables - 15; NO: Senators McBride, McDowell, Minner, Still, Torbert - 5; ABSENT: Senator Cordrey - 1.

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

At 4:28 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:55 p.m.; Senator Sharp presiding.

Senator Venables commented on recent awards which were made to Delmar High School students for their outstanding work project in the Seiko Youth Project.

The privilege of the floor was extended to teacher, Rachel Wood and students Justine Wood, Charles Phiefer and Kimberly Brittingham. Senator McDowell commented on their innovativeness.

Personal privilege of the floor was extended to Senator Venables who introduced Superintendent of School, Wayne C. Bastian, Joseph Wahl, and Assistant Superintendent of Schools, Kenneth Mathews, also David Strauss representing the SEIKO CORPORATION of America.

SB 70 was introduced and assigned to Health-Social Services/Aging Committee:

SB 70 - AN ACT TO AMEND PART II, TITLE 16, DELAWARE CODE, BY ADDING A NEW CHAPTER 29 RELATING TO A REQUIREMENT THAT HEALTH CARE PROFESSIONALS INFORM THEIR PATIENTS IF THEY HAVE AIDS OR THE HIV VIRUS. Sponsors: Senator Holloway, Representative Gilligan.

At 5:15 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., March 21, 1991.

The Senate reconvened at 3:38 p.m., March 21, 1991; Lt. Governor Wolf presiding.

Senator Cordrey marked PRESENT.

The following Committee reports were announced:

From the Community/County Affairs Committee: SB 48 - 3 Merits; HB 52 - 4 Merits; HB 53 - 4 Merits; HB 90 - 4 Merits; HB 115 - 4 Merits.

From the Public Safety Committee: HB 33 - 4 Merits.

The following legislation was introduced and assigned:

SB 66 - AN ACT TO AMEND CHAPTER 13, TITLE 2 OF THE DELAWARE CODE RELATING TO EMPLOYEES OF SUBSIDIARIES OF THE DELAWARE TRANSPORTATION AUTHORITY. Sponsors: Senator Martin, Representative Roy. To Highways and Transportation.

SB 67 - AN ACT TO AMEND CHAPTER 1, TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS AND DRAINAGE FACILITIES THEREFORE. Sponsors: Senator Martin, Representative Roy. To Highways and Transportation.

SB 68 - AN ACT RELATING TO ELIGIBILITY FOR CERTAIN BENEFITS FOR PATRICIA SCHAFFER, A RETIRED STATE EMPLOYEE. Sponsors: Senator McDowell; Representatives DiPinto, George. Laid on the table on motion of Senator McDowell.

HCR 19 was introduced and considered for adoption on motion of Senator Bair:

HCR 19 - HONORING THE BRAVE MEN AND WOMEN OF MOUNT PLEASANT AND CLAYMONT HIGH SCHOOLS WHO SERVED THE UNITED STATES WHO RISKED THEIR LIVES DURING THE PERSIAN GULF WAR. Sponsors: Representative D. Ennis, Senator Hauge; Representatives Hebner, Brady; Senator Bair.

Senators Blevins, Sokola, Sharp, Holloway, Connor were added as co-sponsors to the Resolution at their request after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

At 3:47 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 15th Legislative Day.

15TH LEGISLATIVE DAY
March 21, 1991

The Senate convened at 3:47 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Knox.

Pledge of Allegiance to the Flag.

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

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

The Secretary announced that a memorandum from Senator Marshall requested that Senator Martin and Representative Jonkiert be added as co-sponsors to SB 62.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 17, HCR 18, HCR 19, SCR 21.

The following legislation was introduced and assigned:

SB 71 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES AGAINST THE ELDERLY. Sponsors: Senators Bair, Holloway, Blevins, Neal; Representatives DiPinto, Moore, Maroney. To Judiciary.

SA 1 to SB 45. Sponsor: Senator McBride. Placed with the Bill.

Senator McBride marked PRESENT.

SB 69 - 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 THE DUTIES OF CITY MANAGER. (2/3 vote) Sponsors: Senator Venables, Representative Fallon. To Community/County Affairs.

SA 1 to SB 49. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 24. Sponsor: Senator McDowell. 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
(Not dated)

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John G. Davis, Sr. 105 Carnoustie Road, Dover, DE 19901, to be appointed as a member of the Unemployment Insurance Appeals Board to serve a six year term to succeed Harold P. Minner, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

* * * * *

STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: John V. Flynn, Jr. 1020 Kent Road, Wilmington, DE 19807, to be reappointed as a member of the Cash Management Policy Board to serve for a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th 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: **Warner T. Foraker**, 302 Clinton Street, Delaware City, DE 19706, to be reappointed as a member of the Industrial Accident Board to serve a six year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: **Dennis Forney**, 817 Savannah Road, Lewes, DE 19958, to be appointed as a member of the Delaware Advisory Council on Natural Areas to serve a four year term to succeed Dorothy Wilkinson who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th 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: **Terrance L. Higgins**, R.D. #2, Box 288, Marydel, DE, 19964, to be reappointed as a member of the Delaware Advisory Council Natural Areas to serve for a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th 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: **Annie B. King**, 189 Ryan Avenue, New Castle, DE 19720, to be reappointed as a member of the Consumer Affairs Board to serve for a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th 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: **Margarete Fair MacLeish**, 730 East Division Street, Dover, DE 19901, to be appointed as a member of the State Personnel Commission to serve for a term expiring March 28, 1993, to succeed **Althea R. DeBrule**, who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th 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: **Fred M. McKee**, Post Office Box 192, Bridgeville, DE 19933, to be appointed as a member of the State Coastal Zone Industrial Control Board to serve for a five year term to succeed **Robert Tunnell**, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th 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: **Arlene Dale Stratton**, 407 Way Road, Greenville, DE 19807, to be appointed as a member of the Board of Pension Trustees to serve for a four year term to succeed **Ernst Dannemann**, who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th 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:

Timothy E. Targett, 39 Sussex Drive, Lewes, DE 19958, to be reappointed as a member of the Atlantic States Marine Fisheries Commission to serve for a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th 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. Whitby, Box 254E, R.D. #1, Dover, DE 19901, to be appointed a Commissioner of the Delaware River and Bay Authority to serve a five year term to fill a new position.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

HB 52 was taken up for consideration on motion of Senator Sokola:
HB 52 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFORE" RELATING TO THE CIVILIAN PENSION PLAN. (2/3 vote)

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

HB 53 was taken up for consideration on motion of Senator Sokola:
HB 53 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFORE" RELATING TO REPLACEMENT OF THE COUNCIL PRESIDENT. (2/3 vote)

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

A messenger from the Governor was announced and admitted.

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

HB 90 - AN ACT TO AMEND AN ACT BEING CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" TO CHANGE THE FISCAL YEAR AND TO MAKE OTHER CHANGES FOR FIXING OF THE BUDGET NECESSITATED BY THE CHANGE IN THE FISCAL YEAR. (2/3 vote)

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

HB 115 was taken up for consideration on motion of Senator Sokola:

HB 115 - AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO CREATION OF AN ELECTION BOARD AND COUNCIL APPOINTMENTS. (2/3 vote)

Roll call vote on HB 115 was taken and revealed 20 Senators voting YES, and 1 (Holloway) ABSENT; therefore, the Bill was declared adopted by the Senate and returned to the House.

At 4:05 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:03 p.m.; Lt. Governor Wolf presiding.

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

SB 68 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator McDowell. No objection.

SB 68 - AN ACT RELATING TO ELIGIBILITY FOR CERTAIN BENEFITS FOR PATRICIA SCHAFFER, A RETIRED STATE EMPLOYEE.

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

SB 24 was lifted from the table for further consideration on motion of Senator Venables.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator McDowell. Senator Venables commented on the bill after which the roll call vote taken which revealed 18 Senators voting YES, 1 (Still) voting NO and 2

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

The roll call vote on SB 24 w/SA 1 was then taken and revealed 19 Senators voting YES and 2 (Holloway and Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SENATE CONSENT CALENDAR #6 was introduced:

SCR 20 - EXPRESSING SYMPATHY TO THE FAMILY OF EVERETT D. BRYAN, LOCAL PHARMACIST AND COMMUNITY LEADER, WHO DIED SATURDAY, FEBRUARY 23, 1991 AT THE AGE OF EIGHTY-TWO. Sponsors: Senators Still, Vaughn, Cook, Torbert, Minner; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk, Buckworth.

SCR 22 - EXPRESSING SYMPATHY TO THE FAMILY OF WILLIAM BRADY, AGE 73, A FORMER LEGISLATOR AND PROMINENT MIDDLETOWN FARMER WHO PASSED AWAY ON WEDNESDAY, MARCH 6, 1991. Sponsors: Representative Vaughn, Representative B. Ennis.

SCR 23 - ESTABLISHING A TASK FORCE ON ENVIRONMENTAL EDUCATION IMPLEMENTATION TO REVIEW AND EVALUATE THE ENVIRONMENTAL EDUCATION COMPONENT OF THE 1988 DELAWARE ENVIRONMENTAL LEGACY REPORT AND RECOMMEND A WORKABLE PLAN FOR ITS IMPLEMENTATION, INCLUDING WAYS AND MEANS. Sponsors: Senator Minner, Representative Carey.

SCR 24 - EXPRESSING APPRECIATION TO THE DELAWARE COUNCIL OF FARM ORGANIZATIONS AND THE UNIVERSITY OF DELAWARE FOR HOSTING THE 21ST ANNUAL DELAWARE AGRICULTURAL INDUSTRY DINNER ON MARCH 16, 1991. Sponsors: Senator Adams, Representative Caulk; Senators Cook, Cordrey, Vaughn, Venables, Still; Representatives Carey, Fallon, Clark, Lofink, Quillen, Bunting, Schroeder.

SCR 25 - PROCLAIMING MARCH 17-23, 1991, AS DELAWARE AGRICULTURE WEEK AND REAFFIRMING SUPPORT OF DELAWARE'S NUMBER ONE INDUSTRY. Sponsors: Senator Adams, Representative Caulk; Senators Cook, Cordrey, Vaughn, Venables, Still; Representatives Carey, Fallon, Clark, Lofink, Quillen, Bunting, Schroeder.

HCR 17 - COMMENDING THE CLAYTON FIRE COMPANY ON ITS UPCOMING ONE HUNDREDTH ANNIVERSARY (1891-1991) AND EXTENDING MANY THANKS FOR THE FINE AND EXEMPLARY SERVICE THEY HAVE PERFORMED OVER THE YEARS AND FURTHER WISHING THE COMPANY BEST OF SUCCESS IN ITS FUTURE. Sponsors: Representative B. Ennis, Senator Vaughn, Representative Clark, Senator Cook.

HCR 18 - HONORING THE DELAWARE STUDENTS IN THE FRIENDSHIP CARAVAN WHO WILL TRAVEL TO THE SOVIET UNION AS PART OF A PEOPLE TO PEOPLE FRIENDSHIP CARAVAN. Sponsors: Representative Carey, Senator Minner, all Representatives; Senators Adams, Cook, Holloway, McBride, McDowell, Sokola, Torbert, Venables, Bair, Hauge, Knox, Neal, Still.

The roll call vote on the Calendar was taken and revealed 19 Senators voting YES and 2 Knox, Neal) ABSENT; therefore, the Resolutions were declared adopted; the House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolutions were sent to the House for consideration.

The following legislation was introduced and assigned:

SB 72 - AN ACT TO AMEND THE CONVEYANCE OF THE FISHER-MARTIN HOUSE TO THE CITY OF LEWES; TO PERMIT THE CITY OF LEWES TO OPERATE THE HOUSE AS A CONFERENCE AND VISITORS CENTER, TO PERMIT THE CITY OF LEWES TO RESTORE THE SAME UNDER THE OVERSIGHT OF THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS. Sponsors: Senator Minner, Representative Schroeder. To Community/County Affairs.

SB 73 - AN ACT TO AMEND CHAPTER 39, TITLE 31, DELAWARE CODE, RELATING TO ADULT PROTECTIVE SERVICES. (2/3 vote) Sponsor: Senator Holloway. To Health-Social Services/Aging.

SB 74 - AN ACT TO AMEND VOLUME 67, CHAPTER 335, LAWS OF DELAWARE, MAKING AN APPROPRIATION AND AUTHORIZING POSITIONS FOR THE DELAWARE HEALTH CARE COMMISSION AND RELATED PROGRAMS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, ETC. Sponsors: Senator Holloway, Representative Maroney; Senators Cook, McBride, Still, Vaughn; Representatives Corrozi, DiPinto, West. To Health-Social Services/Aging.

The personal privilege of the floor was extended to Senator Bair who commented on the problems in Family Court. Senators Adams and McDowell responded to Senator Bair's remarks.

At 5:32 p.m. on motion of Senator Sharp, the Senate recessed until March 26, 1991 at 2:00 p.m.

The Senate reconvened at 2:47 p.m., March 26, 1991; Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 34 w/HA 1; HB 60; HB 142 w/HA 1; HS 1 for HB 43 and adopted HCR 3, HCR 10, HJR 3, SCR 8.

The Secretary announced that a memorandum from Senator Holloway requested that Senator Blevins be added as co-sponsor to SB 73.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that Representatives Ewing, Carey, Petrilli signed SCR 8 as co-sponsors on March 21, 1991.

SB 74 was reported out of the Health-Social Services/Aging Committee: 5 Merits.

The following legislation was introduced and assigned:

SA 1 to HB 52. Sponsor: Senator Still. Placed with the Bill.

SB 75 - AN ACT TO AMEND CHAPTER 23, TITLE 18, DELAWARE CODE, RELATING TO UNFAIR

PRACTICES IN INSURANCE. Sponsor: Senator Holloway. To Insurance and Elections
SB 76 - AN ACT TO AMEND PART II, CHAPTER 7, TITLE 16, DELAWARE CODE, RELATING TO
CONFIDENTIALITY OF RECORDS OF SEXUALLY TRANSMITTED DISEASES. Sponsor: Senator
Holloway. To Health-Social Services/Aging.

HB 34 w/HA 1 - AN ACT TO AMEND CHAPTER 47, TITLE 29 OF THE DELAWARE CODE RELATING TO
MEDICAL EXAMINERS. Sponsors: Representatives Davis, Ewing, Hebner, Lee, Bennett,
Houghton; Senator Holloway. To Judiciary.

HS 1 for HB 43 - 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. To Insurance and Elections.

HB 60 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE
REQUIREMENT OF INSURANCE FOR MOTOR VEHICLES. Sponsors: Representatives Davis, D.
Ennis, Boykin, DiPinto, Jonkiert, Sills. To Public Safety.

HB 142 w/HA 1 - AN ACT TO AMEND CHAPTER 55 TITLE 29, DELAWARE CODE, RELATING TO STATE
EMPLOYEES' PENSION PLAN. Sponsors: Representative Oberle, Senator McBride. To Finance.

HJR 3 - RESOLUTION IN SUPPORT OF THE DELAWARE ALLIANCE TO IMPROVE TRANSPORTATION,
COMMERCE AND THE ENVIRONMENT AND ITS CONCERN OVER THE NECESSITY TO REAUTHORIZE THE
FEDERAL SURFACE TRANSPORTATION ACT BY OCTOBER 1, 1991. Sponsors: Representative Roy,
Senator Martin. To Highways and Transportation.

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

STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th 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:
Almetia J. Murray, 103 Maple Drive, Lewes, DE 19958, to be reappointed as a Justice of the
Peace, in and for Sussex County, to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
March 19, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby
nominate and appoint for the consent and confirmation of the Senate, the following:
Thomas J. Orr, 2502 Bay Avenue, Lewes, DE 19958, to be reappointed as a Justice of the
Peace, in and for Sussex County, to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
(Undated)

To the Senate of the 136th 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:
Stuart David Moore, 9 Odessa Avenue, Lewes, DE 19958, to be appointed as a Justice of
the Peace, in and for Sussex County, State of Delaware, to serve a four year term to
succeed William Hopkins, Jr., whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

The privilege of the floor was extended to Senator Venables. He introduced to the Senate, Miss Katrina Bubas, student of Delmar High School and Governor to the the YMCA Youth in Government.

At 2:57 p.m. on motion of Senator Sharp the Senate adjourned to immediately convene for the 16th Legislative Day.

16TH LEGISLATIVE DAY
March 26, 1991

The Senate convened at 2:57 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Blevins.

Pledge of Allegiance to the Flag.

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

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

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

SB 74 was taken up for consideration on motion of Senator Holloway:

SB 74 - AN ACT TO AMEND VOLUME 67, CHAPTER 335, LAWS OF DELAWARE, MAKING AN APPROPRIATION AND AUTHORIZING POSITIONS FOR THE DELAWARE HEALTH CARE COMMISSION AND RELATED PROGRAMS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, ETC.

Several Senators entered into discussion of the Bill during which the privilege of the floor was extended to Barbara Evans, Department of Health and Social Services, Joan Robinson-Medland, Dover Family Physicians, and John Fraser, Controller General's Office, after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Cordrey, Torbert) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:35 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:44 p.m.; Lt. Governor Wolf presiding.

The Secretary read a memorandum from Senator Connor stating that Representative Richard Davis signed as a co-sponsor to SCR 29.

SB 48 was taken up for consideration on motion of Senator Cordrey:

SB 48 - AN ACT TO AMEND TITLE 9, DELAWARE CODE, RELATING TO MILEAGE RATES FOR OFFICERS OR EMPLOYEES OF THE COUNTIES.

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

HB 52 was lifted from the table for further consideration on motion of Senator Sokola.

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

The roll call vote on HB 52 w/SA 1 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Sokola.

A messenger from the Governor was announced and admitted.

The following messages from the Governor were read and assigned to Executive Committee:

STATE OF DELAWARE
Office of the Governor
March 26, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: James Julian, 4800 Kennett Pike, Wilmington, DE 19807, to be reappointed as a Commissioner of the Delaware River and Bay Authority to serve a five year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
March 26, 1991

To the Senate of the 136th General Assembly of the State of Delaware:

The following nomination, submitted to the Senate on January 24, 1991, is hereby formally withdrawn: Earp F. Jennings, Jr.

Sincerely
(Signed) Michael N. Castle, Governor
* * * * *

The following legislation was introduced and assigned to committee:

SB 77 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Senators Neal, Venables. To Labor and Industrial Relations.

SB 78 - AN ACT TO AMEND TITLE 24, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A REGULATORY COMMITTEE FOR PHYSICIAN ASSISTANT PRACTICE EMPOWERED BY THE BOARD OF MEDICAL PRACTICE; TO PROVIDE FOR THE MAXIMUM UTILIZATION OF QUALIFIED PHYSICIAN ASSISTANTS IN THE PROVISION OF HEALTH CARE TO THE CITIZENS OF DELAWARE, IN ANY HEALTH CARE PRACTICE SETTINGS, UNDER THE SUPERVISION OF PHYSICIANS LICENSED UNDER CHAPTER 17 OF THIS TITLE. Sponsors: Senators Holloway, Still, Hauge, Knox, Bair, Cordrey; Representatives Moore, Sills, Oberle, George, Gilligan, Campanelli, Hebner, Amick, Jonkiert. To Administrative Services.

SB 79 - AN ACT TO AMEND TITLE 11, DELAWARE CODE RELATING TO THE IMPOSITION OF THE DEATH PENALTY. Sponsors: Senators Sharp, Adams; Representative Spence. To Judiciary.

SCR 26 was introduced.

SCR 26 - A MEMORIAL TO MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION AND THE CONGRESS OF THE UNITED STATES URGING THEM TO DENY FINANCIAL AID AND DIPLOMATIC RECOGNITION TO VIETNAM, CAMBODIA, AND LAOS; CONTINUE FUNDING OF THE POW/MIA SPECIAL INVESTIGATION BY THE UNITED STATES SENATE; FORM A SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS; AND SUPPORT THE PASSAGE OF THE POW/MIA TRUTH BILL (H.R. 1147) THAT RELATES TO THE DECLASSIFICATION OF LIVE SIGHTING INFORMATION ON AMERICAN SERVICE PERSONNEL MISSING OR REPORTED KILLED IN ACTION. Sponsors: Senator Vaughn, Representatives Ewing; Senators McBride, Sharp, Minner; Representatives Carey, B. Ennis.

The Resolution was laid on the table.

Senator Adams commented on remarks made on a previous day by Senator Bair concerning the Family Court.

Senator Sharp commented on the excessive amount of speeders on Delaware highways.

At 5:04 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., March 27, 1991.

The Senate reconvened at 3:48 p.m., March 27, 1991; Lt. Governor Wolf presiding.

Senator Torbert marked PRESENT.

On motion of Senator Sokola, the roll call vote on HB 52 w/SA 1 was lifted and announced. The roll call 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.

The following Committee reports were announced:

From the Administrative Services Committee: SB 23 - 3 Merits; SB 32 - 3 Merits.

From the Education Committee: SB 45 - 3 Merits; HB 24 w/HA 1 - 3 Merits.

SENATE CITATION ANNOUNCEMENT #3 containing S91:017-039 inclusive was introduced and partially read and considered as a complete reading on motion of Senator Sharp. No objection.

At 3:55 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY March 27, 1991

The Senate convened at 3:55 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Connor.

Pledge of Allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox,

Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables - 21.

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

SCR 26 was lifted from the table for further consideration on motion of Senator Vaughn. Senators Bair, Knox, Still marked PRESENT.

The privilege of the floor was extended to Captain (Retired) Eugene McDaniel, U. S. Navy representing the American Defense Institute. Several Senators entered into discussion of the Resolution.

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

Senators Hauge, Martin, Neal marked PRESENT during the above roll call.

The roll call vote on SB 17 w/SA 1.2 was lifted on motion of Senator Holloway and announced:

YES: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, Minner, Neal, Still, Torbert, Vaughn - 16; NO: Senators McBride, McDowell, Sharp, Sokola, Venables - 5.

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

SR 14 was stricken on motion of Senator Holloway.

SB 23 was taken up for consideration on motion of Senator McBride:

SB 23 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PROVISION OF TELEPHONE SERVICE FOR PERSONS WITH SPEECH AND HEARING IMPAIRMENTS.

Senator Bair commented on the Bill after which it was laid on the table on further motion of Senator McBride.

Senator Minner marked PRESENT.

SCR 30 was introduced and considered for adoption on motion of Senator McBride:

SCR 30 - CALLING FOR THE IMMEDIATE RELOCATION OF JUSTICE OF THE PEACE COURTS 7 AND 16 IN DOVER AS A RESULT OF SERIOUS TERMITE INFESTATION AT THE EXISTING FACILITY. Sponsors: Senators McBride, Minner, Still; Representatives B. Ennis, Jonkiert.

The privilege of the floor was extended to George Hale, Secretary of the Department of Administrative Services, and several Senators entered into discussion of the Resolution after which the roll call vote was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

SENATE CONSENT CALENDAR #7 was introduced:

SCR 27 - COMMENDING DR. LOUISE V. MASLIN FOR HER YEARS OF SERVICE TO PUBLIC EDUCATION IN DELAWARE. Sponsors: Senators Bair, Knox, Hauge; Representatives Maroney, Smith, Boykin, D. Ennis, George, Brady.

SCR 28 - CONGRATULATING DR. FRANK FURGELE FOR HIS MANY YEARS OF SERVICE TO PUBLIC EDUCATION IN DELAWARE AND WISHING HIM WELL IN HIS RETIREMENT AS SUPERINTENDENT OF THE BRANDYWINE SCHOOL DISTRICT. Sponsors: Senators Bair, Knox, Hauge; Representatives Maroney, Smith, Boykin, D. Ennis, George, Brady.

SCR 29 - COMMENDING RENEE O'LEARY, ON HER SELECTION TO RECEIVE THE 1991 CHRISTA MCAULIFFE FELLOWSHIP AWARD. Sponsors: Senators Connor, Bair, McBride; Representatives Fallon, Mack, Reynolds, Spence, Brady.

HCR 3 - URGENTLY REQUESTING THE DELAWARE ADMINISTRATIVE COMMISSION ESTABLISHED PURSUANT TO CHAPTER 101, TITLE 29, DELAWARE CODE, TO IMPLEMENT AND PURSUE ITS LEGAL TASK WITH RESPECT TO THE OFFICIAL PUBLICATION OF A REGISTER OF REGULATIONS AT THE OFFICE OF SECRETARY OF STATE. Sponsors: Representatives Clark, Moore, Houghton, Bennett, VanSant, B. Ennis, West, Quillen, Ewing, Caulk, Lee; Senators Cook, Minner, Holloway, Still.

HCR 10 - COMMENDING THE LANDLORD-TENANT STUDY COMMITTEE AND EXTENDING THE DATE BY WHICH THE LANDLORD-TENANT STUDY COMMITTEE IS TO ISSUE ITS FINAL REPORT. Sponsors: Representatives DiPinto, Boykin, Smith, D. Ennis, Sills, VanSant, Jonkiert; Senators Holloway, Minner, Bair, Connor.

On motion of Senator McDowell and without objection, HCR 3 was removed from the Calendar after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore the Resolutions were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolutions were sent to the House for consideration.

SB 53 was stricken at the request of Senator Martin.

SB 80 was introduced and assigned to Judiciary Committee:

SB 80 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION OF A CRIME. Sponsors: Senators Minner, Adams, Vaughn, McBride, J. Still; Representatives Brady, Davis, B. Ennis, Ewing, Hebner, Houghton, Jonkiert, Oberle, Spence, VanSant.

At 5:17 p.m. on motion of Senator Sharp, the Senate recessed until March 28, 1991 at 2:00 p.m.

The Senate, with Senator Cordrey presiding, reconvened at 2:13 p.m., March 28, 1991.

HB 121 w/HA 1 was reported out of the Revenue and Taxation Committee: 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 80 w/HA 1; HB 135; HB 111 and adopted HCR 22; HCR 23; HCR 24; HCR 21; SCR 30; SCR 26; SCR 20; SCR 22; SCR 24; SCR 25.

The following legislation was introduced and assigned to committee:

HB 80 w/HA 1 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO OCCUPANT PROTECTION SYSTEMS, USAGE, STANDARDS AND CONDITION THEREOF. Sponsors: Representatives Petrilli, Spence, Maroney; Senators Holloway, Neal; Representatives Amick, Boykin, Buckworth, Corrozi, DiPinto, D. Ennis, Fallon, Reynolds, Roy, Smith, Hebner, Taylor, Bunting, Clark, Gilligan, Jonkiert, Moore, Soles; Senators Bair, Knox. To Public Safety.

HB 111 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO WHEN LIGHTED LAMPS ARE REQUIRED. (2/3 vote) Sponsors: Representatives Maroney, Brady, Amick, Boykin, Carey, Corrozi, Bunting, Campanelli, Clark, Jonkiert, Soles. To Public Safety.

HB 135 - AN ACT TO AMEND CHAPTER 39, TITLE 25, DELAWARE CODE, RELATING TO LIENS. Sponsors: Representatives West, Amick, Brady, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, B. Ennis, Ewing, Fallon, Jonkiert, Lee, Moore, Reynolds, Sills, Spence; Senators Adams, Minner. To Administrative Services.

SA 1 and SA 2 to HB 80. Sponsor: Senator McBride. Placed with the Bill.

SB 81 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE, RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Sponsors: Senator Sokola, Representative Amick. To Elections.

SB 82 - AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO PHYSICIANS' RECORDS. (2/3 vote) Sponsor: Senator Knox. To Health-Social Services/Aging.

SB 83 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATED TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsor: Senator Holloway. To Health-Social Services/Aging.

SB 84 - AN ACT TO AMEND TITLE 14 AND TITLE 29 RELATING TO LEAVE OF ABSENCE FOR MILITARY SERVICE. Sponsors: Senator Blevins, Representative Smith; Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Sokola, Torbert, Vaughn, Venables, Bair, Connor, Knox, Hauge, Neal, Still; Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Spence, Taylor, Bunting, B. Ennis, George, Gilligan, Moore, Outten, Schroeder, West. Laid on the table on motion of Senator Blevins.

At 2:20 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 18th Legislative Day.

18TH LEGISLATIVE DAY

March 28, 1991

The Senate convened at 2:20 p.m.; Senator Cordrey presiding.

A Prayer was offered by Senator Sokola.

Pledge of Allegiance to the Flag.

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

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

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

Senator Sokola marked PRESENT.

The Secretary read messages from the Chief Clerk of the House which informed the Senate that Representative Bennett signed SCR 22 as an additional sponsor on March 27, 1991 and Representative Clark signed SCR 26 as an additional sponsor on March 27, 1991.

The Secretary announced that a memo from Senator Blevins informed the Senate that Representative Jonkiert signed as a co-sponsor to SB 84. Also a memo from Senator Cordrey informed the Senate that Senators Adams and Venables signed as co-sponsors of SB 48.

Easter lilies were presented to each Senator by students from the Vocational-Industrial Clubs of America. The privilege of the floor was extended to William Dannenhauer, representing the Department of Public Instruction of the State of Delaware, and the following students: Tammy Ward, Tresa Irvins, Lisa Ralph, Quang Le and Timothy Scherick.

Senator Sharp expressed the appreciation of the Senate to the students.

SB 84 was lifted from the table for further consideration on motion of Senator Blevins under suspension of the necessary rules. No objection.

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

Senator Sharp and Senator Bair commented on the Amendment.

Lt. Wolf presiding at 2:40 p.m.

The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and

3 (Connor, Martin, McBride) ABSENT; therefore, the Amendment was declared adopted.

Senators Cook and Marshall were marked PRESENT during the above roll call.

The roll call vote on SB 84 w/SA 1 was then taken and revealed 18 Senators voting YES and 3 (Connor, Martin, McBride) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Lt. Governor Wolf introduced to the Senate several of his guests who were present in the chamber.

At 2:46 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:32 p.m., with Senator Cordrey presiding.

The following legislation was introduced and assigned:

SA 1 to HB 121. Sponsor: Senator McDowell. Placed with the Bill.

SA 2 to HB 121. Sponsors: Senators Sharp, McDowell. Placed with the Bill.

SB 85 - AN ACT TO AMEND CHAPTER 27, TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE FOR RESERVISTS. Sponsor: Senator Still. To Insurance and Elections.

At 3:33 p.m., Lt. Governor Wolf presided.

On motion of Senator Adams, and without objection, the following nominations for appointment by the Governor were considered under suspension of the necessary rules:

Senator McBride marked PRESENT.

Emperatriz Alaix: 18 YES and 3 (Bair, Knox, Still) ABSENT; therefore, the appointment was declared confirmed.

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

Linda Neff Bly: 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

John E. Burris: 21 Senators voting YES; therefore, the appointment was declared confirmed.

Arthur G. Connolly, Jr.: 21 Senators voting YES; therefore, the appointment was declared confirmed.

Warner T. Foraker: 21 Senators voting YES; therefore, the appointment was declared confirmed.

Dennis Forney: 21 Senators voting YES; therefore, the appointment was declared confirmed.

James H. Gilliam, Sr.: 20 Senators voting YES and 1 (McDowell) ABSENT; therefore, the appointment was declared confirmed.

Fred M. McKee: 21 Senators voting YES; therefore, the appointment was declared confirmed.

Almetia J. Murray: 21 Senators voting YES; therefore, the appointment was declared confirmed.

C. Ann Nellius: 20 Senators voting YES and 1 (McDowell) ABSENT; therefore, the appointment was declared confirmed.

James Julian: 20 Senators voting YES and 1 (McDowell) ABSENT; therefore, the appointment was declared confirmed.

John M. Whitby: 21 Senators voting YES; therefore, the appointment was declared confirmed.

HB 121 w/HA 1 was taken up for consideration on motion of Senator Marshall:

HB 121 w/HA 1 - AN ACT TO AMEND CHAPTER 3, TITLE 30 OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION OF TAX LAWS IN THE EVENT OF SERVICE IN A COMBAT ZONE.

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

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Sharp and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on HB 121 w/HA 1, 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.

SENATE CONSENT CALENDAR #8 was introduced:

SR 15 - CREATING A DEBRIS PIT TASK FORCE TO STUDY ISSUES CONCERNING DEBRIS PITS AND TO MAKE RECOMMENDATIONS TO THE 136TH GENERAL ASSEMBLY TO RECTIFY PROBLEMS ASSOCIATED WITH DEBRIS PITS. Sponsor: Senator Sokola

HCR 21 - PROCLAIMING MAY 1991 AS "MOTORCYCLE SAFETY AND AWARENESS MONTH". Sponsors: Representative B. Ennis, Senator Torbert.

HCR 22 - REQUESTING THE STATE PUBLIC SERVICE COMMISSION INVESTIGATE AND IMPLEMENT THE USE OF WATER CONSERVATION ORIENTED RATE STRUCTURES BY WATER UTILITIES UNDER ITS JURISDICTION. Sponsors: Representatives Roy, Davis; Senators Sharp, Sokola.

HCR 23 - CONGRATULATING THE KENT COUNTY SALVATION ARMY UPON ITS OPENING OF A NEW 10,000 SQUARE FOOT FACILITY ON FOREST STREET IN DOVER AND EXPRESSING BEST WISHES FOR CONTINUED SUCCESS IN SERVING THE CITIZENS OF KENT COUNTY. Sponsors: Representative Outten, Senator Still.

The roll call vote on the Calendar was taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted and the House Concurrent Resolutions were returned to the House.

HCR 24 was introduced and considered for adoption on motion of Senator Sharp:
HCR 24 - ASKING THE PUBLIC SERVICE COMMISSION TO REJECT ARTESIAN WATER COMPANY'S PROPOSAL TO PASS RATE INCREASES ONTO THEIR CUSTOMERS. Sponsors: Representatives Roy, Davis; Senators Sharp, Sokola.

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

HCR 3 was introduced and considered for adoption on motion of Senator Cook:

HCR 3 - URGENTLY REQUESTING THE DELAWARE ADMINISTRATIVE COMMISSION ESTABLISHED PURSUANT TO CHAPTER 101, TITLE 29, DELAWARE CODE, TO IMPLEMENT AND PURSUE ITS LEGAL TASK WITH RESPECT TO THE OFFICIAL PUBLICATION OF A REGISTER OF REGULATIONS AT THE OFFICE OF SECRETARY OF STATE. Sponsors: Representatives Clark, Moore, Houghton, Bennett, VanSant, B. Ennis, West, Quillen, Ewing, Caulk, Lee; Senators Cook, Minner, Holloway, J. Still.

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

At 4:16 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 16, 1991.

The Senate reconvened at 2:28 p.m., April 16, 1991; Lt. Governor Wolf presiding.

SB 62 was reported out of the Labor Committee: 1 Favorable, 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed SB 74; SB 84 w/SA 1; SB 11 w/HA 1 and adopted HCR 23; HCR 26; SCR 27; SCR 28; SCR 29; HCR 27; HJR 2 w/HA 2.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that Representative Bennett signed SCR 28 as an additional sponsor on March 28, 1991.

Two communications were partially read into the record; copies were made available to the Senators.

1. From Mr. Douglas B. Synder, The Concord Group
RE: House Bill 96 (Blue Collar Jobs Act)
2. From Arkan Say, P.E. President, Tetra Tech/Richardson
RE: SCR 15
"1991 Engineer of the Year"

The following LEGISLATIVE ADVISORIES were partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #4 dated February 11, 1991: The following legislation was signed by the Governor on the date indicated: SB 6 (1-31-91) (Volume 68, Chapter 5, Laws of Delaware); HB 96 w/HA 1 (2-8-91) (Volume 68, Chapter 6, Laws of Delaware); HB 87 (2-11-91) (Volume 68, Chapter 7, Laws of Delaware); HB 88 w/HA 1.2, SA 2.3.5.7.8 (2-1-91) (Volume 68, Chapter 8, Laws of Delaware); HB 110 (2-8-91) (Volume 68, Chapter 9, Laws of Delaware); SB 31 (2-8-91) (Volume 68, Chapter 10, Laws of Delaware); SB 37 (2-8-91) (Volume 68, Chapter 11, Laws of Delaware); SB 41 (2-8-91) (Volume 68, Chapter 12, Laws of Delaware); SB 46 (2-11-91) (Volume 68, Chapter 13, Laws of Delaware); SB 47 (2-11-91) (Volume 68 Chapter 14, Laws of Delaware); SJR 3 w/HA 1.2 (2-8-91)

LEGISLATIVE ADVISORY #5 dated February 15, 1991: On February 15 the Governor signed SJR 4.

LEGISLATIVE ADVISORY #6 dated March 28, 1991: On March 28 the Governor signed SB 12 w/HA 1 (Volume 68, Chapter 15, Laws of Delaware); HB 53 (Volume 68, Chapter 16, Laws of Delaware); HB 90 (Volume 68, Chapter 17, Laws of Delaware); HB 115 (Volume 68, Chapter 18, Laws of Delaware).

LEGISLATIVE ADVISORY #7 dated April 9, 1991: on March 28 the Governor signed SB 74 (Volume 68, Chapter 19, Laws of Delaware); On April 4 the Governor signed HB 52 w/SA 1 (Volume 68, Chapter 20, Laws of Delaware); on April 9 the Governor signed SB 84 w/SA 1 (Volume 68, Chapter 21, Laws of Delaware) and HB 121 w/HA 1, SA 2 (Volume 68, Chapter 22, Laws of Delaware).

At the request of Senator Knox, the privilege of the floor was extended to Vytautas Navickas, Minister of Economics of Lithuania, who addressed the Senate through an interpreter, Idalia Merkevioliene.

At 2:40 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 19th Legislative Day.

19TH LEGISLATIVE DAY
April 16, 1991

The Senate convened at 2:40 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Still.

Pledge of Allegiance to the Flag.

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

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

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

SENATE CITATION S91:047 was read: "EXTENDING THE SINCERE SYMPATHY OF THE SENATE TO STATE SENATOR ROGER A. MARTIN AND HIS FAMILY ON THE RECENT PASSING OF THE SENATOR'S FATHER, MR. OSCAR P. MARTIN, OF LAUREL." signed by Senator Cordrey, President Pro Tempore, Bernard J. Brady, Secretary of the Senate, and Senator Sharp. Sponsors: Senators Cordrey & Sharp, McDowell, Holloway, Marshall, Hauge, Bair, Knox, Blevins, Sokola, Neal, Connor, McBride, Vaughn, Cook, Torbert, Still, Minner, Adams and Venables.

SB 62 was taken up for consideration on motion of Senator Marshall:

SB 62 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO THE EMPLOYMENT OF STRIKEBREAKERS.

Senators Venables and Hauge commented on the legislation.

The following letter concerning the aforementioned legislation was read and made part of this Journal at the request of Senator Hauge:

YOUNG, CONAWAY, STARGATT & TAYLOR

P.O. Box 391

Wilmington, Delaware 19899

April 16, 1991

BY FAX

Paul H. Morrill
Director of Government Relations
Delaware Contractors Association
13 Millside Drive
Wilmington, DE 19899

RE: S.B. 62

Dear Paul:

You have asked me to review Senate Bill No. 62 entitled the "Strikebreaker Employment Act" and render an opinion on its legality. The law, in essence, prohibits employers from either temporarily or permanently replacing strikers for at least six months after a labor dispute begins, and requires that if an employer replaces strikers at any time, even after six months, it must continue to maintain in effect all of the strikers' insurance benefits for as long as the replacements are employed. In my opinions, the proposed legislation would be preempted by existing federal law.

As you know, the National Labor Relations Act ("NLRA") governs the relationships between employers and unionized employees. Under that law, unions have the right to strike, and employers are given the right to temporarily or permanently replaced strikers in order to try to continue in business in the face of the economic pressure engendered by a strike. Currently, there is legislation pending in Congress that, if passed, would amend the National Labor Relations Act to prohibit employers from permanently replacing strikers. SB 62 would go considerably beyond this.

It has repeatedly been held that the NLRA preempts the field of labor relations, with a few limited exemptions such as in matters involving violence, where the police power of the States can be invoked. SB 62 clearly is an attempt to legislate in the area reserved for federal law. It would not only do away with the ability to permanently replace strikers for at least six months but would even prevent temporary replacements. In effect, employers would be required to deal with the threat of a strike with both hands tied behind their backs. No employer in this economic climate could simply shut down operations for six months, and the NLRA does not require that this be done. Thus, the careful balance in the NLRA between the rights of unions and employers would be severely disrupted. Passage of this law would, as the United States Supreme Court has stated, "upset the balance of power between labor and management expressed in our national labor policy." Teamsters Local 20 v. Morton, 377 U.S. 252, 260 (1964).

In addition §741 of SB 62, which requires the continuation of striking employees' benefits, is in direct conflict with, and would be preempted by, the Employee Retirement Income Security Act ("ERISA"). A portion of that law, known as the Consolidated Omnibus Budget Reconciliation Act ("COBRA") deals with benefits issues involving employees separated from the work force, and specifically exempts strikers from coverage. A state

law that tries to give strikers rights inconsistent with and far beyond those contained in the federal law would be held to be preempted.

The law has a variety of other questionable aspects but these are the two areas that are the most seriously in conflict with federal law.

Very truly yours,
(Signed) Sheldon N. Sandler

Several Senators entered into a lengthy discussion of the Bill and the privilege of the floor was extended to Arthur Connolly, III, Senate Attorney, after which the Bill was laid on the table on motion of Senator Marshall.

At 3:22 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:20 p.m.; Lt. Governor Wolf presiding.

The following legislation was introduced and assigned:

SA 1 to HCR 6. Sponsors: Senators Sokola, Hauge. Placed with the Bill.

SA 1 to SB 23. Sponsor: Senator McBride. Placed with the Bill.

SA 3 to HB 80. Sponsor: Senator McBride. Placed with the Bill.

SB 86 - AN ACT TO AMEND CHAPTER 50, TITLE 29 RELATING TO CERTAIN EMPLOYEES OF THE FORMER DIVISION OF HOUSING AND CERTAIN EMPLOYEES OF THE DELAWARE STATE HOUSING AUTHORITY. Sponsor: Senator Cordrey. To Finance.

SB 87 - AN ACT REQUIRING CERTAIN STATE-OWNED BUILDINGS TO DISPLAY P.O.W.-M.I.A. FLAGS. Sponsors: Senator McBride, Representative Spence; Senators Adams, Blevins, Cook, Cordrey, Holloway, Marshall, Martin, McDowell, Minner, Sharp, Sokola, Torbert, Vaughn, Venables, Bair, Connor, Hauge, Knox, Neal, Still; Representatives Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jonklert, Lee, Lofink, Mack, Moore, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Sills, Taylor, VanSant, West. To Executive.

SA 1 to SB 62. Sponsor: Senator Marshall. Placed with the Bill.

HJR 2 w/HA 2 - EXTENDING THE DATE BY WHICH THE COURT CONSOLIDATION COMMITTEE IS TO ISSUE ITS DRAFT MUNICIPAL COURT CONSOLIDATION BILL. Sponsors: Representatives DiPinto, George, Sills, Jonklert; Senators Holloway, Marshall, McDowell. To Judiciary.

HB 13 was reported out of the Sunset Committee: 3 Merits.

SB 23 was lifted from the table for further consideration on motion of Senator McBride.

A messenger from the Governor was announced and admitted.

SA 1 to SB 23 which had been placed with the Bill was considered for adoption on motion of Senator McBride and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 23 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 11 which had previously passed the Senate, and having been amended by HA 1, was taken up for reconsideration. The roll call vote on SB 11 w/HA 1 was therefore taken and revealed 21 Senators voting YES; therefore the Bill was declared passed by the Senate and sent to the Governor for his consideration.

At 4:34 p.m. on motion of Senator Sharp the Senate recessed until 3:30 p.m., April 17, 1991.

The Senate reconvened at 4:30 p.m., April 17, 1991 with Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 30, HB 31, HB 112.

SB 78 was reported out of the Administrative Services Committee: 3 Merits.

The following legislation was introduced and assigned:

HB 30 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 2, OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO QUALIFICATIONS FOR VOTING AND FORFEITURE OF RIGHT. (2/3 vote) Sponsors: Representatives Davis, Corrozi, D. Ennis, Hebner, Roy, Maroney, Petrilli, Soles; Senators Neal, Holloway. To Executive.

HB 31 - AN ACT TO AMEND CHAPTER 17, TITLE 15 OF THE DELAWARE CODE RELATING TO THE QUALIFICATIONS FOR REGISTRATION AS A QUALIFIED VOTER. Sponsors: Representatives Davis, Corrozi, D. Ennis, Hebner, Maroney, Petrilli, Roy, Soles; Senators Neal, Holloway. To Insurance and Elections.

HB 112 - AN ACT TO AMEND CHAPTER 10, TITLE 16 OF THE DELAWARE CODE RELATING TO THE HOSPITAL ADVISORY COUNCIL. Sponsor: Representative Amick. To Health-Social Services/Aging.

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 16, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Michael J. Axe, M.D., 18 Haileys Drive, Newark, DE 19711, to be reappointed as a member of the Board of Trustees of the Delaware Institute of Medical Education and Research to serve a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

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
April 17, 1991

To the Senate of the 136th 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: Vaughn L. Callaway, R.D. 2, Box 131, Milton, DE 19968 to be reappointed as a member of Sussex County Board of Elections to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

At 4:35 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 20th Legislative Day.

20TH LEGISLATIVE DAY
April 17, 1991

The Senate convened at 4:35 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

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

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

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

SENATE CITATION ANNOUNCEMENT #4 was partially read and a copy presented to each Senator.

The Citation consisted of S91:040-050 inclusive.

At the request of Senator Bair, the Citation S91:49 "In Memoriam" for Senator Neal's father was read:

STATE of DELAWARE
SENATE
In Memoriam

Be it hereby known to all that the Senate extends its sincere sympathy to the family of JAMES PRESTON NEAL, Father of our colleague Senator James P. Neal.

The Senate offers its respectful condolence and directs this memorial be presented on this 17th day of April 1991.

(Signed) Richard S. Cordrey, President Pro Tempore

(Signed) Bernard J. Brady, Secretary of the Senate

(Signed) Myrna L. Bair, Sponsor; Robert T. Connor, Sponsor

Co-sponsors: Senators Cordrey, Sharp, McDowell, Adams, Blevins, Cook, Hauge, Holloway, Knox, Marshall, Martin, McBride, Minner, Sokola, Still, Torbert, Vaughn, Venables.

(Signed) Richard S. Cordrey, President Pro Tempore
(Signed) Bernard J. Brady, Secretary of the Senate
(Signed) Myrna L. Bair, Sponsor; Robert T. Connor, Sponsor

Co-sponsors: Senators Cordrey, Sharp, McDowell, Adams, Blevins, Cook, Hauge, Holloway, Knox, Marshall, Martin, McBride, Minner, Sokola, Still, Torbert, Vaughn, Venables.

Senators Holloway, Neal, Minner marked PRESENT.

HB 13 was taken up for consideration on motion of Senator Venables:

HB 13 - AN ACT TO AMEND CHAPTER 102, TITLE 29 OF THE DELAWARE CODE RELATING TO THE FINAL REPORT OF THE JOINT SUNSET COMMITTEE.

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.

Senator McBride marked PRESENT during the above roll call.

Lt. Governor Wolf introduced to the Senate: Katrina Bupas, Governor of the Youth in Government Program, and invited Ms. Bupas to address the Senate.

At 4:53 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:18 p.m. with Senator Sharp presiding.

SB 61 was reported out of the Finance Committee: 6 Merits.

The following legislation was introduced:

SA 1 to SB 77. Sponsor: Senator Neal. Placed with the Bill.

SB 88 - AN ACT TO AMEND CHAPTERS 5, 9, 13 AND 95 OF TITLE 10, DELAWARE CODE, RELATING TO APPEALS IN CERTAIN CIVIL ACTIONS. Sponsors: Senators Sharp, Vaughn, Hauge; Representatives Hebner, Outten. Assigned to Judiciary Committee.

At 5:21 p.m. on motion of Senator Cook, the Senate recessed until 2:00 p.m., April 18, 1991.

The Senate reconvened at 2:12 p.m., April 18, 1991 with Senator Cordrey presiding.

Senator Cordrey marked PRESENT.

SB 64 was reported out of the Community/County Affairs Committee: 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 29, HCR 30, HCR 31.

At 2:17 p.m. Lt. Governor Wolf presided.

At 2:17 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 21st Legislative Day.

21ST LEGISLATIVE DAY April 18, 1991

The Senate convened at 2:17 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Neal.

Pledge of Allegiance to the Flag.

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

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

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

SB 89 was introduced and laid on the table on motion of Senator Sokola (no objection):

SB 89 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.
Sponsor: Senator Sokola.

SB 64 was taken up for consideration on motion of Senator Minner:

SB 64 - AN ACT TO AMEND CHAPTER 215, VOLUME 64, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE CITY OF HARRINGTON," AS AMENDED, RELATING TO THE POWER TO BORROW MONEY. (2/3 vote)

The roll call vote on the Bill was taken and revealed: YES - 14; ABSENT - 7 (Senators Connor, Hauge, Holloway, Knox, Martin, McBride, Venables)

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

SB 62 was lifted from the table for further consideration on motion of Senator Marshall.

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

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

SB 89 was lifted from the table for consideration on motion of Senator Sokola under suspension of the necessary rules. No objection.

Senators Sharp, Neal and McDowell addressed the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Blevins, Cook, Cordrey, Knox, McDowell, Minner, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables - 15.

ABSENT: Senators Connor, Hauge, Holloway, Marshall, Martin, McBride - 6.

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

Senators Knox and Venables marked PRESENT during the above roll call.

At 2:34 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:40 p.m.; Lt. Governor Wolf presiding.

On motion of Senator Marshall and without objection, SB 62 was lifted from the table for further consideration.

The roll call vote on SA 2 to SB 62 was lifted on motion of Senator Marshall and announced:

YES: Adams, Bair, Blevins, Connor, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables - 18.

NO: Senators Hauge, Knox - 2; ABSENT: Senator Holloway - 1; therefore the Amendment was declared adopted.

Senators Martin, McBride, Connor, Hauge marked PRESENT during the above roll call.

During a lengthy discussion of the Bill, the privilege of the floor was extended to Sheldon N. Sandler, Delaware Contractors Association, and Edward Peterson, Delaware State AFL/CIO.

Senator Venables announced that due to a possible conflict of interest, he would be NOT VOTING on the Bill.

SA 1 to the Bill was stricken on motion of Senator Marshall.

The roll call vote on SB 62 w/SA 2 was then taken and revealed:

YES: Senators Blevins, Connor, Cook, Marshall, Martin, McBride, McDowell, Minner, Sharp, Sokola, Torbert, Vaughn - 12.

NO: Senators Adams, Bair, Cordrey, Hauge, Knox, Neal, Still - 7.

NOT VOTING: Senator Venables - 1.

ABSENT: Senator Holloway - 1.

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

SENATE CONSENT CALENDAR #9 was introduced on motion of Senator Minner:

SR 18 - CONGRATULATING SHERRY L. SCHZUBELEK FOR HER PROMOTION TO MAJOR IN THE NEW CASTLE COUNTY POLICE DEPARTMENT, THEREBY MAKING HER THE HIGHEST RANKING WOMAN IN LAW ENFORCEMENT IN THE STATE OF DELAWARE. Sponsors: Senators Bair, Sharp, Connor, McDowell, Blevins; Representatives Spence, Petrilli, George, Gilligan, Maroney, Boykin, Soles.

SCR 31 - RECOGNIZING APRIL 28, 1991 AS WORKER MEMORIAL DAY ON BEHALF OF OUR FELLOW COLLEAGUES, CO-WORKERS AND OTHERS WHO HAVE BEEN EITHER INJURED, MADE SICK OR DIED ON THE JOB. Sponsors: Senator Sharp, Representatives Campanelli; all Senators, all Representatives

HCR 25 - CELEBRATING THE BICENTENNIAL OF THE POLISH CONSTITUTION OF MAY 3, 1791 AND RECOGNIZING THE POLISH AMERICAN CITIZENS WHO CONTINUE TO HONOR THE CONSTITUTION WHICH AROSE OUT OF THE POLISH ERA OF ENLIGHTENMENT. Sponsors: Representative Jonkiert, Senator Marshall.

HCR 26 - HONORING NEW CASTLE RESIDENT ANNIE B. KING UPON BEING AWARDED THE J. THOMPSON BROWN AWARD. Sponsors: Representative Reynolds, Senator Connor; Representatives Spence, Davis, Mack.

HCR 27 - EXTENDING MANY THANKS TO THE VOCATIONAL STUDENT ORGANIZATIONS OF DELAWARE FOR THE GORGEOUS EASTER LILIES, GIVEN ANNUALLY AT EASTER TIME, A MOST SIGNIFICANT AND THOUGHTFUL GESTURE DURING ONE OF OUR MOST SACRED HOLIDAYS. Sponsors Representatives Buckworth, Spence, Petrilli, George, Gilligan; Senators Cordrey, Sharp, McDowell, Bair, Connor.

HCR 29 - MOURNING THE PASSING OF ROBERT PIPPIN. FORMER KENT COUNTY SHERIFF AND COUNTY JAIL WARDEN. Sponsors: Representative Bennett, Senator Torbert.

HCR 30 - COMMENDING THE STUDENTS SELECTED AS STATE SUPERINTENDENT'S SCHOLARS OF 1991. Sponsors: Representative Fallon; Senator McBride.

HCR 31 - CELEBRATING WITH JACK F. OWNES AS HE REACHES HIS TWENTY-FIFTH YEAR AT DELAWARE TECHNICAL AND COMMUNITY COLLEGE'S SOUTHERN CAMPUS. Sponsors: Representative Carey; Senator Adams; Representatives Fallon, Lee, Ewing, Quillen, West, Bunting, Schroeder; Senators Cordrey, Venables, Minner.

On motion of Senator Minner, the roll call vote on the Calendar was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolution was sent to the House for consideration and the House Resolutions were returned to the House.

Senator McBride requested the personal privilege of the floor. He commented on and complimented the Governor's Office for the quick, effective response to SCR 30. At his request, the following communication from the Governor was partially read and made a part of this Journal:

STATE OF DELAWARE
Office of the Governor
April 9, 1991

The Honorable Roger A. Martin
State Senate
Legislative Hall
Dover, Delaware 19901

The Honorable Roger P. Roy
House of Representatives
Legislative Hall
Dover, Delaware 19901

Dear Senator Martin and Representative Roy:

Recently testimony was presented to the Bond Committee that termite infestation may in the future threaten the safety of those who use J.P. Courts No 7 and 16 in Dover. In response to the testimony by Chief Magistrate Richardson, the General Assembly enacted Senate Concurrent Resolution No. 30 calling for "the immediate relocation of J.P. Courts 7 and 16 to another site in Kent County."

Subsequent to passage of Senate Concurrent Resolution No. 30, Secretary Hale, his staff, and architects from Moeckel Carbonell Associates have re-examined the condition of the facility. They still conclude that the problem, while serious, does not pose an immediate or near-term threat to the structural integrity of the building or the safety of employees.

I have reviewed the situation and directed Secretary Hale to undertake immediate steps on correcting the problem and making repairs to the southwest corner of the building. Today I also signed a big waiver to expedite this project so that the discomfort to State employees and clients can be minimized. Moeckel Carbonell has previously estimated the cost of this work at \$200,000. Secretary Hale has agreed to accelerate this project into F.Y. 1991 instead of F.Y. 1992 as originally planned. Except for a few small areas, J.P. Courts No. 7 and 16 will be able to remain in operation during the renovations which will take 90 to 120 days.

While it is possible this work may uncover unknown damage that may drive the repair costs up, I will re-examine in early June the issue of whether or not a new facility is needed once the full extent of the damage is known. It is Secretary Hale's hope that these repairs will eliminate the immediate need for a new facility or for a short-term lease arrangement for which funds are not now available.

I have directed Secretary Hale to keep John Casey and the Bond Bill Committee advised about the progress of this work and to take all steps necessary to preserve this important State facility.

Sincerely,
(Signed) Michael N. Castle, Governor

cc: George E. Hale
John J. Casey, Jr.
William F. Richardson
Bond Bill Committee

* * * * *

Senator Still also commented on the above letter.

Senator Knox requested that he be added as co-sponsor to HCR 31.

SB 8 was stricken on motion of Senator McBride.

At 5:25 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 23, 1991.

The Senate reconvened at 2:37 p.m. with Senator Cordrey presiding and immediately adjourned to convene for the 22nd Legislative Day on motion of Senator Sharp.

22ND LEGISLATIVE DAY April 23, 1991

The Senate convened at 2:37 p.m.; Senator Cordrey presiding.

A Prayer was offered by Senator Venables.

Pledge of Allegiance to the Flag.

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

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

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

The Secretary announced that a message from the House informed the Senate that it had passed HB 155 w/HA 1.2, HB 154 and adopted HCR 33, HCR 34, HJR 4, HJR 6.

Senator Cordrey introduced to the Senate and requested the privilege of the floor for Lisa M. Munzert, Miss Delaware 1990. Miss Munzert addressed the Senate.

At 2:45 p.m., Lt. Governor Wolf presided.

Senator Cordrey introduced Miss Delaware pageant officials to the Senate.

SB 78 was taken up for consideration on motion of Senator Holloway:

SB 78 - AN ACT TO AMEND TITLE 24, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF A

REGULATORY COMMITTEE FOR PHYSICIAN ASSISTANT PRACTICE EMPOWERED BY THE BOARD OF MEDICAL PRACTICE; TO PROVIDE FOR THE MAXIMUM UTILIZATION OF QUALIFIED PHYSICIAN ASSISTANTS IN THE PROVISION OF HEALTH CARE TO THE CITIZENS OF DELAWARE, IN ANY HEALTH CARE PRACTICE SETTING, UNDER THE SUPERVISION OF PHYSICIANS LICENSES UNDER CHAPTER 17 OF THIS TITLE.

During a lengthy discussion of the Bill the privilege of the floor was extended to Joe Allison, President, DAPA, Glenn W. Davis, Delaware Academy of Physician Assistants, Dr. Alan J. Hay, representing the DuPont Medical Division and also for himself.

Senator Torbert marked PRESENT.

Discussion of SB 78 continued with the privilege of the floor being extended to T. Noble Jarrell, M.D., concerned citizen.

From 4:15 p.m. to 4:17 p.m. a standing recess was called by the Chair for purpose of changing of Tape. Lt. Gov. Wolf presiding.

Discussion of SB 78 continued with the privilege of the floor being extended to William D. Shellenberger, M.D., DuPont Company; Charles Reese, Medical Center of Delaware, Emergency Medicine; Steve Gaskin, Physician's Assistants; Stephen S. Ruggles, Delaware Academy of Physician Assistants; and Neil Jasani, M.D., Department of Emergency Medicine, Medical Center of Delaware.

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

HJR 4 introduced and considered for adoption under suspension of the necessary rules on motion of Senator Adams:

HJR 4 - REQUESTING STATE OF DELAWARE TO FILE AN AMICUS BRIEF IN UNITED STATES SUPREME COURT IN FAVOR OF ALLOWING BENEDICTION AT PUBLIC SCHOOL GRADUATION CEREMONIES. Sponsors: Representatives Davis, Spence, Lofink; Senators Adams, Venables.

Senator Marshall marked PRESENT.

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

At 4:28 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:55 p.m., Senator Cordrey presided.

The following legislation was introduced and assigned:

SB 90 - AN ACT TO AMEND CHAPTER 84, TITLE 11 OF THE DELAWARE CODE RELATING TO MEMBERSHIP OF THE COUNCIL ON POLICE TRAINING. Sponsors: Senators Cordrey, Torbert, Martin; Representatives Amick, Soles, Ewing. Assigned to Judiciary Committee.

SB 91 - AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE, RELATING TO BOARD OF FUNERAL PRACTITIONERS. Sponsors: Senators Vaughn, Holloway, Marshall, McDowell; Representatives Sills, Moore. To Administrative Services.

SB 92 - AN ACT TO AMEND CHAPTERS 1 AND 5, TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS. Sponsors: Senators Venables, Adams, Blevins, Knox, Neal, Sharp, Sokola, Torbert, Vaughn; Representatives Amick, Buckworth, Campanelli, Corrozi, Davis, B. Ennis, Ewing, Fallon, Houghton, Petrilli, Roy, Taylor, West. Laid on the table on motion of Senator Venables.

SB 93 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO THE EXPUNGEMENT OF PENALTY ASSESSMENTS AFTER THE ASSESSMENT REMAINS UNCOLLECTED FOR A PERIOD IN EXCESS OF THREE YEARS. Sponsors: Senators Vaughn, Connor; Representative Davis. To Judiciary.

SB 94 - AN ACT TO AMEND TITLE 16, DELAWARE CODE, BY ADDING A NEW CHAPTER 29 RELATING TO A REQUIREMENT THAT HEALTH CARE PROFESSIONALS AND THEIR PATIENTS INFORM EACH OTHER IF THEY HAVE ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) OF THE HUMAN IMMUNODEFICIENCY VIRUS WHICH CAUSES AIDS. Sponsor: Senator Holloway. To Health-Social Services/Aging.

At 5:58 p.m., Lt. Governor Wolf presided.

SB 95 - AN ACT TO AMEND CHAPTER 69 OF TITLE 29 OF THE DELAWARE CODE PERTAINING TO DEFINITIONS INCLUDED WITHIN THE PROFESSIONAL SERVICES NEGOTIATIONS ACT. Sponsors: Senator Sharp, Representative Oberle. To Sunset.

SB 96 - AN ACT TO AMEND CHAPTER 3, TITLE 21 OF THE DELAWARE CODE RELATING TO CITIZEN REPORTING OF VIOLATIONS. Sponsor: Senator Connor. Assigned to Public Safety Committee.

SA 1 to SB 33. Sponsor: Senator Venables. Placed with the Bill.

SA 2 to SB 45. Sponsor: Senator Bair. Placed with the Bill.

The privilege of the floor was extended to Senator Sharp who congratulated Bernard J. Brady, Secretary of the Senate, on his Birthday and extended the Best Wishes of all the Senate.

At 6:01 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., April 24, 1991.

The Senate reconvened at 3:56 p.m., April 24, 1991; Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Judiciary Committee: SB 55 - 4 Merits; SB 79 - 4 Merits; SB 80 - 4 Merits; SB 88 - 4 Merits; HB 21 - 4 Merits; HB 22 - 4 Merits.

Senator McDowell marked PRESENT.

The following legislation was introduced and assigned:

SA 1 to SB 92. Sponsor: Senator Venables. Placed with the Bill.

SB 97 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, BY CREATING A NEW CHAPTER 62 TO PROVIDE CATASTROPHIC ILLNESS PROTECTION FOR DELAWARE RESIDENTS. Sponsors: Senators Holloway, McDowell; Representatives Jonkiert, VanSant, B. Ennis, West, Sills, Campanelli. To Insurance and Elections.

SB 98 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION; AND PROVIDING FOR DONATED LEAVE. Sponsors: Senator McBride, Representative Spence; Senators Marshall, McDowell; Representatives D. Ennis, Campanelli. To Finance.

SA 1 to SB 61. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 67. Sponsor: Senator Adams. Placed with the Bill.

SA 1 and SA 2 to SB 78. Sponsor: Senator Holloway. Placed with the Bill.

SA 3 to SB 78. Sponsor: Senator Sokola. Placed with the Bill.

SA 4 to SB 78. Sponsor: Senator Holloway. Placed with the Bill.

SA 5 to SB 78. Sponsor: Senator Blevins. Placed with the Bill.

SA 6 and SA 7 to SB 78. Sponsor: Senator Holloway. Placed with the Bill.

SA 8 to SB 78. Sponsor: Senator McBride. Placed with the Bill.

SA 4 to HB 80. Sponsor: Senator Sokola. Placed with the Bill.

HB 154 - AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE RELATING TO TRANSPORTATION OF PUPILS. Sponsors: Representatives Taylor, Roy; Senator Blevins. To Education.

HB 155 w/HA 1,2 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE TO IMPLEMENT RESOLUTIONS OF THE DELAWARE BAY WEAKFISH COMMISSION FOR THE CALENDAR YEAR 1991. Sponsors: Representative Schroeder; Senators Cordrey, Minner, Carey. To Natural Resources and Environmental Control.

HJR 6 - PROCLAIMING MAY SUPERSTARS! IN EDUCATION MONTH IN DELAWARE. Sponsors: Representative Fallon, Senator McBride. Laid on the table.

The Secretary announced that a message from the House informed the Senate that it had passed HS 1 for HB 158; HB 160 w/HA 1; HB 138; HB 162 w/HA 1 and adopted SCR 23.

The following legislation was introduced and assigned:

HB 138 - AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE, RELATING TO HUNTING OF DEER WITH A MUZZLE LOADER. Sponsors: Representatives B. Ennis, Houghton, Campanelli, VanSant, West, Oberle, Quillen, Carey; Senators Minner, Vaughn. To Natural Resources and Environmental Control.

HS 1 for HB 158 - AN ACT TO AMEND CHAPTER 54, TITLE 30 OF THE DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX. (3/5 vote). Sponsor: Representative Smith. To Finance.

HB 160 w/HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION AND UNEMPLOYMENT COMPENSATION. Sponsors: Representatives Davis, Oberle, Lofink, Mack, Reynolds, Houghton; Senator Marshall. To Labor and Industrial Relations.

HB 162 w/HA 1 - AN ACT TO AMEND CHAPTER 93, TITLE 16, DELAWARE CODE RELATING TO HEALTH PLANNING AND CERTIFICATE OF NEED PROGRAMS. Sponsors: Representatives Gilligan, Maroney; Senator Holloway. Assigned to Health-Social Services/Aging Committee.

SB 99 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO A REQUIREMENT FOR HEALTH INSURANCE POLICY PROVISIONS ENCOURAGING HEALTHY LIFESTYLES. Sponsor: Senator Holloway. To Insurance and Elections.

At 4:09 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 23rd Legislative Day.

23RD LEGISLATIVE DAY

April 24, 1991

The Senate convened at 4:09 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Hauge.

Pledge of Allegiance to the Flag.

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

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

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

The personal privilege of the floor was extended to Senator Martin who commented on a newspaper article concerning Secretary of State Harkins.

SB 92 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Venables.

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

During discussion of the Bill, the privilege of the floor was extended to John R. McCarnan, Alcoholic Beverage Control Commission, and Keith R. Brady, Former Director of the ABCC.

SA 2 to the Bill (Sponsor: Senator Still) was introduced and considered for

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

YES: Senators Bair, Blevins, Connor, Cook, Hauge, Knox, Marshall, Martin, McBride, Minner, Neal, Sokola, Still, Venables - 14; NO: Senators Adams, McDowell, Torbert, Vaughn - 4; ABSENT: Senators Cordrey, Holloway, Sharp - 3; therefore, the Amendment was declared adopted.

Several Senators commented on the Bill as amended and the privilege of the floor was extended to John Cordrey, Senate Attorney, after which the roll call vote on SB 92 w/SA 1, 2 was taken and revealed 19 Senators voting YES and 2 (Cordrey, Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

A messenger from the Governor was announced and admitted.

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

SB 45 - AN ACT TO AMEND CHAPTERS 2, 13, 17 AND 31, TITLE 14, DELAWARE CODE, TO CHANGE THE TERMS USED FOR CERTAIN GROUPS OF HANDICAPPED STUDENTS.

SA 1 to the Bill which had been placed with the Bill was considered for adoption and the roll call vote taken which revealed 18 Senators voting YES and 3 (Cordrey, Holloway, Marshall) ABSENT; 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 Bair and the roll call vote taken which revealed 19 Senators voting YES and 2 (Cordrey, Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 45 w/SA 1, 2 was then 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.

HCR 6 was lifted from the table for further consideration on motion of Senator Connor.

HCR 6 w/SA 1 - RELATING TO THE BUSING OF SCHOOL CHILDREN IN NEW CASTLE COUNTY, DELAWARE.

SA 1 to the Resolution which had been placed with the Resolution was considered for adoption and the roll call vote taken which revealed:

YES: Senators Adams, Bair, Blevins, Connor, Cook, Hauge, Knox, Martin, McBride, Minner, Sharp, Sokola, Torbert, Vaughn - 14; NO: Senator Venables - 1; NOT VOTING: Senators Holloway, Marshall, McDowell, Still - 4; ABSENT: Senators Cordrey, Neal - 2. The Amendment was declared adopted.

Senator Minner requested that her name be removed as co-sponsor of HCR 6 w/SA 1.

The roll call vote on HCR 6 w/SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Connor, Cook, Hauge, Knox, Martin, McBride, Neal, Sharp, Sokola, Torbert, Vaughn - 13; NO: Senator Minner - 1; NOT VOTING: Senators Blevins, Holloway, Marshall, McDowell, Still, Venables - 6; ABSENT: Senator Cordrey - 1.

The Resolution was declared adopted by the Senate and returned to the House for consideration of the Senate Amendment.

At 5:08 p.m., Lt. Governor Wolf presided.

SB 100 was introduced and assigned to Judiciary Committee:

SB 100 - AN ACT TO AMEND PART VI, TITLE 11 OF THE DELAWARE CODE RELATING TO VICTIMS OF CRIMES. Sponsors: Senators McBride, Adams, Blevins, Cook, Holloway, Marshall, Minner, Sharp, Sokola, Vaughn, Bair, Hauge, Still; Representatives Spence, Lee, Lofink, Maroney, Reynolds, Roy, Taylor, Brady, Campanelli, B. Ennis, Houghton, VanSant, West.

At 5:18 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 25, 1991.

The Senate reconvened at 3:12 p.m., April 25, 1991; Lt. Governor Wolf presiding.

Senator Cordrey marked PRESENT.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 35, SCR 31.

The following Committee reports were announced:

From the Administrative Services Committee: SB 91 - 3 Merits.

From the Revenue and Taxation Committee: SB 42 - 5 Merits.

The following legislation was introduced and assigned:

SB 101 - AN ACT TO AMEND CHAPTER 4, TITLE 11, DELAWARE CODE, RELATING TO DEFENSES TO CRIMINAL LIABILITY. Sponsors: Senator Holloway, Representative Maroney. To Judiciary.

SB 102 - AN ACT TO AMEND CHAPTER 10, TITLE 14, OF THE DELAWARE CODE, RELATING TO QUALIFIED VOTERS. Sponsors: Senator McBride, Representative Fallon. To Education.

SB 103 - AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO THE EXCLUSIVE ORIGINAL CRIMINAL JURISDICTION OF THE FAMILY COURT. Sponsors: Senator Blevins, Representatives Heber. To Judiciary.

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 24, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Elizabeth D. Elliott, P.O. Box 212, Delmar, DE 19940, to be reappointed to the Sussex County Board of Elections to serve for a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

SA 1 to HB 21. Sponsor: Senator Vaughn. Placed with the Bill.

SA 1 and SA 2 to SB 88. Sponsor: Senator Hauge. Placed with the Bill.

At 3:17 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 24th Legislative Day.

24TH LEGISLATIVE DAY

April 25, 1991

The Senate convened at 3:17 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Knox.

Pledge of Allegiance to the Flag.

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

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

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

Senator Hauge requested the privilege of the floor for Pvt. Stephen Lee Shaefer of Claymont and his family.

SCR 35 was introduced and read in its entirety at the request of Senator Hauge:

SCR 35 - COMMENDING ARMY PVT. STEPHEN LEE SHAEFER, AGE 21, OF CLAYMONT, DELAWARE, RECIPIENT OF THE SILVER STAR FOR BRAVERY AND HEROISM DURING "OPERATION DESERT STORM" IN THE PERSIAN GULF. Sponsors: Senators Hauge, Bair; Representatives Brady, D. Ennis, Hebner.

Senators Connor, Holloway, Marshall marked PRESENT.

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

Senator Venables introduced to the Senate the members of Boy Scout Troop #383 of Laurel, Delaware.

SB 88 was taken up for consideration on motion of Senator Sharp:

SB 88 - AN ACT TO AMEND CHAPTERS 5, 9, 13 AND 95 OF TITLE 10, DELAWARE CODE, RELATING TO APPEALS IN CERTAIN CIVIL ACTIONS.

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

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

The privilege of the floor was extended to Richard Dillard, Senate Attorney, after which the roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Adams, Neal) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 88 w/SA 2 was then taken and revealed 18 Senators voting YES and 3 (Adams, Holloway, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:37 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:53 p.m. with Lt. Governor Wolf presiding.

A corrected Committee report was read from the Revenue and Taxation Committee: SB 42 - 4 Merits.

A corrected Committee report was read from the Labor and Industrial Relations Committee: SB 77 - 6 Merits.

HB 24 w/HA 1 was taken up for consideration on motion of Senator McBride:

HB 24 w/HA 1 - AN ACT TO AMEND TITLE 14, CHAPTER 13, DELAWARE CODE, RELATING TO SPEECH AND HEARING SPECIALISTS.

Several Senators commented on the Bill after which it was laid on the table on motion of Senator McBride.

SB 91 was taken up for consideration on motion of Senator Vaughn:

SB 91 - AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE, RELATING TO BOARD OF FUNERAL PRACTITIONERS.

Several Senators commented on the Bill after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Adams, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SENATE CONSENT CALENDAR #10 was introduced on motion of Senator Minner:

SR 16 - URGING THE UNITED STATES CONGRESS AND THE FEDERAL COMMUNICATIONS COMMISSION (FCC) TO EXPEDITIOUSLY ADDRESS THE PROBLEMS ASSOCIATED WITH UNWANTED TELEPHONE SOLICITATION CALLS TO DELAWARE HOMES AND BUSINESSES AND OTHER CONCERNS REGARDING ALTERNATIVE OPERATOR SERVICES, 900 SERVICES, AND ADULT AND GROUP CALLING SERVICES. Sponsor: Senator Holloway.

HCR 34 - CONGRATULATING YOUTH IN GOVERNMENT GOVERNOR KATRINA M. BUBAS AND ALL STUDENTS WHO PARTICIPATED IN THE 1991 MOCK LEGISLATIVE SESSION APRIL 12-14, 1991 SPONSORED BY THE YMCA. Sponsors: Representative Lee, Senators Venables, Cordrey; Representatives Carey, West.

HCR 35 - THANKING JOHN RAGO FOR HIS WORK ON BEHALF OF CHILDREN WHILE EMPLOYED BY THE DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES. Sponsors: Representative Oberle, Senator Bair; Representatives Spence, Petrilli, Amick, Boykin, Carey, Caulk, Corrozi, DiPinto, Ewing, Fallon, Hebner, Lofink, Mack, Maroney, Reynolds, Roy, Smith, Taylor, Quillen, George, Houghton, Outten, Schroeder, Clark, VanSant, West; Senators Adams, Blevins, Cook, Cordrey, Vaughn, Still.

SR 17 - URGING THE FAMILY COURT OF THE STATE OF DELAWARE TO DEVISE A SYSTEM TO RAPIDLY ADJUDICATE AND DISMISS FRIVOLOUS PETITIONS FOR CUSTODY AND OTHER DELAYING ACTIONS BY NON-CUSTODIAL PARENTS WITH LENGTHY RECORDS OF FAILURE TO PAY CHILD SUPPORT. Sponsor: Senator Holloway.

SR 19 - MOURNING THE DEATH AND EXTOLLING THE LIFE OF UNION ORGANIZER AND LABOR LECTURER JAMES A. BRUNSWICK OF WILMINGTON. Sponsor: Senator Holloway.

SR 20 - HONORING THOSE ESSENTIAL BUT OFTEN UNSUNG HEROES AND HEROINES OF THE DELAWARE GENERAL ASSEMBLY, OUR SECRETARIES AND OTHER STAFFERS, ON THE OCCASION OF NATIONAL SECRETARIES WEEK. Sponsor: Senator Holloway.

SR 21 - CONGRATULATING BRADY VERNON SHAHAN JR. OF SOUTH DOVER, RECIPIENT OF A 1991 GOVERNOR'S OUTSTANDING VOLUNTEER AWARD. Sponsor: Senator Torbert.

SCR 32 - CONGRATULATING THE ATLANTIC STATES MARINE FISHERIES COMMISSION ON ITS 50TH BIRTHDAY AND PROCLAIMING OCTOBER 7-11, 1991, AS ATLANTIC STATES MARINE FISHERIES COMPACT WEEK. Sponsors: Senator Minner; Representatives Carey, Schroeder.

SCR 33 - CONGRATULATING VOLUNTEERS SHELLY MAND, HOWARD COSGROVE, AND BARBARA DUPONT FOR THEIR EFFORTS IN A MOST SUCCESSFUL WHY? FUNDRAISER. Sponsors: Senator Bair, Representative Corrozi.

SCR 34 - CONGRATULATING THE SENIOR PARTICIPANTS OF THE JOINING GENERATIONS PROGRAM FOR THEIR COMMITMENT IN SHAPING THE LEADERS OF TOMORROW - OUR CHILDREN. Sponsors: Senators Bair, Minner, Representative Schroeder; Senator, Holloway, Representative Maroney.

HCR 33 - COMMENDING MRS. B. CLAIR ZARAGOZA OF WYOMING, DELAWARE ON HER RECENT SELECTION AS DELAWARE'S 1991 MOTHER OF THE YEAR AWARD AND EXTENDING BEST WISHES IN HER EFFORTS AT THE NATIONAL COMPETITION IN ST. LOUIS, MISSOURI. Sponsors: Representative Bennett, Senator Cook; Representatives Soles, Fallon, Maroney, Boykin; Senators Minner, Blevins, Bair; Representative Clark.

Senator Holloway commented on SR 20 and all the Senators were added as co-sponsors to the Resolution.

The roll call vote on SENATE CONSENT CALENDAR #10 was taken and revealed 19 Senators voting YES and 2 (Adams, Neal) ABSENT; therefore, the Resolutions were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolutions were sent to the House for consideration.

At 5:14 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 30, 1991.

The Senate reconvened at 2:53 p.m., April 30, 1991 with Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 139.

Senator Adams marked PRESENT.

The following legislation was introduced and assigned:

SB 104 - AN ACT TO AMEND CHAPTER 29 OF TITLE 18 OF THE DELAWARE CODE RELATING TO LIFE INSURANCE POLICIES. Sponsors: Senators Still, Blevins, Sokola; Representatives Carey, DiPinto, Ewing. To Insurance and Elections.

SB 105 - AN ACT TO AMEND CHAPTER 3, TITLE 22 AND CHAPTERS 26, 49, AND 69, TITLE 9 OF THE DELAWARE CODE RELATING TO SUNSET ZONING. (2/3 vote) Sponsors: Senators Still, Sokola, Connor; Representatives Amick, Boykin, Roy, Taylor. To Community Affairs.

SB 106 - AN ACT TO AMEND CHAPTER 16, TITLE 29 OF THE DELAWARE CODE RELATING TO LOBBYING AND EXPENDITURE OF STATE FUNDS. Sponsors: Senator Hauge; Representatives Caulk, Clark, Soles. To Finance.

SB 107 - AN ACT TO AMEND CHAPTER 5, TITLE 19 OF THE DELAWARE CODE RELATING TO CHILD LABOR. Sponsors: Senators Holloway, Neal; Representative Taylor. To Labor and Industrial Relations.

SB 108 - AN ACT TO AMEND CHAPTER 21, TITLE 24, DELAWARE CODE, RELATING TO THE DEFINITION OF THE PRACTICE OF OPTOMETRY, AND THE USE OF DRUGS OR SURGERY IN THE PRACTICE OF OPTOMETRY, AND THE LICENSING AND CERTIFICATION THEREOF. Sponsor: Senator Holloway. To Health-Social Services/Aging.

SJR 6 - MEMORIALIZES THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO REJECT H.R. 9 AND S. 430 OR ANY SIMILAR LEGISLATION WHICH WOULD INFRINGE ON THE AUTHORITY OF DELAWARE AND EACH OTHER STATE, TO BE THE PRINCIPAL REGULATOR OF INSURERS. Sponsors: Senators Still, Adams, Bair, Connor, Cordrey, Hauge, Knox, Neal, Vaughn, Venables; Representatives B. Ennis, D. Ennis, Spence, Taylor. To Insurance and Elections.

HB 139 - AN ACT TO AMEND CHAPTER 11, TITLE 9 OF THE DELAWARE CODE RELATING TO EXPANDING THE NUMBER OF NEW CASTLE COUNTY COUNCIL MEMBERS. Sponsor: Representative Roy. To Community Affairs.

At 2:58 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 25th Legislative Day.

25TH LEGISLATIVE DAY
April 30, 1991

The Senate convened at 2:58 p.m.; Senator Cordrey presiding.

A Prayer was offered by Senator Bair.

Pledge of Allegiance to the Flag.

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

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

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

A communication from U.S. Senator Joseph R. Biden was read thanking the Senate for SCR 26.

A communication signed by Robert S. Silberman, Principal Deputy Assistant Secretary of Defense, was read acknowledging receipt of HCR 11.

Senator Sharp moved that so much be considered the reading of the communication.

HJR 6 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator McBride. No objection.

HJR 6 - PROCLAIMING MAY SUPERSTARS! IN EDUCATION MONTH IN DELAWARE.

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.

Senator Marshall marked PRESENT during the above roll call.

At 3:04 p.m., Senator Sharp presiding.

SB 55 was taken up for consideration on motion of Senator Cordrey:

SB 55 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO COUNSEL FEES RECOVERABLE IN ACTIONS ON WRITTEN INSTRUMENTS.

The roll call vote on the Bill was taken and revealed: 17 Senators voting YES; 3 (Marshall, Neal, Still) voting NO; 1 (Hauge) NOT VOTING. The Bill was declared passed by the Senate and sent to the House for consideration.

At 3:07 p.m. on motion of Senator Cordrey, the Senate recessed for Party Caucus and reconvened at 4:26 p.m. with Senator Cordrey presiding.

The following legislation was introduced and assigned:

SB 109 - AN ACT TO AMEND AN ACT BEING CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" TO INCREASE THE AMOUNT WHICH MAY BE BORROWED AGAINST ANTICIPATED REVENUES. (2/3 vote) Sponsors: Senator Cordrey, Representative Bunting. Laid on the table on motion of Senator Cordrey.

SB 110 - AN ACT TO AMEND CHAPTER 10, TITLE 14 OF THE DELAWARE CODE RELATING TO CERTAIN SCHOOL BOARDS. Sponsors: Senators Hauge, Neal; Representatives Corrozi, Soles. To Education.

SB 111 - AN ACT TO AMEND TITLE 18 DELAWARE CODE TO REQUIRE STANDARDS OF LIQUIDITY AND DIVERSITY OF SECURITIES FOR INSURERS. Sponsors: Senator Sharp, Representative D. Ennis; Senators Adams, McDowell, Vaughn, Still; Representatives Boykin, DiPinto, Jonkiert, Sills, Smith, VanSant. To Insurance and Elections.

SA 1 to HB 37. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SB 42. Sponsor: Senator Sokola. Placed with the Bill.

SB 42 was taken up for consideration on motion of Senator Sokola:

SB 42 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO EXCLUSION OF CERTAIN CHILD CARE INCOME FROM DELAWARE PERSONAL INCOME TAX.

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

The privilege of the floor was extended to Steven Kubico of the Controller General's Office.

The roll call vote on SB 42 w/SA 1 was then taken and revealed 17 Senators voting YES; 2 (Connor, Neal) voting NO; 2 (Bair, Still) NOT VOTING. The Bill was declared passed by the Senate and sent to the House for consideration.

At 4:40 p.m., Senator Sharp presiding.

SB 109 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cordrey. No objection.

SB 109 - AN ACT TO AMEND AN ACT BEING CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" TO INCREASE THE AMOUNT WHICH MAY BE BORROWED AGAINST ANTICIPATED REVENUES. (2/3 vote)

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

At 4:47 p.m. on motion of Senator Cordrey, the Senate recessed until 3:30 p.m., May 1, 1991.

The Senate reconvened at 3:59 p.m., May 1, 1991, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: HB 138 - 4 Merits; HB 155 w/HA 1.2 - 4 Favorable; SB 65 - 4 Merits; SB 50 - 3 Merits; SB 63 - 4 Merits; SB 57 - 4 Merits.

From the Judiciary Committee: SB 33 - 4 Merits; SB 90 - 5 Merits; SB 93 - 5 Merits; SB 100 - 5 Merits; SB 103 - 5 Merits.

From the Insurance and Elections Committee: SB 28 - 5 Merits.

The following legislation was introduced and assigned:

SB 112 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH INSURANCE POOLING FOR UNINSURABLES. Sponsors: Senators Still, Bair, Neal, Holloway; Representatives DiPinto, Ewing, Quillen. To Insurance and Elections.

SB 113 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH INSURANCE SOLD TO CERTAIN GROUPS. Sponsors: Senators Still, Bair, Connor, Knox, Holloway, Minner, Venables; Representatives Amick, R. Davis, D. Ennis, Taylor. To Insurance and Elections.

At 4:05 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 26th Legislative Day.

26th Legislative Day
May 1, 1991

The Senate convened at 4:05 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Torbert.

Pledge of Allegiance to the Flag.

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

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

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

Senator Cordrey introduced and requested the privilege of the floor for Ulo Nugis, representing the Supreme Council of Estonia, and his translator, Vello Pettai. Mr. Nugis addressed the Senate through his translator and at the request of Senator Holloway, copies of the translation were made available to each Senator, which are included in the file for the day.

Senators Knox and Marshall marked PRESENT.

HB 21 was taken up for consideration on motion of Senator Sharp:

HB 21 - AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE RELATING TO APPEALS FROM CONVICTIONS IN INFERIOR COURTS TO THE SUPERIOR COURT AND RELATING TO THE RIGHT TO JURY TRIAL IN THE SUPERIOR COURT.

The privilege of the floor was extended to Attorney General Charles M. Oberly, Jr. and several Senators entered into the discussion.

At 5:10 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:24 p.m.; Senator Cordrey presiding.

HB 21 was still before the Senate.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Vaughn and the roll call vote taken which revealed 18 Senators voting YES, 2 (Hauge and Neal) voting NO and 1 (Connor) ABSENT; therefore, the Amendment was declared adopted.

Senator McBride marked PRESENT during the above roll call.

SA 3 to the Bill (Sponsor: Senators Vaughn, Adams) was introduced and immediately stricken.

SA 2 to the Bill (Sponsor: Senator Adams) was introduced and immediately stricken. The following communications were read and made part of this Journal at the request of Senator McDowell. No objection.

STATE OF DELAWARE
Department of Justice
State Office Building
Wilmington, Delaware 19801

April 30, 1991

The Honorable Harris B. McDowell, III
Delaware State Senate
Legislative Hall
Dover, DE 19901

RE: House Bills 21 and 22

Dear Harris:

House Bills 21 and 22 are now before you for consideration. These bills, if enacted into law, will be a small but important step towards a better criminal justice system in Delaware.

I know some of you have reservations about limiting the right to jury trial now provided in virtually all criminal and traffic cases in Delaware. This legislation will have minimal impact in this regard because it is far more restrictive than the United States Supreme Court permits. In fact, this legislation will make the justice system function better, especially for those who are incarcerated in lieu of bail or face other serious charges by freeing the State from using inordinate resources to try the most minor of charges before a jury.

The Problem

Transfer and appeal cases (all misdemeanors) since 1980 have accounted for 12.1 to 21.5% of the Superior Court case load in New Castle County. For fiscal year 1990, there were 608 such cases filed in New Castle County. The highest total was in 1987 when 694 cases counted for 21.5% of all cases in New Castle County.

In 1990, 37.2% of the total trial dispositions in New Castle County were transfer and appeal cases. When judges are presiding over such trials, they cannot handle other more serious criminal matters.

It is not just the raw number of such cases that creates the problem. It is the system impact of these cases, especially when Delaware has so many held in its prisons. Defendants inevitably prefer to wait for trial and these cases are constantly rescheduled, since they are the lowest priority. When there is a rescheduling, new dates are entered into the computer, docket entries are made, and new subpoenas served by the Sheriff. The case is sent back to the Prothonotary and, all new papers and correspondence are routed to the file.

The above is only the tip of the iceberg. When the case is transferred or appealed the paperwork is sent to the Attorney General's Office. New informations are prepared, case files made up and computer entries made. The Attorney General assigns two deputies full-time to these cases along with one clerical person. These cases, which are part of the Superior Court docket, receive more legal attention than many far more serious kinds of cases, resulting in a terrible waste of resources.

The burden on the police community is just as staggering. Each time a case is continued the officer is put on call or comes into court. In either case the public loses officer time or pays unnecessary overtime.

The Law on Right to Jury Trial

The United States Supreme Court has made it clear that there is no constitutional right to a jury trial unless the accused faces at least six months incarceration. In 1989, the Court decided the case of Blanton v. City of North Las Vegas, Nevada, March 6, 1989. The opinion is written by Justice Marshall, who with former Justice Brennan, is considered the most ardent protector of civil rights and liberties. Speaking for a unanimous Supreme Court, Justice Marshall approved the trying of a defendant without a jury for a driving under the influence charge, where the minimum penalty was two days' imprisonment and the maximum penalty was six months' imprisonment. In holding there is no constitutional right to a jury trial where the possible penalty is less than six months in prison, Justice Marshall states:

"As for a prison term of six months or less, we recognize that it will seldom be viewed by the defendants as 'trivial' or 'petty.' . . . But we found that the disadvantages of such a sentence, 'onerous thought they may be, may be outweighed by the benefits that result from speedy and inexpensive nonjury adjudications.'" Citing from Baldwin v. New York, 399 U.S. 66 (1970).

The bills before you draw the line at 30 days, not six months.

How Do Our Immediate Neighbors Handle Minor Cases?

In anticipation of being asked how our surrounding states handle minor cases, I made inquiry with Maryland, Pennsylvania, and New Jersey officials. I found the following

Maryland

No jury trial if sentence is 90 days or less, \$500 or less, or both.

Pennsylvania

No jury trial for anything less than six months.

New Jersey

No jury trial for anything less than six months.

The State of Connecticut, however, draws the line at thirty days.

Delaware Law

Current Delaware law permits the right of transfer in virtually all criminal cases, including motor vehicle offenses, 11 Del. C. Sections 5301(a) and 5303, respectively state:

Sec. 5301(a) - "The accused shall have the right to trial by petit jury in all criminal cases except as otherwise provided by statute. In any criminal case pending in New Castle County in which the defendant does not waive his right to a jury trial, the case and all records of the Court pertaining thereto shall be transferred to the Superior Court and the case shall continue upon information and without indictment, according to the same procedures applicable to cases originating in the Superior Court."

Sec. 503 - "The accused in all criminal cases in which there is a possibility that a period of incarceration or the maximum fine is \$15 or more may be imposed where a justice of the peace or alderman or mayor of any incorporated city or town, except the City of Newark, in the county where the charge is brought has jurisdiction and power to hear and finally determines the matter, may elect at any time prior to day of trial to have the case tried by the Court."

Title 21, Sec. 708 (Motor Vehicle Offenses) provides for appeal in many cases and reads:

Sec. 708 - "(a) Any person convicted under this title, or under any municipal ordinance or other law, for a motor vehicle violation within the State before an alderman or mayor of any incorporated city or town, except the City of Wilmington, shall have the right of an appeal, unless otherwise stated in this title, to the Superior Court, upon giving bond in the sum of \$500 to the State with surety satisfactory to the mayor or judge before whom such person was convicted, such appeal to be taken and bond given within 15 days from time of conviction. Such appeal shall operate as a stay or supersedeas of all proceedings in the court below in the same manner that a certiorari from the Superior Court operates. The taking of such appeal shall constitute a waiver by the appellant of his right to a writ of certiorari in the Superior Court.

(b) Except as provided in subsection (a) of this section, any person convicted under this title shall have the right of an appeal to the Superior Court only in those cases in which the sentence imposed was improvement, or a fine exceeding \$100, upon given bond with surety satisfactory to the alderman, justice of the peace or a judge before whom such person was convicted, such appeal to be taken and bond given with 15 days from the time of conviction. Such appeal shall operate as a stay or supersedeas of all proceedings in the court below in the same manner that a certiorari from the Superior Court operates. The taking of such appeal shall constitute a waiver by the appellant of his right to a writ of certiorari in the Superior Court."

However, it should be noted THAT THE OVERWHELMING MAJORITY OF THOSE ACCUSED OF MINOR CRIMES AND WHO ARE CONVICTED MAY BE SENTENCED TO PRISON WITHOUT ANY RIGHT TO APPEAL.

The appeal cases in the Superior Court arrive in either of two ways:

1. Appeals of traffic offenses pursuant to 21 Del. C. Sec. 708; or

2. Appeals of other criminal convictions where more than one month in jail is given or a fine in excess of \$100.00 is imposed.

Art. IV, Sec. 28

Delaware Constitution of 1897

Under current law, if an accused keeps his case in a Justice of the Peace Court or an Alderman's Court, is convicted and is sentenced to 29 days in prison, there is no right to appeal. Yet if someone is convicted of a motor vehicle offense in a Justice of the Peace Court and receives one day in prison, Delaware law provides for an appeal, even if the person elected not to transfer in the first place.

An Insignificant Number of Cases Are Transferred or Appealed to Superior Court

For Fiscal Year 1990, 608 transfer and appeal cases were in the New Castle County Superior Court. There were no transfers in eight Kent or Sussex Counties. There were only 16 appeal cases in these counties.

Transfer and appeal cases come principally from the Municipal Court in Wilmington, the Alderman's Courts and the Justice of the Peace Courts. The total number of such cases according to the 1990 Annual Report of the Delaware Judiciary is as follows:

Justice of the Peace Courts

1) Title 7 fish/game	2,637	1.2%
2) Title 11 offenses	43,211	19.0%
3) Title 21 traffic	168,038	73.8%
4) Miscellaneous	<u>13,745</u>	<u>6.0%</u>

227,631

Mail-in fines	96,034
Court Appearances	130,925

Municipal Court

1) Criminal	20,386
2) Traffic	<u>26,955</u>

47,341

Alderman's Court

1) Traffic	22,631
2) Other	<u>5,676</u>

28,307

Out of over 300,000 criminal and traffic citations only 608 make their way to the Superior Court. Yet this tiny minority of cases is strangling the Superior Court in New Castle County. The fact that so few cases proportionately are transferred and appealed to the Superior Court attests to the fact that the right is more illusory than real. 6y experience suggests that those who take advantage of the current system are those who can afford lawyers or certain others who are attempting to manipulate the system. The ordinary citizen cannot and does not attempt to vindicate his rights in this manner.

At a time when our resources are being stretched to their absolute limit, I hope you will given these bills the most serious attention.

(Signed) Thank you,
Very truly yours,
Charles M. Oberly, III
Attorney General

Enclosure

* * * * *

DELAWARE COUNCIL ON CRIME AND JUSTICE
501 Shipley Street
Wilmington, Dela. 19801

April 25, 1991

TO: Senator Harris McDowell
FROM: Lorraine Sitler, Executive Director, DCCJ

At the March 14, 1991 Board of Directors meeting the Board member of the Delaware Council on Crime and Justice adopted the following positions regarding House Bills 21 and 22. The Bills serve to limit the right of appeal to the Superior Court for jury trials in cases which carry a sentence of less than 30 days or a fine of less than \$100. The suggestion was made that perhaps these trials could be held in the Court of Common Pleas rather than the Superior Court. This suggestion was adopted on the motion

of Dan Wolcott with a second by Sill Echols to concur with the bills' concept, that is, to free up the Superior Court docket, but to revert the jury trials to the Court of Common Pleas, not to eliminate the right of appeal altogether.

Several Senators commented on the Bill after which it was laid on the table on motion of Senator Sharp.

HB 22 was laid on the table on motion of Senator Sharp.

HB 24 w/HA 1 was lifted from the table for further consideration on motion of Senator McBride.

Lt. Gov. Wolf presiding at 5:32 p.m.

The privilege of the floor was extended to Ann Case, Delaware School Boards Association, and several Senators entered into discussion of the Bill after which 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.

The Secretary announced that a message from the House informed the Senate that it had passed HB 184; HB 185 w/HA 1; HB 156; HB 157; HB 143; HB 113 and adopted HCR 20.

HB 185 w/HA 1 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Torbert. No objection.

HB 185 w/HA 1 - AN ACT TO AMEND CHAPTER 3 OF TITLE 28 OF THE DELAWARE CODE RELATING TO RACING AND RACING DATES, HOURS OF RACING, WAGERING ON SIMULCAST RACES AND COMBINED PARI-MUTUEL POOLS. Sponsors: Representatives Gilligan, Quillen, Buckworth, George, Roy, Jonkier, Petrilli, Spence, VanSant; Senators Adams, Holloway, Marshall, McBride, Sharp.

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

SB 114 was introduced and assigned to Health-Social Services/Aging:

SB 114 - AN ACT TO AMEND CHAPTER 93, PART VII, TITLE 16 OF THE DELAWARE CODE, RELATING TO HEALTH AND SAFETY; AND PROVIDING FOR A HEALTH SERVICES COST REVIEW COMMISSION. (2/3 vote) Sponsors: Senators Still, Neal.

At 5:45 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 2, 1991.

The Senate reconvened at 2:20 p.m., May 2, 1991, Lt. Governor Wolf presiding.

A corrected Committee Report from the Natural Resources and Environmental Control Committee on SB 50 was announced: 4 Merits.

The following Committee reports were announced:

From the Insurance and Elections Committee: SB 38 - 5 Merits.

From the Health-Social Services/Aging Committee: HB 162 w/HA 1 - 6 Merits.

From the Public Safety Committee: HB 80 4 - Merits.

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

STATE OF DELAWARE
Office of the Governor
April 30, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Gerald W. Pepper, Rt. #1, Box 301-C, Selbyville, DE 19957, to be reappointed to the Sussex County Board of Elections to serve for a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
April 30, 1991

To the Senate of the 136th 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:

Calvin Boggs, Post Office Box 179, Cheswold, DE 19936, to be reappointed as a member of the Industrial Accident Board to serve a six year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

The following legislation was introduced and assigned:

SB 115 - 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". (2/3 vote) Sponsors: Senator Venables, Representative Fallon. To Community/County.

SB 116 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO THE USE OF WATER RESOURCES OF THE STATE. Sponsors: Senators Vaughn, Cordrey. To Natural Resources and Environmental Control.

SB 117 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO GUBERNATORIAL APPOINTMENTS. (2/3 vote) Sponsors: Senator Hauge, Representative Amick; Senators Bair, Connor, Knox, Neal, Still, Sokola; Representatives Corrozi, Lee, Hebner, Maroney, Carey, Taylor, Lofink, Moore, Smith, Soles. To Executive. Senator Still requested that his name be removed from the list of co-sponsors to the Bill.

SB 118 - AN ACT TO AMEND CHAPTER 84, TITLE 11 OF THE DELAWARE CODE RELATING TO POLICE OFFICER TRAINING. Sponsors: Senator McDowell, Representative Maroney; Senators Blevins, Marshall, Minner; Representatives Brady, Moore. To Judiciary.

The Secretary announced that a message from the House informed the Senate that it had passed HB 147; HB 151; HB 179; HB 28 w/HA 1 and adopted HJR 5; HCR 37; HCR 38; HCR 39; SCR 32; SCR 33; SCR 34; SCR 35.

The following legislation was introduced and assigned:

HB 28 w/HA 1 - AN ACT TO AMEND TITLE 18, DELAWARE CODE RELATING TO INSURANCE AND CREATING THE HIV TESTING FOR INSURANCE ACT. Sponsors: Representatives Davis, Oberle, D. Ennis, Boykin, DiPinto, Jonkiert, Sills, VanSant; Senator Holloway. To Insurance and Elections.

HB 113 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION; AND PROVIDING FOR PROVISIONAL EMPLOYMENT UNDER CERTAIN CIRCUMSTANCES. Sponsor: Representative Amick. To Administrative Services.

HB 147 - AN ACT TO AMEND LAWS OF DELAWARE, VOLUME 43, CHAPTER 189, AS AMENDED, THE CHARTER OF THE TOWN OF WYOMING, RELATING TO THE POWER OF THE TOWN OF WYOMING TO IMPOSE AND COLLECT A REALTY TRANSFER TAX. (2/3 vote) Sponsors: Representative Buckworth, Senator Torbert. To Community/County Affairs.

HB 143 - AN ACT TO AMEND CHAPTER 19, TITLE 12, DELAWARE CODE, RELATING TO INVENTORY AND APPRAISAL FILED WITH THE REGISTER OF WILLS. Sponsor: Representative Quillen. To Judiciary.

HB 151 - AN ACT TO AMEND CHAPTER 137, VOLUME 61, LAWS OF DELAWARE, AS AMENDED ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR" AS IT RELATES TO SUPPLEMENTAL ASSESSMENTS. (2/3 vote) Sponsor: Representative Lee. To Community/County Affairs.

HB 156 - AN ACT TO AMEND CHAPTER 21, TITLE 23, DELAWARE CODE RELATING TO ARRESTS MADE WITHOUT WARRANTS. Sponsors: Representative Buckworth, Senator Minner. To Natural Resources and Environmental Control.

HB 157 - AN ACT TO AMEND SECTION 2138, TITLE 21, DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR DISABLED VETERANS. Sponsors: Representatives Quillen, Boykin, Bunting, Brady, Moore, Bennett, Clark. To Public Safety.

HB 179 - AN ACT TO AMEND CHAPTER 82, TITLE 29, DELAWARE CODE, RELATING TO THE ADOPTION OF ADDITIONAL FEDERAL REQUIREMENTS WITH RESPECT TO TRANSPORTATION OF HAZARDOUS MATERIALS IN THIS STATE. Sponsor: Representative B. Ennis. To Natural Resources and Environmental Control.

HJR 5 - DESIGNATING THE MONTH OF APRIL AS NATIONAL PARKINSON'S DISEASE AWARENESS MONTH. Sponsor: Representative Quillen. To Executive.

SA 4 to HB 21 - Sponsor: Senator Still. Placed with the Bill.

SA 1 to HB 22 - Sponsor: Senator Still. Placed with the Bill.

SA 2 to SB 77 - Sponsor: Senator Neal. Placed with the Bill.

SA 1 to SB 107 - Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to HB 155 - Sponsor: Senator Minner. Placed with the Bill.

SA 2 to HB 155 - Sponsor: Senator Torbert. Placed with the Bill.

SA 3 to HB 155 - Sponsor: Senator Torbert. Placed with the Bill.

HB 184 - AN ACT WAIVING THE STATUTORY PROVISIONS OF SECTION 107(A) OF CHAPTER 1, TITLE 13, DELAWARE CODE AS IT RELATES TO THE MARRIAGE OF MICHELE JOAN MADEKSZA AND GLENN DAVID KRASKER, NON-RESIDENTS OF THE STATE OF DELAWARE. Sponsor: Representative Carey. Laid on the table on motion of Senator Minner.

At 2:35 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 27th Legislative Day.

27TH LEGISLATIVE DAY
May 2, 1991

The Senate convened at 2:35 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Neal.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

SENATE CITATION #5 was introduced and a copy made available to each Senator.

The Citations consisted of S91:059-073 inclusive.

HB 155 w/HA 1.2 was taken up for consideration on motion of Senator Minner:

HB 155 w HA 1.2 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE TO IMPLEMENT RESOLUTIONS OF THE DELAWARE BAY WEAKFISH COMMISSION FOR THE CALENDAR YEAR 1991.

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

SA 2 to the Bill which had been placed with the Bill was deferred for consideration on motion of Senator Torbert.

SA 3 to the Bill which had been placed with the Bill was deferred for consideration on motion of Senator Torbert.

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

SB 90 was taken up for consideration on motion of Senator Cordrey:

SB 90 - AN ACT TO AMEND CHAPTER 84, TITLE 11 OF THE DELAWARE CODE RELATING TO MEMBERSHIP OF THE COUNCIL ON POLICE TRAINING.

Senators McBride, Hauge marked PRESENT.

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.

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

At 2:45 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 3:18 p.m. Senator Cordrey presiding.

HB 155 w/HA 1.2 was lifted from the table for further consideration on motion of Senator Minner.

SA 4 to the Bill (sponsors: Senators Minner and Venables) was introduced and considered for adoption.

The privilege of the floor was extended to Secretary Edwin Clark, Department of Natural Resources and Environmental Control Committee, and several Senators commented on the Amendment after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Amendment was declared adopted.

Senator Martin marked PRESENT during the above roll call.

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

The privilege of the floor was extended once again to Secretary Edwin Clark, Department of Natural Resources and Environmental Control Committee. Several Senators commented on the Amendment after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Bair, Connor) ABSENT; therefore, the Amendment was declared adopted.

During a lengthy discussion of the Bill, the privilege of the floor was extended to Secretary Edwin Clark of DNREC; Phil Messina, Delaware Marine Fisheries Coalition; James C. Dare, commercial waterman, and concerned citizen; and Captain Jerry Blakesley, Delaware Captains Association; Julie A. Wagner, Delaware Watermans Association; and William F. Moore, Head Boat Charter Industry.

The roll call vote on HB 155 w/HA 1.2, SA 4.5 was then taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendments.

HB 138 was taken up for consideration on motion of Senator Minner:

HB 138 - AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE, RELATING TO HUNTING DEER WITH A MUZZLE LOADER.

The privilege of the floor was extended to Bill Wagner, Director of Division of Fish and Wildlife, DNREC, and a short discussion of the Bill ensued after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Marshall) voting NO and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 57 was taken up for consideration on motion of Senator Minner:

SB 57 - AN ACT TO AMEND TITLE 7, DELAWARE CODE RELATING TO HORSESHOE CRABS. (3/5 vote).

SA 1 to the Bill (sponsor: Senator Minner) was introduced and considered for

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

The privilege of the floor was extended to William R. Hall, University of Delaware, Sea Grant, and several Senators questioned the witness.

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.

SB 33 was taken up for consideration on motion of Senator Venables:

SB 33 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO METERING AND CHARGES FOR UTILITY SERVICES FOR COMMERCIAL UNITS.

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

The privilege of the floor was extended to George C. Hering, III, (New Castle Associates) who was questioned by several Senators.

The roll call vote on SB 33 w/SA 1 was then taken and revealed 16 Senators voting YES; 4 Senators (Blevins, McBride, McDowell, Sharp) voting NO; and 1 (Knox) ABSENT.

YES: Senators Adams, Bair, Connor, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, Minner, Neal, Sokola, Still, Torbert, Vaughn, Venables - 16; NO: Senators Blevins, McBride, McDowell, Sharp - 4; ABSENT: Senators Knox - 1.

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

At 4:55 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 7, 1991.

The Senate reconvened at 2:52 p.m., May 7, 1991, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 178 w/HA 1 as amended by HA 1, HA 2; HB 161 w/HA 1, HB 97; HB 98; SB 109.

The following legislation was introduced and assigned:

SB 120 - AN ACT TO AMEND TITLE 18 DELAWARE CODE TO AUTHORIZE THE VALUATION OF SECURITIES OF INSURERS BY THE SECURITIES VALUATION OFFICE OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS. Sponsors: Senator Sharp, Representative D. Ennis; Senators Adams, McDowell, Vaughn, Still; Representatives Boykin, DiPinto, Jonkiert, Sills, Smith, VanSant. To Insurance and Elections.

SB 121 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, TO REQUIRE INSURANCE COMPANIES CAPITAL AND SURPLUS BE IN CASH OR CASH EQUIVALENT. Sponsors: Senator Sharp, Representative D. Ennis; Senators Adams, McDowell, Vaughn, Still; Representatives Boykin, DiPinto, Jonkiert, Sills, Smith, VanSant. To Insurance and Elections.

SB 119 - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES DEAUTHORIZING AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE: AND REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE. Sponsors: Senators Martin, Cook, McBride, Knox; Representatives Roy, Carey, Boykin, Taylor, Ennis, Jonkiert. Laid on the table on motion of Senator Cook.

SB 122 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES. Sponsors: Senator Marshall, Representatives Oberle, Maroney; Senators Blevins, Cook, Holloway, Martin, McBride, McDowell, Minner, Sharp, Sokola; Representatives Spence, Campanelli, Jonkiert, Moore, Sills, West. To Labor and Industrial Relations.

HB 97 - AN ACT TO AMEND CHAPTER 1, TITLE 20, OF THE DELAWARE CODE RELATING TO UNIFORM AND EQUIPMENT ALLOWANCE TO DELAWARE NATIONAL GUARD OFFICERS. Sponsors: Representatives Corrozi, Petrilli, Buckworth, Spence, Amick, Roy, Davis, DiPinto, Lofink, Taylor, Gilligan, Bennett, Soles, Jonkiert. To Finance.

HB 98 - AN ACT TO AMEND CHAPTER 1, TITLE 20 OF THE DELAWARE CODE RELATING TO COURTS-MARTIAL. Sponsors: Representatives Corrozi, Petrilli, Buckworth, Spence, Amick, Roy, Davis, DiPinto, Lofink, Taylor, Gilligan, Bennett, Soles, Jonkiert. To Judiciary.

HB 161 w/HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF SPECIAL REGISTRATION PLATES. (3/5 vote). Sponsors: Representatives Ewing, Bennett, B. Ennis, Lee; Senator Vaughn; Representatives Boykin, Brady, Bunting, Campanelli, Caulk Clark, Corrozi, DiPinto, D. Ennis, Gilligan, Houghton, Jonkiert, Lofink, Moore, Oberle, Outten, Quillen, Reynolds, Roy, Schroeder, Sills, VanSant, West; Senators Bair, Blevins, Holloway, McBride, Marshall, Minner, Still, Torbert. To Public Safety.

HB 178 w/HA 1 w/HA 1, HA 2 - AN ACT TO AMEND CHAPTER 30, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL COUNSELORS. Sponsors: Representatives Maroney, Amick. To Sunset.

HCR 39 was introduced and considered for adoption on motion of Senator Cordrey:

HCR 39 - HONORING THOSE INDIVIDUALS WHO HAVE BEEN SELECTED AS A RECIPIENT OF THE DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE. Sponsors: Representative Spence, Senator Cordrey in behalf of all members of the Legislature.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES and

3 (Bair, Knox, Martin) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 111 was stricken on motion of Senator Sharp.

At 3:00 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 28th Legislative Day.

28TH LEGISLATIVE DAY
May 7, 1991

The Senate convened at 3:00 p.m. Lt. Governor Wolf presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

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

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

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

HB 162 w/HA 1 was taken up for consideration on motion of Senator Holloway:

HB 162 w/HA 1 - AN ACT TO AMEND CHAPTER 93, TITLE 16, DELAWARE CODE RELATING TO HEALTH PLANNING AND CERTIFICATE OF NEED PROGRAMS.

During a discussion of the Bill, the privilege of the floor was extended to Amos M. Burke, Bureau of Health Planning & Resource Management of the Department of Health and Social Service; Robert I. Welch, Bureau of Health Planning, Department of Health and Social Services; and William H. Duncan, M.D., Health Resources Management Council, Medical Society of Delaware.

Senator Bair marked PRESENT during the discussion of the 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 returned to the House.

Senator McBride marked PRESENT during the above roll call.

At 3:30 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 4:06 p.m. with Senator Cordrey presiding.

The following legislation was introduced:

SA 1 to SB 38. Sponsor: Senator Hauge. Placed with the Bill.

SA 1 to SB 93. Sponsor: Senator Vaughn. Placed with the Bill.

SB 71 was reported out of the Judiciary Committee: 5 Merits.

SB 119 was lifted from the table under suspension of rules for consideration on motion of Senator Martin. No objection.

SB 119 - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES DEAUTHORIZING AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; AND REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE.

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

A lengthy discussion of the Bill among the Senators ensued. The following letter was made part of this Journal on motion of Senator Blevins. No objection.

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19903

May 2, 1991

Mr. John Casey, Director
Delaware Development Office
Dover, DE 19901

Dear Mr. Casey:

As you know, it has been proposed to delete from the 1991 Bond Bill \$500,000 of funding for the Little Mill Sewer Interceptor to help balance this year's budget. This would reduce the amount funded this year for the sewer interceptor to \$1.5 million. This sewer interceptor is a \$5 million project, \$2.5 million of which has been funded by New Castle County. The agreement reached by the Administration included \$500,000 to complete the project, to be funded in the 1992 Bond Bill.

I have received commitments from you and from the co-chairmen of the Joint Bond Bill Committee that the \$500,000 deleted from the 1991 Bond bill will be included in the 1992 Bond bill, bringing the funding in the 1992 Bond Bill up to \$1 million.

After speaking with New Castle County officials, it is my understanding that this proposal is acceptable to them and will enable them to proceed with the project without delay.

As you are aware, this project is essential to the continued environmental viability of the area due to the Hewlett-Packard project and the proposed DuPont Chestnut Run expansion.

I appreciate your assurances that this project will receive the continued support of the Administration.

(Signed) Sincerely,
Patricia M. Blevins
State Senator - 7th District

cc: Governor Michael N. Castle
Senator Roger Martin
Representative Roger Roy
Robert Maxwell
John Carney

* * * * *

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

SB 123 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cordrey:

SB 123 - AN ACT TO AMEND CHAPTER 197 VOLUME 54 LAWS OF DELAWARE WHICH REVISED THE PRIOR CHARTER OF REHOBOTH BEACH AND PRESCRIBED A NEW CHARTER THEREFORE, TO PROVIDE FOR ABSENTEE BALLOTS IN ALL REHOBOTH ELECTIONS, TO CHANGE THE DATE FOR FILING CERTIFICATES OF NOMINATION AND JUDGING THE QUALIFICATIONS OF CANDIDATES, TO CHANGE THE TIME OF THE ANNUAL MUNICIPAL ELECTION, TO CHANGE THE DEADLINE TO REGISTER TO VOTE IN THE ANNUAL MUNICIPAL ELECTION, TO CHANGE THE QUALIFICATIONS OF VOTERS, AND TO CHANGE THE QUALIFICATIONS FOR CANDIDATES FOR ELECTIVE OFFICE. (2/3 vote). Sponsors: Senator Cordrey; Representative Schroeder.

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 77 was taken up for consideration on motion of Senator Neal:

SB 77 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Neal. Senator Sokola commented on the Amendment.

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

Senator Holloway commented on the bill as amended.

The roll call vote on SB 77 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.

On motion of Senator Martin, without objection, the roll call vote on SB 119 was lifted and announced with 18 Senators voting YES; and 3 (Marshall, McDowell, Minner) voting NO.

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

SB 93 was taken up for consideration on motion of Senator Vaughn:

SB 93 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO THE EXPUNGEMENT OF PENALTY ASSESSMENTS AFTER THE ASSESSMENT REMAINS UNCOLLECTED FOR A PERIOD OF THREE YEARS.

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

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

SENATE CONSENT CALENDAR #11 was introduced and assigned on motion of Senator Minner:

SR 22 - MOURNING THE UNTIMELY DEATH OF LISA MICHELLE STROBEL SHAHAN, FORMER CALENDAR CLERK OF THE DELAWARE STATE SENATE. Sponsors: Senators Torbert, Minner and all Senators.

SCR 36 - COMMENDING SUSAN A. MATHE FOR BEING NAMED BY THE DELAWARE SCHOOL BOARDS ASSOCIATION AS DISTINGUISHED SERVICE AWARD RECIPIENT FOR 1991. Sponsors: Senators Sokola, Blevins; Representative Roy.

SCR 37 - EXTENDING CONGRATULATIONS TO EARL C. RADDING UPON RECEIVING THE DISTINGUISHED SERVICE AWARD OF THE NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS. Sponsors: Senators Neal, Adams, McBride; Representatives Fallon, Petrilli.

SCR 38 - EXTENDING BEST WISHES TO JOSEPH F. HULIHAN AS HE RETIRES FROM DIAMOND STATE TELEPHONE COMPANY. Sponsors: Senator Bair, Representative Maroney; Senators Knox, Hauge; Representatives D. Ennis, Boykin, Smith, Hebner.

HCR 20 - REQUESTING THE OFFICE OF VEHICLE SAFETY STANDARDS WITHIN THE OFFICE OF OCCUPANT PROTECTION NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION OF THE U. S.

DEPARTMENT OF TRANSPORTATION CONSIDER AMENDING THE FEDERAL SAFETY STANDARDS RELATING TO AUTOMOBILE SEAT BELTS TO STANDARDIZE RELEASE MECHANISMS. Sponsors: Representatives Clark, Caulk, West; Senators Minner, J. Still.

HR 37 - IN APPRECIATION OF DELAWARE'S VOLUNTEERS DURING NATIONAL VOLUNTEER WEEK. Sponsors: Representatives DiPinto, all Representatives; Senator Knox, all Senators.

HR 38 - EXTENDING CONGRATULATIONS, BEST WISHES AND MANY THANKS TO WALT F. GABEL, STATE FORESTER, ON HIS IMPENDING RETIREMENT FROM STATE GOVERNMENT ON MAY 31, 1991 AFTER ALMOST THIRTY-FIVE YEARS OF STATE SERVICE. Sponsors: Representative B. Ennis, Senator Cook, Representative Clark, Senator Vaughn.

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

At 4:53 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., May 8, 1991.

The Senate reconvened at 3:59 p.m., May 8, 1991 with Lt. Governor Wolf presiding.

The following legislation was introduced and assigned:

SB 124 - AN ACT TO AMEND CHAPTER 38, TITLE 31, DELAWARE CODE, RELATING TO FOSTER CHILD REVIEW. Sponsor: Senator McDowell. To Children, Youth and Families.

SB 125 - AN ACT TO AMEND CHAPTERS 17 AND 19 OF TITLE 24, DELAWARE CODE RELATING TO PRONOUNCEMENTS OF DEATH. Sponsors: Senators McBride, Bair, Connor, Holloway; Representatives Outten, Amick, Maroney. To Administrative Services.

SB 126 - AN ACT TO AMEND CHAPTER 38, TITLE 31, DELAWARE CODE, RELATING TO FOSTER CARE REVIEW. Sponsor: Senator McDowell. To Children, Youth and Families.

A messenger from the Governor was announced and admitted.

The following Committee reports were announced:

From the Executive Committee: SB 87 - 5 Merits; HJR 5 - 5 Merits.

The following legislation was introduced and assigned:

SB 127 - AN ACT TO AMEND TITLE 18, DELAWARE CODE TO SPECIFICALLY REQUIRE ANNUAL STATEMENTS OF INSURERS TO CONFORM WITH THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS ANNUAL STATEMENT REQUIREMENTS. Sponsors: Senator Sharp, Representative D. Ennis; Senators Adams, McDowell, Vaughn, Still; Representatives Boykin, DiPinto, Jonkiert, Sills, Smith, VanSant. To Insurance and Elections.

SB 128 - AN ACT TO AMEND TITLE 18, DELAWARE CODE REGARDING FINANCIAL EXAMINATIONS OF INSURANCE COMPANIES. Sponsors: Senator Sharp, Representative D. Ennis; Senators Adams, McDowell, Vaughn, Still; Representatives Boykin, DiPinto, Jonkiert, Sills, Smith, VanSant. To Insurance and Elections.

SB 129 - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO THE GENERAL JURISDICTION AND POWERS OF THE PUBLIC SERVICE COMMISSION. Sponsors: Senator Adams, Representative DiPinto. To Administrative Services.

SB 130 - AN ACT TO AMEND TITLE 29, DELAWARE CODE RELATING TO RULES AND REGULATIONS ESTABLISHED BY STATE AGENCIES BY ESTABLISHING APPROPRIATE PROCEDURES FOR ASSESSING WHETHER OR NOT RULES AND REGULATIONS MAY RESULT IN TAKING OF PRIVATE PROPERTY. Sponsors: Senators Adams, Cook, Cordrey, Holloway, Still, Torbert, Vaughn, Venables; Representatives Bunting, Carey, Caulk, Clark, Ewing, Lofink, Quillen, Schroeder, West. To Executive.

SA 5 to HB 80 - Sponsor: Senator Neal. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed HB 188, HB 176 w/HA 1, 2, HB 189, SB 15 w/HA 2, HB 136 w/HA 1, HB 116 w/HA 1, and HR 28.

The following legislation was introduced and assigned:

HB 116 w/HA 1 - AN ACT TO AMEND CHAPTER 96, TITLE 9 DELAWARE CODE, RELATING TO RECORDING SURCHARGES. Sponsors: Representatives Sills, DiPinto, D. Ennis, Moore; Senators Holloway, Marshall, McBride. To Community/County Affairs.

HB 136 w/HA 1 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES TO GIVE THE BOARD OF NURSING THE AUTHORITY TO TEMPORARILY SUSPEND A LICENSE, PENDING A FINAL HEARING, WHEN THERE IS IMMEDIATE OR IMMINENT DANGER TO THE PUBLIC HEALTH, WELFARE, AND SAFETY. Sponsor: Representative Amick. To Administrative Services.

HB 176 w/HA 1, 2 - AN ACT TO AMEND CHAPTER 27, TITLE 14, DELAWARE CODE, RELATING TO TRUANCY. Sponsors: Representative Fallon, Senator McBride. To Education.

HB 188 - AN ACT TO AMEND CHAPTER 5, TITLE 11, RELATING TO LICENSES TO CARRY CONCEALED DEADLY WEAPONS. Sponsors: Representatives VanSant, Brady, Campanelli, Caulk, B. Ennis, Ewing, Houghton, Jonkiert, Petrilli, Reynolds, West; Senators Marshall, McBride, Minner. To Judiciary.

HB 189 - AN ACT TO AMEND CHAPTER 5, TITLE 11 RELATING TO FIREARMS. Sponsors: Representatives VanSant, Bennett, Brady, Bunting, Campanelli, Caulk, Clark, B. Ennis, Ewing, Hebner, Houghton, Jonkiert, Lee, Lofink, Mack, Moore, Oberle, Outten, Petrilli, Reynolds, Schroeder, Smith, West; Senators McBride, Minner, Torbert, Vaughn. To Judiciary.

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 8, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Gerard A. Cain, 304 Weldin Road, Wilmington, DE 19803, to be reappointed as a member of the Board of Trustees of Delaware Technical & Community College to serve a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
May 8, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Donald D. Phillips, 33 North Shore Drive, Seaford, DE 19973, to be reappointed as a member of the Public Service Commission to serve a five year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
HB 49 w/HA 1, 2 was reported out of the Public Safety Committee: 4 Merits.
At 4:10 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 29th Legislative Day.

29TH LEGISLATIVE DAY
May 8, 1991

The Senate convened at 4:10 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Connor.

Pledge of Allegiance to the Flag.

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

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

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

Senator Bair marked PRESENT.

Senator Sokola was granted the personal privilege of the floor and commented on alternative routes and methods of transportation - by bicycle in particular.

SB 28 was taken up for consideration on motion of Senator Venables:

SB 28 - AN ACT TO AMEND CHAPTER 25 OF TITLE 18, DELAWARE CODE, RELATING TO RATE FILINGS BY INSURERS AND HEALTH SERVICE CORPORATIONS.

At 4:21 p.m. Senator Cordrey presiding.

Several Senators entered into discussion of the Bill during which the privilege of the floor was extended to Insurance Commissioner David N. Levinson on two occasions, Catherine Mulholland, Insurance Department, and Bill Kirk, Blue Cross and Blue Shield of Delaware.

Senators McBride and Cook marked PRESENT.

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

At 5:39 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 5:53 p.m. Senator Cordrey presiding.

HB 184 was lifted from the table for consideration on motion of Senator Minner under suspension of the necessary rules. No objection.

HB 184 - AN ACT WAIVING THE STATUTORY PROVISIONS OF SECTION 107(A) OF CHAPTER 1, TITLE 13, DELAWARE CODE AS IT RELATES TO THE MARRIAGE OF MICHELE JOAN MADEKSZA AND GLENN DAVID KRASKER, NON-RESIDENTS OF THE STATE OF DELAWARE.

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

SR 24 was introduced and considered for adoption on motion of Senator Sharp:

SR 24 - HONORING THE MOTHERS OF DELAWARE, AND ESPECIALLY THE MOTHERS SERVING IN THE STATE SENATE, ON THE OCCASION OF MOTHER'S DAY, MAY 12, 1991. Sponsors: Senator Sharp and all male Senators.

Senator Bair commented.

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

The following legislation was introduced assigned:

SB 131 - AN ACT TO AMEND CHAPTER 25, TITLE 18, DELAWARE CODE RELATING TO THE FILING OF RATES BY WORKMEN'S COMPENSATION INSURANCE CARRIERS. Sponsors: Senator Marshall, Representatives Oberle, Jonkiert Reynolds. To Insurance and Elections.

SB 132 - AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE RELATING TO BANK RECEIVERSHIP. Sponsors: Senator Cordrey, Representative D. Ennis. To Banking.

SB 133 - AN ACT TO AMEND CHAPTER 11, TITLE 9 OF THE DELAWARE CODE RELATING TO EXPANDING THE NUMBER OF NEW CASTLE COUNTY COUNCIL MEMBERS. Sponsors: Senators Sharp, Blevins; Representatives Campanelli, VanSant. To Community/County Affairs. The Secretary read a request from Representative VanSant that his name be removed as a co-sponsor of the Bill.

At 6:01 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 14, 1991.

The Senate reconvened at 2:36 p.m., May 14, 1991; Lt. Governor Wolf presiding.

SB 107 was reported out of the Labor and Industrial Relations Committee - 5 Merits.

The following legislation was introduced and assigned:

SA 6 to HB 80. Sponsor: Senator Torbert. Placed with the Bill.

SB 134 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO PARENTS' RESPONSIBILITY FOR CHILDREN PLAYING WITH FIRE. Sponsor: Senator Torbert. To Judiciary.

SB 135 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 43, TITLE 21, DELAWARE CODE RELATING TO UNLOCKED MOTOR VEHICLES AND IGNITION KEYS. (2/3 vote). Sponsor: Senator Torbert. To Public Safety.

SB 136 - AN ACT TO AMEND SUBPART B, CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO A REQUIREMENT THAT ALL DWELLING OCCUPANTS KEEP DOORS AND WINDOWS LOCKED AT ALL TIMES FROM SUNSET TO SUNUP. Sponsor: Senator Torbert. To Judiciary.

SR 25 - URGING INSURANCE COMPANIES SELLING AUTOMOBILE INSURANCE IN DELAWARE TO CONSIDER PROVIDING EXTRA BENEFITS TO CUSTOMERS WHO REGULARLY USE SEAT BELTS AND AIR BAGS. Sponsor: Senator Torbert. Laid on the table.

HJR 5 was taken up for consideration on motion of Senator Adams:

HJR 5 - DESIGNATING THE MONTH OF APRIL AS NATIONAL PARKINSON'S DISEASE AWARENESS MONTH.

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

At 2:40 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 30th Legislative Day.

30TH LEGISLATIVE DAY

May 14, 1991

The Senate convened at 2:40 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Martin.

Pledge of Allegiance to the Flag.

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

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

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

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 40, HCR 41, SCR 36, SCR 37, SCR 38.

The Secretary of the Senate announced that a message from the Chief Clerk of the House informed the Senate that Representative Bennett signed SCR 36 and SCR 38 as a co-sponsor on May 8, 1991.

A message from Senator William V. Roth, Jr. was partially read which thanked the Senate for SCR 26.

A message from Representative Thomas R. Carper was partially read which thanked the Senate for SCR 26.

A message from Shirley M. Green, Special Assistant to the President for Presidential Messages and Correspondence was partially read which thanked the Senate in the name of the President of the United States for SCR 26.

HB 80 w/HA 1 was taken up for consideration on motion of Senator Blevins:

HB 80 w/HA 1 - AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO OCCUPANT PROTECTION SYSTEMS, USAGE, STANDARDS AND CONDITION THEREOF.

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

The privilege of the floor was extended to William J. Walls, Jr., Senate Attorney, John Cordrey, Senate Attorney, and Ron Smith, House Attorney.

Senators Bair, Minner marked PRESENT.

The roll call vote on SA 1 was then taken and revealed 7 Senators (Cook, Cordrey, McBride, Minner, Sharp, Torbert, Vaughn) voting YES; 13 voting NO; and 1 (McDowell) ABSENT; the Amendment was declared defeated.

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator McBride and the roll call vote taken which revealed 1 Senator (McBride) voting YES and 20 voting NO; therefore, the Amendment was declared defeated.

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

SA 4 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Sokola.

Several Senators commented.

The roll call vote taken revealed 16 Senators voting YES and 5 (Bair, Connor, Neal, Sharp, Still) voting NO; therefore, the Amendment was declared adopted.

SA 5 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Neal.

The privilege of the floor was extended to Richard Dillard, Senate Attorney, after which the roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 6 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Torbert.

The privilege of the floor was extended to William J. Walls, Senate Attorney, after which the roll call vote was taken and revealed 12 Senators voting YES; 8 (Bair, Connor, Hauge, Holloway, Knox, Marshall, Martin, Neal) voting NO; and 1 (Still) NOT VOTING. The Amendment was declared adopted.

SA 7 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption.

A lengthy discussion of the Amendment ensued and the privilege of the floor was extended to Patrick Murray, Secretary of Public Safety, and Harlan Tull, Department of Public Instruction.

SA 7 was then stricken on motion of Senator McDowell.

During a lengthy discussion of the Bill, the privilege of the floor was extended to John W. Dobbins, concerned citizen; Ali Z. Hameli, M.D., Chief Medical Examiner; Stephen C. Taylor; and Rick Schroeder, concerned citizen.

At 4:48 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:42 p.m., Senator Cordrey presiding.

HB 80 w/HA 1, SA 4,5,6 was still before the Senate.

Discussion of the Bill continued and the privilege of the floor was extended to Jennifer Russell, concerned citizen, and Carole Sieber, concerned citizen.

At 5:52 p.m., Lt. Governor Wolf presiding.

The privilege of the floor was extended to William O. Phillips, Coalition of Delawareans Against Seat Belt Use, Tony Galla, concerned citizen.

Senator Blevins requested the privilege of the floor for Dr. Young; however, Senator Sharp objected. Senator Blevins withdrew the request.

Several Senators commented on the Bill and the roll call vote on HB 80 w/HA 1, SA 4,5,6 was taken and revealed that 12 Senators voting YES; 9 Senators (Adams, Cook, Cordrey, McBride, Minner, Sharp, Still, Torbert, Vaughn) voting NO.

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

SCR 40 was introduced and considered for adoption on motion of Senator Marshall:

SCR 40 - EXTENDING BEST WISHES TO SR. MARIE KELLY, SND, AS SHE LEAVES DELAWARE TO ASSUME THE RESPONSIBILITY OF DIRECTING HER RELIGIOUS CONGREGATION, THE SISTERS OF NOTRE DAME. Sponsors: Senators Marshall, Connor; Representatives Jonkiert, Corrozi, Spence, George, Campanelli, Petrilli, Maroney, DiPinto.

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 6:23 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., May 15, 1991.

The Senate reconvened at 3:52 p.m., May 15, 1991 with Lt. Governor Wolf presiding.

The following legislation was introduced and assigned:

SB 137 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 100, TITLE 3, DELAWARE CODE RELATING TO WAGERING ON SIMULCAST POOLS AND COMBINED PARI-MUTUEL POOLS. Sponsors: Senators Cook, Minner, Still; Representatives Quillen, Outten, Gilligan. To Finance.

SB 138 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO INSTITUTIONAL VANDALISM. (2/3 vote). Sponsors: Senators Sharp, Vaughn, Holloway; Representative Hebner. To Judiciary.

SB 139 - AN ACT TO AMEND TITLE 11, CHAPTER 85 OF THE DELAWARE CODE RELATING TO THE STATE BUREAU OF IDENTIFICATION. Sponsor: Senator Vaughn. To Judiciary.

SB 140 - AN ACT TO AMEND CHAPTER 3, TITLE 28, OF THE DELAWARE CODE RELATING TO THOROUGHBRED RACING. Sponsors: Senator Venables, Representative Amick. To Agriculture.

SA 1 to SB 39 - Sponsor: Senator Sharp. Placed with the Bill.

SCR 39 was introduced and considered for adoption on motion of Senator Neal:

SCR 39 - COMMEMORATING THE LIFE AND PUBLIC SERVICE OF WILLIAM M. COVERDALE AND EXPRESSING SINCERE CONDOLENCES TO HIS FAMILY. Sponsors: Senator Neal; Representatives Amick, Soles; Senators Cordrey, Martin, Sokola.

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 by the Senate and sent to the House for consideration.

At 3:59 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 31st Legislative Day.

31ST LEGISLATIVE DAY May 15, 1991

The Senate convened at 3:59 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Sokola.

Pledge of Allegiance to the Flag.

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

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

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 91, SB 119 and adopted HCR 36.

LEGISLATIVE ADVISORIES #8, #9 and #10 were partially read and copies made available to each Senator:

LEGISLATIVE ADVISORY #8, dated April 24, 1991: On April 22 the Governor signed HB 13, SB 11 w/HA 1.

LEGISLATIVE ADVISORY #9, dated May 2, 1991: On April 29 the Governor signed HJR 4.

LEGISLATIVE ADVISORY #10, dated May 7, 1991: On May 5 the Governor signed HB 185 w/HA 1 (Volume 68, Chapter 25, Laws of Delaware); and on May 6 the Governor signed HJR 6.

At 4:02 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 5:19 p.m., Senator Cordrey presiding.

The following legislation was introduced and assigned:

SB 141 - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO A PROCEDURE FOR PROVIDING FOR CLAIMS AGAINST A DISSOLVED CORPORATION AND TO CERTAIN FEES AND CHARGES PAYABLE TO THE SECRETARY OF STATE. (2/3 vote) Sponsors: Senator Sharp, Representative Hebner. To Judiciary.

SB 142 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER V, TITLE 11 OF THE DELAWARE CODE RELATING TO ETHNIC INTIMIDATION. Sponsor: Senator Sharp. To Judiciary.

At 5:20 p.m., Lt. Governor Wolf presiding.

SB 38 was taken up for consideration on motion of Senator Hauge:

SB 38 - AN ACT TO AMEND CHAPTER 49, TITLE 15 OF THE DELAWARE CODE RELATING TO CONDUCT OF ELECTION.

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

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

Several Senators commented on the Bill after which the roll call vote on SB 38 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.

A messenger from the Governor's Office was announced and admitted.
At 5:35 p.m. on motion of Senator Sharp, the Senate recessed until 2:30 p.m., May 16, 1991.

The Senate reconvened at 2:37 p.m., May 16, 1991, Lt. Governor Wolf presiding.
The following legislation was introduced and assigned:
SB 143 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO MEAL BREAKS. Sponsor: Senator Connor. Assigned to Labor and Industrial Relations Committee.
SB 144 - AN ACT TO AMEND TITLE 26, DELAWARE CODE, AND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO WATER UTILITIES. Sponsors: Senators Cordrey, Adams, Vaughn, Venables, Minner; Representatives West, Bunting. Assigned to Natural Resources and Environmental Control Committee.
From the Banking Committee: SB 132 - 3 Merits
At 2:40 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 32nd Legislative Day.

32ND LEGISLATIVE DAY
May 16, 1991

The Senate convened at 2:40 p.m.; Lt. Governor Wolf presiding.
A Prayer was offered by Senator Still.
Pledge of Allegiance to the Flag.
Call of the roll for the Legislative Day revealed the following attendance:
PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables - 21.
The Journal of the previous day was approved as read on motion of Senator Sharp.
The Secretary announced that a message from the House informed the Senate that it had adopted HCR 43, HCR 44, SCR 39, SCR 40.
The following communication from the Governor was partially read and a copy made available to each Senator:

STATE OF DELAWARE
Office of the Governor
May 15, 1991

To the Senate of the 136th General Assembly
of the State of Delaware

The following nominations, submitted to the Senate on January 30, 1991, are deemed confirmed pursuant to 15 Del. C. §205:

James J. Sullivan, Esq. to be reappointed as a member of the New Castle County Board of Elections to serve a four year term.

Ruffin M. Moissette, to be reappointed as a member of the New Castle County Board of Elections to serve a four year term.

Thomas S. Lodge, Esq., to be reappointed as a member of the New Castle County Board of Elections to serve a four year term.

(Signed) Sincerely,
Michael N. Castle, Governor

A message from Walter J. Stewart, Secretary to the United States Senate was read acknowledging receipt of SR 16.

A message from Donald K. Anderson, Clerk of the U. S. House of Representatives was read acknowledging receipt of SR 16.

Senator Sharp was granted the privilege of the floor and commented on the leadership meeting which was held concerning the fiscal problems of the State and played a tape of a radio ad sponsored by the Delaware State Chamber of Commerce. Senators Holloway and Torbert also addressed the subject.

Senators Neal marked PRESENT.

SCR 41 was introduced:

SCR 41 - SALUTING ROBERT J. VOSHELL OF MILFORD, DELAWARE'S DIRECTOR OF THE DIVISION OF MOTOR VEHICLES, FOR 40 YEARS OF EXEMPLARY SERVICE TO THE STATE OF DELAWARE AND ITS CITIZENS AS HE PREPARES TO RETIRE MAY 31. Sponsors: Senators Minner, Cook, Martin, all Senators: Representatives Carey, B. Ennis, all House members.

The privilege of the floor was extended to Mr. Voshell. He was then presented with a lift by Senator Minner on his retirement. Several Senators commented and Mr. Voshell introduced several members of his staff who were present in the Chamber. Senators Neal, McDowell and Knox also commented.

Senators Connor, Martin, McBride marked PRESENT.

The roll call vote on the Resolution 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.

SB 65 was taken up for consideration on motion of Senator Minner:

SB 65 - AN ACT TO AMEND TITLE 23, DELAWARE CODE RELATING TO LIMITATION OF LIABILITY FOR RENDERING VESSEL TRAFFIC INFORMATION SERVICES.

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

SB 71 was taken up for consideration on motion of Senator Bair:

SB 71 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES AGAINST THE ELDERLY.

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

The roll call vote on SB 71 w/SA 1 was then 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.

SB 15 which had been returned from the House further amended by HA 2 was taken up for reconsideration on motion of Senator Vaughn. The roll call vote on SB 15 w/HA 2 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the Governor for consideration.

At 3:32 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:17 p.m.; Lt. Governor Wolf presiding.

The following legislation was introduced and assigned:

SB 145 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO USE AND DISPLAY OF A DEADLY WEAPON DURING THE COMMISSION OF A CRIME. Sponsors: Senators Minner, Adams, Vaughn, McBride, J. Still; Representatives Brady, Davis, B. Ennis, Ewing, Hebner, Houghton, Jonkier, Oberle, Spence, VanSant. To Judiciary.

SB 146 - AN ACT TO AMEND CHAPTER 87, TITLE 29, DELAWARE CODE, RELATING TO THE COUNCIL ON ARCHIVES AND CULTURAL AFFAIRS. Sponsor: Senator Venables. To Sunset.

SB 147 - AN ACT TO AMEND TITLE 7, OF THE DELAWARE CODE RELATING TO FINES PAYABLE BY MAIL. Sponsors: Senators Minner, Blevins, Martin, Sokola, Venables, Knox; Representatives Carey, Caulk, Quillen, Mack, Bunting, Clark, Schroeder. To Judiciary.

SB 148 - AN ACT TO AMEND TITLE 11, CHAPTER 86 OF THE DELAWARE CODE RELATING TO THE DELAWARE JUSTICE INFORMATION SYSTEM. Sponsor: Senator Vaughn. Assigned to Judiciary.

SB 107 was taken up for consideration on motion of Senator Holloway:

SB 107 - AN ACT TO AMEND CHAPTER 5, TITLE 19 OF THE DELAWARE CODE RELATING TO CHILD LABOR.

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

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

The privilege of the floor was extended to Karen Peterson (Department of Labor) and several Senators entered into discussion of the Bill after which the roll call vote on SB 108 w/SA 1, 2 was taken and revealed 17 Senators voting YES and 4 (Adams, Torbert, Vaughn, Venables) voting NO.

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

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

SB 87 - AN ACT REQUIRING CERTAIN STATE-OWNED BUILDINGS TO DISPLAY P.O.W.-M.I.A. FLAGS.

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

HB 49 w/HA 1, 2 was taken up for consideration on motion of Senator Blevins:

HB 49 w/HA 1, 2 - AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO LIGHTS AND EQUIPMENT ON VEHICLES.

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

Under suspension of rules and on motion of Senator Adams and without objection the following nominations for appointment by the Governor were taken up for consideration and the roll call votes taken: