

Vaughn L. Callaway: 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Elizabeth D. Elliott: 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Stephen L. Manista: 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Gerald M. Pepper: 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Arlene Dale Stratton: 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Kimber E. Vought: 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

SB 57 w/SA 1, returned from the House as being amended by HA 2.3, was taken up for reconsideration under suspension of the necessary rules on motion of Senator Minner.

Senators Cordrey and McBride commented on the amended legislation.

The roll call vote on SB 57 w/SA 1, HA 2.3 was then taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for consideration.

SENATE CONSENT CALENDAR #12 was introduced on motion of Senator Minner:

SR 23 - COMMENDING REBECCA RIDDLE OF CENTERVILLE, DELAWARE, FOR HER LONG AND OUTSTANDING VOLUNTEER WORK ON BEHALF OF HUMAN NEEDS AND HUMAN DIGNITY FOR ALL CITIZENS OF THE STATE OF DELAWARE, AND WISHING HER AND HER FAMILY HEALTH, HAPPINESS AND PROSPERITY AS THEY RELOCATE FROM DELAWARE TO MARYLAND. Sponsors: Senators Holloway, Adams, Cordrey, Knox, Martin, Marshall, McDowell.

HCR 28 - MEMORIALIZING THE UNITED STATES CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT FOR RATIFICATION BY THE STATES, WHICH WOULD SPECIFY THAT THE CONGRESS AND THE INDIVIDUAL STATES SHALL HAVE THE POWERS TO PROHIBIT THE PHYSICAL DESECRATION OF THE AMERICAN FLAG. Sponsors: Representative Quillen, Senator Adams; Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Reynolds, Taylor, Spence, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, Gilligan, Houghton, VanSant, West; Senators Cook, Torbert, Vaughn, Connor, Knox, Still.

HCR 40 - MOURNING THE PASSING AWAY OF CHESTER GOVE, JR., FORMER STATE REPRESENTATIVE FROM THE 27TH DISTRICT. Sponsors: Representative B. Ennis; Senator Vaughn; Representatives Clark, Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Taylor, Bennett, Brady, Bunting, Campanelli, George, Gilligan, Houghton, Jonkiert, Moore, Outten, Schroeder, Silis, Soles, VanSant, West; Senators Adams, Blevins, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Sokola, Torbert, Venables, Bair, Connor, Hauge, Knox, Neal, Still.

HCR 41 - DESIGNATING THE WEEK OF MAY 12TH THROUGH MAY 18TH AS NATIONAL CORRECTIONAL OFFICER'S WEEK AND RECOGNIZING THE SERVICE TO THE CITIZENS OF THIS STATE BY THESE FINE INDIVIDUALS. Sponsors: Representative B. Ennis, Senator Vaughn.

HCR 43 - HONORING LOYAL AND DEDICATED PUBLIC SERVANT ETHEL M. COOPER UPON HER RETIREMENT AFTER THIRTY YEARS IN THE SOCIAL SERVICE FIELD. Sponsors: Representative Corrozi, Senator Sharp; Representative VanSant; Senator Blevins.

HCR 44 - RECOGNIZING THE CONTRIBUTION MRS. LOUISE BROTHERS HAS MADE TO THE NEWMARK COMMUNITY AND THE STATE OF DELAWARE. Sponsors: Representative Amick, Senator Neal; Representatives Oberle, Petrilli, Taylor, Soles; Senator Martin.

HCR 28 was removed from the CONSENT CALENDAR on motion of Senator McDowell after which 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 and the House Concurrent Resolution were returned to the House.

At 5:23 p.m. on motion of Senator Sharp, the Senate recessed until 2:00, p.m., May 28, 1991.

The Senate reconvened at 2:45 p.m., May 28, 1991; Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Committee on Children, Youth and Families: SB 124 - 1 Favorable, 3 Merits;

SB 126 - 1 Favorable, 3 Merits.

The following legislation was introduced and assigned:

SB 149 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO TRESPASS BY MOTOR VEHICLE OR OHV AND PENALTIES THEREFOR. (2/3 vote) Sponsors: Senator Adams, Representative Caulk; Senators Cook, Cordrey, Vaughn, Venables, Still; Representatives Carey, Bunting, Clark, Lofink, Quillen, Schroeder. To Public Safety.

SB 150 - AN ACT TO AMEND CHAPTER 12, TITLE 14 OF THE DELAWARE CODE RELATING TO PROVISIONAL CERTIFICATES. Sponsors: Senators Hauge, Knox, Holloway, Sokola; Representatives DiPinto, D. Ennis, Moore, Petrilli, Smith, Spence. To Education.

SA 1 to SB 117 - Sponsor: Senator Cordrey. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 57 w/SA 1, HA 2.3 and adopted SCR 41.

LEGISLATIVE ADVISORIES #11, #12 and #13 were partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #11, dated May 15, 1991: On May 10 the Governor signed SB 109 (Volume 68, Chapter 26., Laws of Delaware); HB 24 w/HA 1 (Volume 68, Chapter 27, Laws of Delaware); HB 138 (Volume 68, Chapter 28, Laws of Delaware); and on May 15 the Governor signed HB 162 w/HA 1 (Volume 68, Chapter 29, Laws of Delaware),

LEGISLATIVE ADVISORY #12, dated May 16, 1991: On May 15 the Governor signed HB 184 (Volume 68, Chapter 30, Laws of Delaware); HB 155 w/HA 1,2, SA 4,5 (Volume 68, Chapter 31, Laws of Delaware); and on May 16 the Governor signed SB 119 (Volume 68, Chapter 32, Laws of Delaware).

LEGISLATIVE ADVISORY #13, dated May 21, 1991: On May 16 the Governor signed SB 57 w/SA 1, HA 2,3 (Volume 68, Chapter 33, Laws of Delaware); and on May 22 the Governor signed HB 80 w/HA 1, SA 4,5,6 (Volume 68, Chapter 34, Laws of Delaware).

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that Representative Lee signed SB 15 as an additional sponsor while the Bill was in the House.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that Representative Smith signed SCR 39 as an additional sponsor on May 15, 1991.

SB 98 was reported out of the Finance Committee: 4 Merits.

SJR 7 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Cordrey. No objection.

SJR 7 - IN REFERENCE TO ELECTION OF OFFICERS. Sponsors: Senators Cordrey and Sharp. The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Holloway, Martin, Neal, Torbert) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

At 2:57 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 33rd Legislative Day.

33RD LEGISLATIVE DAY

May 28, 1991

The Senate convened at 2:57 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.

SB 124 was taken up for consideration on motion of Senator McDowell:

SB 124 - AN ACT TO AMEND CHAPTER 38, TITLE 31, DELAWARE CODE, RELATING TO FOSTER CHILD REVIEW.

Senator Bair commented on the legislation.

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

Senator Neal marked PRESENT during the above roll call.

SB 126 was taken up for consideration on motion of Senator McDowell:

SB 126 - AN ACT TO AMEND CHAPTER 38, TITLE 31, DELAWARE CODE, RELATING TO FOSTER CARE REVIEW.

Senators Neal and Bair commented on the Bill after which the Bill was laid on the table on motion of Senator McDowell.

At 3:05 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:13 p.m., Lt. Governor Wolf presiding.

The following legislation was introduced and assigned:

SB 151 - AN ACT TO AMEND TITLE 18 DELAWARE CODE TO ADOPT AN INSURANCE HOLDING COMPANY SYSTEM REGISTRATION. Sponsors: Senator Sharp, Representative D. Ennis; Representatives Boykin, DiPinto, Smith, Jonktert, Sills, VanSant; Senators Adams, McDowell, Vaughn, Still. To Insurance and Elections.

SA 1 to SB 98 - Sponsor: Senator McBride. Placed with the Bill.

SA 1 to SB 139 - Sponsor: Senator Vaughn. Placed with the Bill.

SB 98 was taken up for consideration on motion of Senator McBride:

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.

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 (Holloway, Knox, Still) ABSENT; therefore, the Amendment was declared adopted.

Senators Connor and Bair on the legislation.

The roll call vote on SB 98 w/SA 1 was then taken and revealed 13 Senators voting YES; 6 (Bair, Cordrey, Hauge, Knox, Neal, Still) voting NO; and 2 (Holloway, Sharp) ABSENT; therefore, the Bill as amended was declared adopted by the Senate and sent to the House for consideration.

Senator Adams commented on a letter from the Governor dated May 15, 1991 and that was read before the Senate on May 16, 1991 referring to the nomination for appointment of James J. Sullivan, Esq., Ruffin M. Noisette and Thomas S. Lodge, Esq.

The copy of the letter, dated May 28, 1991, written by Senator Adams to Governor Castle regarding the above nominations is included in the file of the day.

On motion of Senator Adams and without objection, the following nominations for appointment by the Governor were taken up for consideration under suspension of the necessary rules and the roll call votes taken:

Michael J. Axe, M.D. - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Calvin Boggs - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

John V. Flynn, Jr. - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

At 4:50 p.m., Senator Cordrey presiding.

Terrance L. Higgins - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Annie B. King - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Thomas S. Lodge, Esq. - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

William B. Mitten, III - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Ruffin M. Noisette - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Nancy M. Norling - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Donald D. Phillips - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

James J. Sullivan, Esq. - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Timothy E. Targett - 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

A messenger from the Governor was announced and admitted.

SCR 42 is introduced and considered for adoption on motion of Senator Torbert:

SCR 42 - CALLING TO THE ATTENTION OF THE STATE PERSONNEL OFFICE AND PERSONNEL DIRECTORS OF ALL STATE AGENCIES THAT DELAWARE LAW AND REGULATIONS PROVIDE THAT PERSONNEL RECORDS OF STATE EMPLOYEES ARE CONFIDENTIAL AND THAT UNAUTHORIZED DISCLOSURE OF ANY PORTION OF A STATE EMPLOYEE'S RECORDS SHALL BE GROUNDS FOR DISMISSAL. Sponsors: Senator Torbert, Representatives Caulk and Buckworth.

Senator Bair commented on the legislation.

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

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

STATE OF DELAWARE
Office of the Governor
May 28, 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. Chalfant, 22 North Prestwick Court, Dover, DE 19901, to be appointed as a Commissioner of the Delaware River and Bay Authority to serve for a term expiring July 1, 1993, to succeed William J. DiMondi, who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

At 5:13 p.m., on motion of Senator Sharp, the Senate recessed to 3:30 p.m., May 29, 1991.

The Senate reconvened on May 29, 1991 at 4:04 p.m. with Lt. Governor Wolf presiding. The following Committee reports were announced:

From the Corrections Committee: SB 39 - 1 Favorable, 4 Merits.

From the Sunset Committee: - SB 95 - 3 Merits; SB 146 - 3 Merits.

From the Insurance and Elections Committee: SB 121 - 4 Merits; SB 127 - 5 Merits; SB 128 - 5 Merits; SB 131 - 5 Merits; SB 151 - 5 Merits; SJR 6 - 4 Merits.

From the Executive Committee: SB 130 - 1 Favorable, 3 Merits.

From the Judiciary Committee: SB 138 - 5 Merits; SB 139 - 5 Merits; SB 141 - 5 Merits; SB 142 - 5 Merits; SB 145 - 5 Merits; SB 147 - 5 Merits; SB 148 - 5 Merits; HB 188 - 5 Merits; HB 189 - 5 Merits.

From the Agriculture Committee: SB 140 - 4 Merits.

From the Natural Resources and Environmental Control Committee: HB 179 - 4 Merits; SB 116 - 4 Merits; SB 144 - 4 Merits.

From the Labor and Industrial Relations Committee: SB 122 - 1 Favorable, 6 Merits.

Senator Holloway marked PRESENT.

The following legislation was introduced and assigned to committee:

SB 152 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE REGULATION OF BOXING MATCHES OR EXHIBITIONS AND THE DEREGULATION OF WRESTLING MATCHES OR EXHIBITIONS.

Sponsor: Senator Venables. To Sunset.

SB 153 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO SUSPENSION AND REVOCATION OF LICENSE. Sponsor: Senator Holloway. To Public Safety.

SB 154 - AN ACT TO AMEND CHAPTER 3, TITLE 28, DELAWARE CODE, RELATING TO THE DELAWARE THOROUGHBRED RACING COMMISSION. Sponsors: Senator Sharp, Representative Gilligan; Representatives Campanelli, Houghton, Roy, VanSant. To Community/County Affairs.

SB 155 - AN ACT TO AMEND CHAPTER 20, TITLE 15, DELAWARE CODE, RELATING TO AGENCY BASED REGISTRATION. Sponsors: Senator McDowell, Representative Amick; Senators Bair, Blevins, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, McBride, Minner, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables; Representatives Bennett, Buckworth, Bunting, Campanelli, Carey, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Houghton, Jonkiert, Lee, Lofink, Mack, Maroney, Moore, Oberle, Outten, Petrilli, Reynolds, Roy, Schroeder, Sills, Soles, Taylor, VanSant. To Insurance and Elections.

SB 156 - AN ACT TO AMEND CHAPTER 71, TITLE 18, DELAWARE CODE, RELATING TO LONG-TERM CARE INSURANCE. Sponsors: Senators Holloway, Still. To Insurance and Elections.

SB 157 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO A PROHIBITION AGAINST THE USE OF RADAR DETECTORS IN OR ON MOTOR VEHICLES TO DETECT THE PRESENCE OF RADAR SPEED MEASURING EQUIPMENT. (2/3 vote). Sponsors: Senators Knox, Still; Representative Smith. To Public Safety.

The Secretary announced that a message from the House informed the Senate that it had passed HB 95; HB 120; HB 190 w/HA 1; SB 123; SB 48; SB 33 w/SA 1 and adopted HJR 7.

The following legislation was introduced and assigned:

HB 95 - AN ACT TO AMEND CHAPTER 26, TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGULATION OF PHYSICAL THERAPISTS AND ATHLETIC TRAINERS. Sponsor: Representative Amick. (2/3 vote). To Sunset.

HB 120 - AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS. Sponsors: Representatives Brady, Bunting, Campanelli, Carey, Clark, Davis, DiPinto, B. Ennis, D. Ennis, Fallon, George, Gilligan, Lofink, Mack, Maroney, Oberle, Reynolds, Schroeder, Sills, Soles, Taylor, West, Spence; Senators Adams, Connor, Holloway, Marshall, Martin, McDowell, Minner, Sokola, Still, Torbert, Vaughn. To Finance.

HB 190 w/HA 1 - AN ACT TO AMEND CHAPTER 39, TITLE 31, DELAWARE CODE, RELATING TO ADULT PROTECTIVE SERVICES. (2/3 vote) Sponsors: Representative Moore, Senator Holloway; Representatives Amick, Brady, Bunting, B. Ennis, George, Houghton, Maroney, Reynolds, Smith, West; Senators Bair, Blevins, Sharp. To Health-Social Services/Aging.

SA 1 to SB 40 - Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to HB 178 - Sponsor: Senator Venables. Placed with the Bill.

SA 1 to SB 132 - Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SB 148 - Sponsor: Senator Vaughn. Placed with the Bill.

SB 51 was reported out of the Highways and Transportation Committee - 1 Favorable, 4 Merits.

At 4:17 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 34th Legislative Day.

34TH LEGISLATIVE DAY May 29, 1991

The Senate convened at 4:17 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.

The privilege of the floor was extended to Elizabeth Ryan, League of Women Voters of Delaware, at the request of Senator Cordrey. Ms. Ryan made a short address before the Senate.

SB 132 was taken up for consideration on motion of Senator Cordrey:

SB 132 - AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE RELATING TO BANK RECEIVERSHIP.

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

Senator McBride marked PRESENT during the above roll call.

The privilege of the floor was extended to Joseph Moran, Delaware Bankers Association, and several Senators entered into discussion of the Bill.

The roll call vote on SB 132 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.

Senator Minner marked PRESENT during the above roll call.

At 4:31 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:16 p.m., Senator Sharp presiding.

SR 25 was lifted from the table for consideration on motion of Senator Torbert:

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.

At 5:17 p.m., Senator Cordrey presiding.

There was considerable discussion of the Resolution among several Senators after which the roll call vote was taken and revealed 11 Senators (Adams, Blevins, Cook, Cordrey, Marshall, Martin, Neal, Sharp, Torbert, Vaughn, Venables) voting YES; 7 (Bair, Connor, Hauge, McBride, McDowell, Sokola, Still) voting NO; 2 (Holloway, Knox) NOT VOTING; and 1 (Minner) ABSENT. The Resolution was declared adopted.

SB 134, SB 135, SB 136 and SB 21 were stricken at the request of Senator Torbert.

At 5:29 p.m., on motion of Senator Sharp the Senate recessed until 1:58 p.m., May 30, 1991.

The Senate reconvened at 2:38 p.m., Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Insurance and Elections: SB 120 - 5 Merits.

From the Public Safety: SB 149 - 4 Merits; HB 161 w/HA 1 - 4 Merits.

From the Sunset: HB 178 w/HA 1 as amended by HA 1, HA 2 - 3 Merits.

From the Health-Social Services/Aging: HB 190 w/HA 1 - 1 Favorable, 5 Merits.

From the Administrative Services: SB 129 - 3 Merits.

The following legislation was introduced and assigned to committee:

SB 158 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO MOTORCYCLES. (2/3 vote). Sponsors: Senator Knox; Representatives Boykin, Corrozi, Maroney. To Public Safety.

SA 1 to HB 161. Sponsor: Senator Torbert. Placed with the Bill.

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

STATE OF DELAWARE
Office of the Governor
May 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: Sarah Ann Fillat, 116 Crescent Drive, Dover, Delaware 19901, to be appointed as a member of the Cash Management Policy Board to serve a three year term to succeed Weston E. Nellius, who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

SCR 44 was introduced and considered for adoption on motion of Senator Adams:
SCR 44 - HONORING DR. DONALD F. CROSSAN, DEAN OF THE UNIVERSITY OF DELAWARE'S COLLEGE OF AGRICULTURAL SCIENCES AND DIRECTOR OF THE DELAWARE AGRICULTURAL EXPERIMENTAL STATION, FOR HIS SIGNIFICANT AND LASTING CONTRIBUTIONS TO AGRICULTURE, STUDENTS, AND CITIZENS OF DELAWARE DURING 37 YEARS OF SERVICE AND EXTENDING BEST WISHES FOR A HAPPY AND PROSPEROUS RETIREMENT. Sponsors: Senator Adams, Representative Carey; Senators Cordrey, Cook, Vaughn, Connor, Venables, Still; Representatives Caulk, Fallon, Lofink, Quillen, Clark, Bunting, Schroeder.

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

At 2:45 p.m. on motion of Senator Sharp the Senate adjourned to immediately convene for the 35th Legislative Day.

35TH LEGISLATIVE DAY
May 30, 1991

The Senate convened at 2:45 p.m. with Lt. Governor Wolf presiding.

A Prayer was offered by Senator Martin.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, 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 privilege of the floor was extended to Senator Venables for the introduction of students from Delmar High School, winners of the national Texaco Star Challenge competition: Winford H. Willis, Randall C. Bruce, Chris Throckmorton, Allen Burton, Demaris L. Sawyer, Karen Sullivan, and Bobby Ellis.

The privilege of the floor was also extended to Dr. Wayne Bastian, Superintendent of the Delmar School District, and Dr. Jo Ann Czernick who briefly addressed the Senate.

Senators Connor, Knox, Cook, McBride, McDowell marked PRESENT.

The privilege of the floor was extended to Senator Torbert who commented on SR 25 which had been adopted the day before.

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

HB 190 w/HA 1 - AN ACT TO AMEND CHAPTER 39, TITLE 31, DELAWARE CODE, RELATING TO ADULT PROTECTIVE SERVICES. (2/3 vote)

The privilege of the floor was extended to Representative Moore to address the Bill after which the roll call vote was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 95 was taken up for consideration on motion of Senator Sharp:

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.

Senator Neal commented on the legislation.

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

SB 120 was taken up for consideration on motion of Senator Sharp:

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.

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

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

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.

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

At 3:28 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:55 p.m.; Senator Sharp presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 203 and adopted SCR 42 and SCR 44.

HB 203 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Minner. No objection.

HB 203 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON", BEING CHAPTER 501, VOLUME 61, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 265, VOLUME 64, AND CHAPTER 266, VOLUME 65, LAWS OF DELAWARE, RELATING TO THE TOWN CHARTER OF MILTON.

(2/3 vote). Sponsors: Representative Carey and Senator Minner.

At 4:57 p.m., Senator Cordrey presiding.

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

SB 128 was taken up for consideration on motion of Senator Sharp:

SB 128 - AN ACT TO AMEND TITLE 18, DELAWARE CODE REGARDING FINANCIAL EXAMINATIONS OF INSURANCE COMPANIES.

Senator McBride commented on the legislation.

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

SB 130 was taken up for consideration on motion of Senator Adams:

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.

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

SB 138 was taken up for consideration on motion of Senator Sharp:

SB 138 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO INSTITUTIONAL VANDALISM. (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.

SB 139 was taken up for consideration on motion of Senator Vaughn:

SB 139 - AN ACT TO AMEND TITLE 11, CHAPTER 85 OF THE DELAWARE CODE RELATING TO THE STATE BUREAU OF IDENTIFICATION.

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

Senators Bair and McDowell commented.

The roll call vote on SB 139 w/SA 1 was then taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HCR 36 was introduced and considered for adoption on motion of Senator Adams:

HCR 36 - FORMING A COMMITTEE TO STUDY THE POSSIBILITY OF REISSUING MOTOR VEHICLE LICENSE PLATES AND EXAMINING THE FEASIBILITY OF DUAL PLATES. Sponsors: Representative Ewing, Senator Adams.

The roll call vote on the Resolution was taken and revealed 18 Senators voting YES, 2 (McDowell, Sharp) voting NO and 1 (Marshall) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HCR 28 was introduced and considered for adoption on motion of Senator Adams:

HCR 28 - MEMORIALIZING THE UNITED STATES CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT FOR RATIFICATION BY THE STATES, WHICH WOULD SPECIFY THAT THE CONGRESS AND THE INDIVIDUAL STATES SHALL HAVE THE POWER TO PROHIBIT THE PHYSICAL DESECRATION OF THE AMERICAN FLAG. Sponsors: Representative Quillen, Senator Adams; Representatives Amick, Boykin, Buckworth, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Fallon, Hebner, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Reynolds, Taylor, Spence, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, Gilligan, Houghton, VanSant, West; Senators Cook, Torbert, Vaughn, Connor, Knox, Still.

Senator McDowell commented.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES and 2 (McDowell, Sokola) NOT VOTING; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SR 27 was introduced and considered for adoption on motion of Senator Holloway:

SR 27 - COMMENDING OLIVER W. CASSON OF WILMINGTON, CHAIRMAN OF THE DELAWARE PAROLE BOARD, AS HE RETIRES FROM 28 YEARS OF STATE SERVICE AND EXTENDING BEST WISHES FOR A LONG AND FULFILLING RETIREMENT. Sponsor: Senator Holloway.

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

SCR 43 was introduced and considered for adoption on motion of Senator Minner:

SCR 43 - URGING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS TO CONDUCT A JOINT STUDY OF THE FEASIBILITY AND COST OF RESTORING ABBOTTS MILL IN MILFORD TO WORKING ORDER. Sponsors: Senator Minner, Representative Carey; Senators Martin, Marshall, McDowell, Sharp, Venables; Representatives Ewing, Schroeder, Lee, Caulk, Amick, D. Ennis, B. Ennis, Clark, DiPinto, Boykin, Smith, Lofink, Bunting, Bennett, Oberle, Quillen, Spence, Reynolds, Fallon.

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

SR 26 was introduced and considered for adoption on motion of Senator Neal:

SR 26 - COMMENDING KURT HOWELL OF NEWARK ON HIS RECENT ACHIEVEMENTS IN WRESTLING AND WISHING HIM SUCCESS AS HE COMPETES IN INTERNATIONAL COMPETITION LEADING UP TO THE 1992 OLYMPICS. Sponsors: Senators Neal, Martin.

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

SB 145 which had been reported out of the Judiciary Committee, was reassigned to the Finance Committee on motion of Senator Cordrey (no objection).

At 5:34 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 4, 1991.

The Senate reconvened at 2:53 p.m., June 4, 1991 with Lt. Governor Wolf presiding.

The following legislation was introduced and assigned to committee:

SS 1 to SB 81 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE, RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Sponsors: Senator Sokola, Representative Amick. Adopted in lieu of the Original.

SB 159 - AN ACT TO AMEND TITLE 30, CHAPTER 54, DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX. Sponsor: Senator Minner. Assigned to Revenue and Taxation Committee.

SB 160 - AN ACT TO AMEND CHAPTER 92, TITLE 11 OF THE DELAWARE CODE RELATING TO LAW-ENFORCEMENT OFFICERS' BILL OF RIGHTS. Sponsors: Senators McDowell, Vaughn; Representatives B. Ennis, Oberle, Spence, VanSant. To Judiciary.

SA 1 to SB 142 - Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to SB 146 - Sponsor: Senator Venables. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed SB 92 w/SA 1,2, HA 4 as amended by HA 1 and adopted HCR 45.

At 2:56 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 36th Legislative Day.

36TH LEGISLATIVE DAY

June 4, 1991

The Senate convened at 2:56 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 Secretary announced that a message from the Chief Clerk of the House informed the Senate that the following Representatives signed SCR 44 on May 30, 1991: Amick, Buckworth, Petrilli, Maroney, Moore, George, Soles, DiPinto, Lee, Clark, Jonkiert, Corrozi, Boykin, Gilligan, Davis, Oberle, Spence, Ewing, Hebner, and that Representative Ewing signed SCR 42 as an additional sponsor.

The Secretary announced that a message from Senator Cordrey was received requesting that Representative Ewing be added as a co-sponsor to SB 144.

LEGISLATIVE ADVISORIES #14 and #15 were partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #14, dated May 28, 1991: On May 23, 1991 the Governor signed HJR 5; SB 15 w/HA 2 (Volume 68, Chapter 35, Laws of Delaware); SB 91 (Volume 68, Chapter 36, Laws of Delaware); HB 49 w/HA 1,2 (Volume 68, Chapter 37, Laws of Delaware).

LEGISLATIVE ADVISORY #15, dated May 31, 1991: On May 30, 1991 the Governor signed HB 203 (Volume 68, Chapter 38, Laws of Delaware).

A messenger from the Governor was announced and admitted.

Senator Still marked PRESENT.

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

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.

The privilege of the floor was extended to Mr. Ferris W. Wharton, Department of Justice, and several Senators commented on the Bill.

Senators Bair and Marshall marked PRESENT.

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

SS 1 to SB 100 was introduced:

SS 1 to 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.

Senator Sharp questioned the prime sponsor, Senator McBride, as to the necessity for a Substitute Bill. The privilege of the floor was extended to Senate Attorney, Arthur G. Connolly, III.

On motion of Senator McBride, SS 1 to SB 100, was adopted in lieu of the Original and taken up for consideration under suspension of the necessary rules. No objection.

The privilege of the floor was extended to Lori Sitler, Victim Rights Task Force, and Steve Kubico, Controller General's Office, and several senators entered into discussion of the Bill which was then laid on the table on motion of Senator McBride.

SB 92 w/SA 1.2 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 4 w/HA 1 on motion of Senator Venables.

The privilege of the floor was extended to John Cordrey, Senate Attorney, and Raymond S. Pusey, concerned citizen, after which the roll call vote on SB 92 w/SA 1.2, HA 4 w/HA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

At 4:09 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:10 p.m., Lt. Governor Wolf presiding.

At 5:11 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., June 5, 1991.

The Senate reconvened at 4:01 p.m., June 5, 1991, Lt. President Wolf presiding.

The following Committee reports were announced:

From Finance: SB 137 - 6 Merits.

From Judiciary: SB 118 - 3 Merits; HB 98 - 3 Merits.

From Insurance and Elections: SS 1 for SB 81 - 2 Merits, 1 Unfavorable; SB 155 - 4 Merits; SB 44 - 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 183 w/HA 1.2.3, HB 108 w/HA 2, HS 1 for HB 141, SB 65, SB 62 w/SA 2 and adopted HCR 48.

The following legislation was introduced and assigned to committee:

SA 1 to SB 147 - Sponsor: Senator Minner. Placed with the Bill.

SA 1 to SB 153 - Sponsor: Senator Holloway. Placed with the Bill.

HS 1 to HB 141 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, CHAPTER 44, TO SET FORTH IN GREATER DETAILS THE OBLIGATIONS AND POWERS OF THE DELAWARE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION. Sponsors: Representatives D. Ennis, Boykin, DiPinto, Smith, Jonkiert, Sills. To Insurance and Elections.

SB 161 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO HAZARDOUS AIR POLLUTANTS. Sponsor: Senator Venables. To Natural Resources and Environmental Control.

SB 162 - AN ACT TO AMEND TITLE 24, CHAPTER 17, RELATING TO THE RECOGNITION, REGULATION, AND LICENSURE OF PHYSICIAN'S ASSISTANTS AND TO PROVIDE FOR THE MAXIMUM UTILIZATION OF QUALIFIED PHYSICIAN'S 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, Jonkiert. To Health-Social Services/Aging.

SB 165 - AN ACT TO AMEND CHAPTER 26, TITLE 14 OF THE DELAWARE CODE, RELATING TO THE POWER OF COUNTY VOCATIONAL HIGH SCHOOL DISTRICTS AND COUNTY VOCATIONAL-TECHNICAL SCHOOL DISTRICTS TO LEVY TAXES FOR SCHOOL PURPOSES. Sponsor: Senator Cordrey. Laid on the table on motion of the sponsor.

HB 183 w/HA 1.2.3 - AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE RELATING TO SHIPPING OF ALCOHOLIC LIQUOR BY THE MANUFACTURER OR IMPORTER. (2/3 vote). Sponsor: Representative Amick. To Administrative Services.

HB 108 w/HA 2 - AN ACT TO AMEND CHAPTER 101, TITLE 29, DELAWARE CODE RELATING TO THE DELAWARE ADMINISTRATIVE COMMISSION. Sponsors: Representatives Clark, Schroeder. To Sunset.

SA 1 to SB 151 - Sponsor: Senator Sharp. Placed with the Bill.

The following letters of nomination for appointment from the Governor were read. To Executive:

STATE OF DELAWARE
Office of the Governor
June 4, 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 L. Bruton, 111 Jayson Road, Wilmington, DE 19803, to be appointed as a member of the Public Service Commission to serve for a term expiring May 1, 1992, to succeed Earle Lester.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
May 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: Saxton C. Lambertson, R.D. 7, Box 87, Dover, DE 19901, to be reappointed as a member of the Violent Crimes Compensation 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
June 4, 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: Marlene Lichtenstadter, 4 Bender Drive, Newark, DE 19711, to be appointed Chairman of the Board of Parole to serve a term during the pleasure of the Governor to succeed Oliver W. Casson, who has retired.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor
* * * * *

The following legislation was introduced:
SA 2 to SB 151 - Sponsor: Senator Still. Placed with the Bill.
At 4:12 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 37th Legislative Day.

* * * * *
37TH LEGISLATIVE DAY
June 5, 1991

The Senate convened at 4:12 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 142 was taken up for consideration on motion of Senator Sharp:
SB 142 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER V, TITLE 11 OF THE DELAWARE CODE RELATING TO ETHNIC INTIMIDATION.

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

Senators Blevins, Cook, Minner, Adams marked PRESENT during the above roll call.

Several Senators entered into discussion of the Bill and the privilege of the floor was extended to Senate Attorney, John Cordrey, after which the Bill was laid on the table on further motion of Senator Sharp.

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

SB 146 - AN ACT TO AMEND CHAPTER 87, TITLE 29, DELAWARE CODE, RELATING TO THE COUNCIL ON ARCHIVES AND CULTURAL AFFAIRS.

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 which was taken revealed 20 Senators voting YES and 1 (McDowell) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 146 w/SA 1 was then taken and revealed 20 Senators voting YES and 1 (McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 4:42 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:37 p.m., Lt. Governor Wolf presiding.

SB 51 was taken up for consideration on motion of Senator Sokola:

SB 51 - AN ACT TO AMEND CHAPTER 84, TITLE 29, DELAWARE CODE RELATING TO THE DUTIES OF THE DEPARTMENT OF TRANSPORTATION.

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

Several Senators commented on the Bill and the Amendment. The privilege of the floor was extended to Mr. Vincent Checchi, Mill Creek Development Control, after which the roll call vote on SB 51 w/SA 1 was taken and revealed 13 Senators voting YES; 5 (Adams, Cordrey, McBride, Vaughn, Venables) voting NO; 2 (Holloway, Sharp) NOT VOTING; 1 (McDowell) ABSENT.

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

At 6:01 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 6, 1991.

The Senate reconvened at 2:48 p.m., June 6, 1991, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 46, HCR 47, HCR 49, HCR 50, SCR 43.

The following amendment was read in and assigned:

SA 1 to SB 150. Sponsor: Senator Hauge. Placed with the Bill.

Senator McDowell marked PRESENT.

The following legislation was introduced and assigned to committee:

SB 163 - AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO ADULT ENTERTAINMENT ESTABLISHMENTS. Sponsors: Senator McBride, Representative Spence; Senator Connor; Representatives Bennett, Boykin, Buckworth, Bunting, Campanelli, Clark, DiPinto, Ewing, Houghton, Petrilli, Smith, West. To Administrative Services.

SB 164 - AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO CERTAIN ADULT ENTERTAINMENT ESTABLISHMENTS; AND PROVIDING FOR THE PREVENTION AND CONTROL OF CERTAIN SEXUALLY-RELATED COMMUNICABLE DISEASES. Sponsors: Senator McBride, Representative Spence; Senator Connor; Representatives Bennett, Bunting, Campanelli, Clark, DiPinto, B. Ennis, Ewing, Houghton, Lee, Petrilli, Smith, VanSant, West. To Health-Social Services/Aging.

SB 166 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 35, TITLE 11, DELAWARE CODE, RELATING TO ORDERS TO PROTECT VICTIMS AND WITNESSES. Sponsor: Senator Torbert. To Judiciary.

SB 167 - AN ACT TO AMEND CHAPTER 25, TITLE 6, DELAWARE CODE RELATING TO PROHIBITED TRADE PRACTICES. Sponsors: Senators Sharp, Martin. To Administrative Services.

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

At 2:53 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 38th Legislative Day.

38TH LEGISLATIVE DAY

June 6, 1991

The Senate convened at 2:53 p.m. with Lt. Governor Wolf 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.

SB 165 was lifted from the table for consideration on motion of Senator Cordrey under suspension of the necessary rules. No objection.

SB 165 - AN ACT TO AMEND CHAPTER 26, TITLE 14 OF THE DELAWARE CODE, RELATING TO THE POWER OF COUNTY VOCATIONAL HIGH SCHOOL DISTRICTS AND COUNTY VOCATIONAL-TECHNICAL SCHOOL DISTRICTS TO LEVY TAXES FOR SCHOOL PURPOSES.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Cordrey.

Several Senators commented.

Senator Marshall marked PRESENT.

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

Senators Connor, Adams, Neal marked PRESENT.

Several Senators commented on the Bill after which the roll call vote on SB 165 w/SA 1 and revealed 18 Senators voting YES; 1 (Venables) voting NO; 2 (McBride, McDowell) NOT VOTING. The Bill was declared passed by the Senate and sent to the House for consideration.

Senator Holloway marked PRESENT during the above roll call.

SB 39 was taken up for consideration on motion of Senator Sharp:

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.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Sharp. The privilege of the floor was extended to John Cordrey, Senate Attorney, after which the roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

During discussion of the Bill among several Senators, the privilege of the floor was extended to Mr. Kenneth L. Szaroleta, F.O.P. Lodge #10 - Probation & Parole.

The roll call vote on SB 39 w/SA 1 was then taken and revealed 19 Senators voting YES, 1 (Minner) voting NO and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 82 was stricken on motion of Senator Knox.

SB 129 was taken up for consideration on motion of Senator Adams:

SB 129 - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO THE GENERAL JURISDICTION AND POWERS OF THE PUBLIC SERVICE COMMISSION.

The privilege of the floor was extended to Gilbert H. Smith, Jr. (Diamond State Telephone Company) after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:58 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:07 p.m., Senator Cordrey presiding.

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

SB 147 - AN ACT TO AMEND TITLE 7, OF THE DELAWARE CODE RELATING TO FINES PAYABLE BY MAIL.

SA 1 to the Bill which had been placed with the Bill was considered for adoption.

At 5:08 p.m., Lt. Governor Wolf presiding.

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

The roll call vote on SB 147 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 148 was taken up for consideration on motion of Senator Vaughn:

SB 148 - AN ACT TO AMEND TITLE 11, CHAPTER 86 OF THE DELAWARE CODE RELATING TO THE DELAWARE JUSTICE INFORMATION SYSTEM.

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

The privilege of the floor was extended to Lt. David E. Deputy, Delaware State Police, after which the roll call vote on SB 148 w/SA 1 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 151 was taken up for consideration on motion of Senator Sharp:

SB 151 - AN ACT TO AMEND TITLE 18 DELAWARE CODE TO ADOPT AN INSURANCE HOLDING COMPANY SYSTEM REGISTRATION.

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

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Still and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 151 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.

SJR 6 was taken up for consideration on motion of Senator Still:

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.

Senator Holloway commented on the resolution.

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

Personal privilege of the floor was extended to Senator McDowell who explained his reasoning for NOT VOTING on the above Joint Resolution due to a possible conflict of interest.

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

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.

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

SENATE CONSENT CALENDAR #13, containing the following resolution were read in:

SCR 46 - CONGRATULATING THE SPONSORS AND VOLUNTEERS INVOLVED IN STAGING THE 43RD DELMARVA CHICKEN FESTIVAL HELD JUNE 7TH AND 8TH, 1991 AT DELAWARE STATE COLLEGE IN DOVER. Sponsors: Senator Still; Representatives Buckworth; Senators Vaughn, Cook, Torbert, Minner; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk.

SCR 45 - ENCOURAGING THE UNIVERSITY OF DELAWARE COLLEGE OF URBAN AFFAIRS AND OR COLLEGE OF EDUCATION TO CONDUCT EXIT INTERVIEWS OF EDUCATORS RETIRING UNDER THE EARLY RETIREMENT OPTION. Sponsors: Representative Spence, Senator McBride; Representatives Petrilli, Buckworth, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Taylor, George, Gilligan, Bennett, Brady, Bunting, Campanelli, Clark, B. Ennis, Houghton, Jonkier, Moore, Outten, Schroeder, Sills, Soles, VanSant, West; Senator Knox.

SCR 46 - CONGRATULATING SHERMAN STEVENSON ON HIS RETIREMENT AS EXECUTIVE VICE-PRESIDENT OF THE DELAWARE FARM BUREAU. Sponsors: Representative Caulk; Senator Adams; Representative Carey, Fallon, Lofink, Quillen, Bunting, Clark, Schroeder; Senators Cook, Cordrey, Vaughn, Venables, Still, Minner.

SCR 47 - EXPRESSING SYMPATHY TO THE FAMILY OF MR. E. V. INGRAM OF DOVER, DELAWARE, A LONG TIME BUSINESSMAN AND CIVIC LEADER WHO DIED ON TUESDAY, MAY 28, 1991 AT THE AGE OF EIGHTY-SEVEN. Sponsors: Representatives Outten, Bennett; Senator Still.

SCR 48 - HONORING THE SHOW OUR SUPPORT (SOS) GROUP UPON RECEIVING THE 1991 LT. GOVERNOR'S TOURISM AWARD FOR HOSPITALITY. Sponsors: Representatives Buckworth, Bennett, Outten; Senators Torbert, Still.

SCR 49 - MOURNING THE DEATH OF THE FORMER CHIEF JUSTICE OF THE DELAWARE SUPREME COURT, DANIEL L. HERRMAN. Sponsors: Representative Corrozi, Senators Knox and Blevins; all Representatives, all Senators.

SCR 50 - THANKING PRESIDENT GEORGE H. W. BUSH FOR TAKING TIME OUT OF HIS BUSY SCHEDULE TO GIVE THE COMMENCEMENT ADDRESS TO THE GRADUATING CLASS OF THE JAMES H. GROVES ADULT HIGH SCHOOL. Sponsors: Representatives Fallon, Spence, Petrilli, Buckworth, George, Gilligan; Senators Bair, Connor, Cordrey, Sharp, McDowell on behalf of all Representatives and all Senators.

Senator Sokola requested that he be added as cosponsor to SCR 45.

The roll call vote on SENATE CONSENT CALENDAR #13 was then taken on motion of Senator Minner and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

SCR 45 was introduced and considered for adoption on motion of Senator Marshall:

SCR 45 - URGING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT AMENDMENTS H.R. 5 AND S. 55 TO THE NATIONAL LABOR RELATIONS ACT. Sponsors: Senators Marshall, Sharp; Representatives Oberle, Campanelli.

Senator McBride requested that he be added as a co-sponsor to the Resolution after which the roll call vote was taken and revealed 13 Senators voting YES; 6 (Adams, Bair, Cordrey, Hauge, Knox, Neal) voting NO; and 2 (Still, Venables) NOT VOTING. The Resolution was declared adopted by the Senate and sent to the House for consideration.

SB 133 was reported out of the Community/County Affairs: 2 Merits, 1 Unfavorable.

Rep. Van Sant withdrew as sponsor.

The following legislation was introduced and assigned to Committee:

SB 169 - AN ACT TO AMEND TITLE 7 DELAWARE CODE, RELATING TO FRESHWATER WETLANDS. Sponsors: Senator Sokola, Representative Taylor; Senators Bair, Blevins, Connor, Hauge, Holloway, Knox, Marshall, McDowell, Neal; Representatives Buckworth, Petrilli, DiPinto, Soles, Roy, Corrozi. (2/3 vote) To Natural Resources and Environmental Control.

SJR 8 - AUTHORIZING AND DIRECTING THE FAMILY COURT OF THE STATE OF DELAWARE TO NAME THE FAMILY COURT BUILDING IN WILMINGTON IN HONOR OF THE LATE JEAN KANE FOULKE DU PONT, WIDOW OF E. PAUL DU PONT AND SO DEDICATE THE BUILDING WITH AN APPROPRIATE PLAQUE.

Sponsor: Senator Holloway. To Community/County Affairs.

The privilege of the floor was extended to Senator Martin who commented on a Senate Tribute in honor of the departure of Christine L. Merrill of Radio Station "WILM" and her duties at Legislative Hall. Senator Cook requested that she be added as co-sponsor to the Tribute.

Senators Knox, Neal and Marshall requested that they be added as co-sponsors to SJR 8. At 5:43 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 11, 1991.

The Senate reconvened at 3:22 p.m., June 11, 1991, Lt. Governor Wolf presiding.

The following legislation was introduced and assigned to Committee:

SB 168 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DECEPTIVE BUSINESS PRACTICES BY USE OF 900 SERVICE OR SIMILAR TOLL SERVICE TELEPHONE NUMBERS. (2/3 vote)
Sponsors: Senators Torbert, Sharp, Minner, Still; Representatives Amick, Buckworth, Caulk, Clark, Ewing, George, Roy. To Judiciary.

SB 170 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF DEPENDENT, NEGLECTED OR DELINQUENT CHILDREN. Sponsor: Senator Holloway. To Judiciary.

The Secretary announced that a message from the House informed the Senate that it had passed HB 269, HB 270, SB 165 w/SA 1.

The following legislation was introduced and assigned to Committee:

HB 269 - AN ACT TO AMEND TITLE 14, CHAPTERS 31 AND 17, RELATING TO THE DEFINITION OF HANDICAPPED PERSONS. Sponsors: Senators Fallon, Corrozi, Davis, DiPinto, Quillen, Soles, West; Senators McBride, Cook, Holloway, Neal, Still, Vaughn. To Education.

HB 270 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTERS 6 AND 26 RELATING TO TUITION CHARGES AND TAXES LEVIED BY SCHOOL DISTRICTS FOR THAT PURPOSE. (3/5 vote).
Sponsors: Senators Fallon, Corrozi, Davis, DiPinto, Quillen, Soles, West; Senators McBride, Cook, Holloway, Neal, Still, Vaughn. To Education.

SA 1 to SB 138 - Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to SB 144 - Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SB 149 - Sponsor: Senator Adams. Placed with the Bill.

SA 1 to SB 118 - Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to SB 133 - Sponsor: Senator Bair. Placed with the Bill.

At 3:26 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 39th Legislative Day.

39TH LEGISLATIVE DAY June 11, 1991

The Senate convened at 3:26 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 188 was taken up for consideration on motion of Senator Sharp:

HB 188 - AN ACT TO AMEND CHAPTER 5, TITLE 11, RELATING TO LICENSES TO CARRY CONCEALED DEADLY WEAPONS.

During a rather lengthy discussion of the Bill, the privilege of the floor was extended to Mr. Stuart E. Sklut, Attorney General's Office; John J. Thompson, Delaware State Sportsmen Association; and Lt. Michael J. McDonald, Delaware State Police.

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

HB 189 was taken up for consideration on motion of Senator Sharp:

HB 189 - AN ACT TO AMEND CHAPTER 5, TITLE 11 RELATING TO FIREARMS.

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.

Senators Martin and McBride marked PRESENT during the above roll call.

At 4:31 p.m., on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:10 p.m., Senator Cordrey presiding.

HB 188 was lifted from the table for further consideration on motion of Senator

Cordrey.

SA 1 to the Bill (sponsor: Senator Neal) was introduced and immediately stricken.

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 5 Senators (Bair, Connor, Knox, Neal, Still) voting YES; 16 Senators voting NO; therefore the Amendment was defeated.

The roll call vote on HB 188 was then taken and revealed 17 Senators voting YES; 4

(Bair, Hauge, Knox, Neal) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

The privilege of the floor was extended to Senator Martin who commented on the total lack of regard by motorists who consistently through red lights. He will contact the Department of Public Safety regarding this matter. Senator Connor concurred.

At 5:20 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., June 12, 1991.

The Senate reconvened at 3:53 p.m., June 12, 1991, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From Administrative Services: SB 125 - 3 Merits.

From Judiciary: SB 160 - 3 Merits.

From Administrative Services: SB 163 - 3 Merits; SB 167 - 3 Merits; HB 135 - 3 Merits; HB 183 w/HA 1,2,3 - 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 215, HB 216 w/HA 1, HB 217, HB 218, HB 219, HB 230 w/HA 1, HB 165 w/HA 2, HB 207 w/HA 1, HB 229, HB 231, HB 232, HB 240.

SA 1 to SB 138 was stricken on motion of Senator Sharp.

SB 86 was reported out of the Finance Committee: 6 Merits.

The following legislation was introduced and assigned to Committee:

HB 165 w/HA 2 - AN ACT TO AMEND CHAPTER 25, TITLE 30 OF THE DELAWARE CODE RELATING TO CONTRACTOR'S LICENSE REQUIREMENTS. Sponsors: Representatives Oberle, Davis, Campanelli; Senators Sharp, Marshall. To Sunset.

HB 207 w/HA 1 - AN ACT TO AMEND CHAPTER 19, TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING. Sponsors: Representatives Maroney, Amick, Buckworth, Corrozi, Davis, Petrilli, Bunting, Moore; Senator Bair. To Administrative Services.

HB 215 - AN ACT TO AMEND TITLE 18, DELAWARE CODE TO ADOPT STANDARDS FOR RISK RETENTION GROUPS. Sponsors: Representative D. Ennis, Senator Sharp; Representatives Boykin, DiPinto, Smith, Jonkiert, Sills, VanSant. To Banking. Reassigned to Insurance and Elections.

HB 216 w/HA 1 - AN ACT TO AMEND TITLE 18, DELAWARE CODE TO ADOPT STANDARDS FOR REINSURANCE INTERMEDIARIES. Sponsors: Representative D. Ennis, Senator Sharp; Representatives Boykin, DiPinto, Smith, Jonkiert, Sills, VanSant. To Insurance and Elections.

HB 217 - AN ACT TO AMEND SUBCHAPTER III OF CHAPTER 9 OF TITLE 18 OF THE DELAWARE CODE RELATING TO REINSURANCE. Sponsors: Representative D. Ennis, Senator Sharp; Representatives Boykin, DiPinto, Smith, Jonkiert, Sills, VanSant. To Insurance and Elections.

HB 218 - AN ACT TO AMEND TITLE 18, DELAWARE CODE TO REGULATE MANAGING GENERAL AGENTS. Sponsors: Representative D. Ennis, Senator Sharp; Representatives Boykin, DiPinto, Smith, Jonkiert, Sills, VanSant. To Insurance and Elections.

HB 219 - AN ACT TO AMEND CHAPTER 4, TITLE 18, DELAWARE CODE RELATING TO THE DELAWARE INSURANCE AUTHORITY. Sponsor: Representative D. Ennis. To Insurance and Elections.

HB 229 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Representatives Oberle, Outten; Senators Marshall, Venables. To Labor and Industrial Relations.

HB 230 - AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Representatives Oberle, Outten; Senators Marshall, Venables. To Labor and Industrial Relations.

HB 231 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Representatives Oberle, Outten; Senators Marshall, Venables. To Labor and Industrial Relations.

HB 232 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Representatives Oberle, Outten; Senators Marshall, Venables. To Labor and Industrial Relations.

HB 240 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO THE RULES OF THE ROAD FOR MOTOR VEHICLES. (3/5 vote) Sponsors: Representatives Ewing, Carey, Lee, Maroney, Smith, Clark. To Public Safety.

SB 171 - AN ACT TO AMEND CHAPTER 13, TITLE 14, DELAWARE CODE, RELATING TO ANNUAL LEAVE. Sponsor: Senator Martin. To Finance.

SB 172 - AN ACT TO AMEND CHAPTER 64, TITLE 21 OF THE DELAWARE CODE RELATING TO ODOMETER MILEAGE DISCLOSURES AND RECORD RETENTION. Sponsors: Senator Blevins, Representative Ewing. To Judiciary.

SB 173 - AN ACT TO AMEND CHAPTER 41, TITLE 9, OF THE DELAWARE CODE RELATING TO KENT COUNTY. Sponsors: Senator Still, Representatives Buckworth, Quillen, Caulk, Bennett, Outten. To Community Affairs.

SB 174 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 31, TITLE 16, DELAWARE CODE, RELATING TO PERMIT FOR CREMATION: ISSUANCE, RETENTION AND INSPECTION. Sponsors: Senator Vaughn; Representatives B. Ennis, Buckworth. To Health-Social Services/Aging.

SB 175 - AN ACT TO AMEND CHAPTER 19, TITLE 9 OF THE DELAWARE CODE, RELATING TO NEW

CASTLE COUNTY POLICE. Sponsors: Senator Sharp, Representative Spence; Senators Bair, Blevins; Representatives Gilligan, VanSant. To Community/County Affairs.

SB 176 - AN ACT TO AMEND CHAPTER 58, TITLE 29 OF THE DELAWARE CODE RELATING TO OFFICERS AND EMPLOYEES OF COUNTY AND MUNICIPAL GOVERNMENTS. Sponsors: Senators Connor, Bair, Hauge, Knox, Blevins, Vaughn; Representatives Houghton, Mack, Reynolds, VanSant. To Community/County Affairs.

SB 177 - AN ACT AMENDING CHAPTER 58, TITLE 29 OF THE DELAWARE CODE RELATING TO IN-LAWS. Sponsors: Senators Connor, Bair, Hauge, Knox, Blevins, Vaughn; Representatives Houghton, Mack, Reynolds, VanSant. To Executive.

SA 1 to SB 86 - Sponsor: Senator Cordrey. Placed with the Bill.

SA 2 to SB 149 - Sponsor: Senator Adams. Placed with the Bill.

SA 1 to HB 183 - Sponsor: Senator Connor. Placed with the Bill.

At 4:08 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 40th Legislative Day.

40TH LEGISLATIVE DAY

June 12, 1991

The Senate convened at 4:08 p.m. with 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, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables - 20. ABSENT: Bair 1.

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

SENATE CITATION ANNOUNCEMENT #6 was partially read and copies made available to each Senator.

The Citation included #S91:074-179 inclusive.

SB 149 was taken up for consideration on motion of Senator Adams:

SB 149 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO TRESPASS BY MOTOR VEHICLE OR OHV AND PENALTIES THEREFOR. (2/3 vote).

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

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

Senators Knox, McBride, Minner, Sokola marked PRESENT during the above roll call.

The roll call vote on SB 149 w/SA 2 was then taken and revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Venables marked PRESENT during the above roll call.

HB 161 w/HA 1 was taken up for consideration on motion of Senator Blevins:

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)

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

There was a discussion of the Bill among various Senators after which the Bill was laid on the table on motion of Senator Blevins.

SB 137 was taken up for consideration on motion of Senator Cook:

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.

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

On motion of Senator Sharp, the Senate recessed for Party Caucus at 4:21 p.m. and reconvened at 5:23 p.m., Senator Cordrey presiding.

At 5:24 p.m., Lt. Governor Wolf presiding.

SB 140 was taken up for consideration on motion of Senator Venables:

SB 140 - AN ACT TO AMEND CHAPTER 3, TITLE 28, OF THE DELAWARE CODE RELATING TO THOROUGHBRED RACING.

Several Senators commented on the Bill after which it was laid on the table on further motion of Senator Venables.

SB 121 was taken up for consideration on motion of Senator Sharp:

SB 121 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, TO REQUIRE INSURANCE COMPANIES' CAPITAL AND SURPLUS BE IN CASH OR CASH EQUIVALENT.

Senator Still commented.

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

(Bair) ABSENT; therefore, the SB 121 was declared passed by the Senate and sent to the House for consideration.

HB 269 was reassigned from the Education Committee to the Finance Committee on motion of Senator McBride.

HB 270 was reassigned from the Education Committee to the Revenue and Taxation Committee on motion of Senator McBride. No objection.

Senator Venables moved that the roll call vote on SB 28 be lifted. Senator Sharp objected and the roll call vote on the lifting motion was taken and announced:

YES: Senators Blevins, McDowell, Minner, Sokola, Venables - 5; NO: Senators Connor, Cordrey, Hauge, Knox, Neal, Sharp, Still, Vaughn - 8; NOT VOTING: Senators Adams, Cook, Martin, McBride, Torbert - 5; ABSENT: Senators Bair, Holloway, Marshall - 3.

The motion to lift the roll call was defeated.

The privilege of the floor was extended to Senator McBride who commented on the lack of a President of the State School Board.

At 5:38 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m. June 13, 1991.

The Senate reconvened at 2:23 p.m., June 13, 1991; Lt. Governor Wolf presiding.

The following Committee reports were announced:

From Health-Social Services/Aging Committee: SB 83 - 6 Merits; SB 108 - 4 Merits, 2 Unfavorable; SB 162 - 5 Merits; SB 164 - 4 Merits.

From Judiciary Committee: SB 166 - 3 Merits; SB 168 - 3 Merits; SB 170 - 3 Merits.

From Community/County Affairs Committee: HB 147 - 4 Merits.

From Finance Committee: HB 269 - 4 Merits.

From Revenue and Taxation Committee: HB 270 - 3 Merits.

From Insurance and Elections Committee: HS 1 for HB 141 - 4 Merits; HB 216 w/HA 1 - 4 Merits; HB 217 - 4 Merits; HB 218 - 4 Merits.

From the Banking Committee: HB 215 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 5 and SCR 46.

The following legislation was introduced and assigned to committee:

SB 178 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 5, TITLE 13, DELAWARE CODE, RELATING TO CRIMINAL ENFORCEMENT OF FAILURE TO SUPPORT SPOUSE OR CHILD. Sponsor: Senator Holloway. To Judiciary.

SA 1 to SB 162. Sponsor: Senator Blevins. Placed with the Bill.

At 2:29 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 41st Legislative Day.

41ST LEGISLATIVE DAY

June 13, 1991

The Senate convened at 2:29 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.

The following Committee reports were announced:

From the Sunset Committee: HB 95 - 4 Merits; SB 152 - 4 Merits; HB 108 w/HA 2 - 4 Merits.

Senator McBride marked PRESENT.

SB 162 was taken up for consideration on motion of Senator Holloway:

SB 162 - AN ACT TO AMEND TITLE 24, CHAPTER 17, RELATING TO THE RECOGNITION, REGULATION, AND LICENSURE OF PHYSICIAN'S ASSISTANTS AND TO PROVIDE FOR THE MAXIMUM UTILIZATION OF QUALIFIED PHYSICIAN'S 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.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Blevins. The roll call vote was taken and revealed 18 Senators voting YES and 3 (Bair, Hauge, McDowell) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Robert E. Heckman, M.D., Medical Society of Delaware, and a short discussion of the Bill ensued after which the roll call vote on SB 162 w/SA 1 was taken and revealed 16 Senators voting YES; 2 (Adams, Minner) voting NO; and 3 (Bair, Hauge, McDowell) ABSENT. The Bill was declared passed by the Senate and sent to the House for consideration.

At 2:42 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:44 p.m., Lt. Governor Wolf presiding.

HB 269 was laid on the table on motion of Senator Cook.

HB 270 was laid on the table on motion of Senator Marshall.

HCR 52 was introduced:

HCR 52 - COMMENDING LISA BEST FOR BEING SELECTED DELAWARE TEACHER OF THE YEAR.

Sponsors: Representative Fallon, Senator McBride.

The privilege of the floor was extended to Lisa Best, pursuant to the above Resolution and Senator McBride introduced various school officials who were present in the Chamber after which the roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

Senators Hauge and McDowell marked PRESENT during the above roll call.

HB 270 was lifted from the table for consideration on motion of Senator Marshall:

HB 270 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTERS 6 AND 26 RELATING TO TUITION CHARGES AND TAXES LEVIED BY SCHOOL DISTRICTS FOR THAT PURPOSE. (3/5 vote)

The privilege of the floor was extended to Pete Ross, Controller General's Office, and several Senators entered into discussion of the Bill after which the roll call vote was taken; however, the roll call was laid on the table before being announced on motion of Senator Marshall.

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

SB 160 - AN ACT TO AMEND CHAPTER 92, TITLE 11 OF THE DELAWARE CODE RELATING TO LAW-ENFORCEMENT OFFICERS' BILL OF RIGHTS.

The privilege of the floor was extended to Robert C. McDonald, Delaware State Police, and after a brief discussion of the Bill the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 131 was taken up for consideration on motion of Senator Marshall:

SB 131 - AN ACT TO AMEND CHAPTER 25, TITLE 18, DELAWARE CODE RELATING TO THE FILING OF RATES BY WORKMEN'S COMPENSATION INSURANCE CARRIERS.

The privilege of the floor was extended to Bruce Decker, Delaware Compensation Rating Bureau.

The privilege of the floor was extended to Senator Still who requested that Mr. Taylor Cosby, Esq. and Mr. Clifford Hearn, Esq. speak to the Bill. However, the Bill was laid on the table on motion of Senator Marshall before they could address the assembly.

SR 30 was introduced:

SR 30 - HONORING THE FATHERS OF DELAWARE, AND ESPECIALLY THE FATHERS SERVING IN THE DELAWARE STATE SENATE, ON THE OCCASION OF FATHER'S DAY, JUNE 16, 1991. Sponsors: Senator Blevins and all female Senators.

While the roll call vote on the Resolution was being taken on motion of Senator Blevins and before being announced by the Secretary, the roll call vote was tabled. The Senate recessed at 5:28 p.m. on motion of Senator Sharp until 2:00 p.m., June 18, 1991.

The Senate reconvened at 2:38 p.m., June 18, 1991; Lt. Governor Wolf presiding.

On motion of Senator Blevins, the roll call vote on SR 30 that was being taken when the Senator Sharp announced a recess, was stricken. No objection.

A corrected Committee Report on HB 215 from the Insurance and Elections Committee was read: 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had Passed HB 212, HB 225, HB 238, HB 256, HB 266, HB 245, HB 243, SB 90, SB 120, SB 127, SB 128, HB 312 and adopted HCR 52.

The following legislation was introduced and assigned to committee:

SB 179 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE V, SECTION 6 OF THE DELAWARE CONSTITUTION RELATING TO THE COMPOSITION OF THE SUPERIOR COURT AS A BOARD OF CANVASS IN KENT COUNTY. (2/3 vote) Sponsors: Senator Cook, Representatives Bennett, Outten, Clark; Senators Vaughn, Sharp, Torbert, Minner. To Executive.

SB 180 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO BEVERAGE CONTAINERS. (2/3 vote) Sponsor: Senator Sokola. To Natural Resources and Environmental Control.

SB 181 - AN ACT TO AMEND TITLE 7, DELAWARE CODE RELATING TO PROHIBITION AGAINST SUNDAY HUNTING AND SHOOTING PRESERVES. Sponsors: Senator Vaughn, Representative Bennett. To Natural Resources and Environmental Control.

A memorandum from Representative Bennett was read requesting that he be removed as co-sponsor of SB 181.

Legislation continued to be read in and assigned:

SA 2 to SB 144 - Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SB 167 - Sponsor: Senator Sharp. Placed with the Bill.

HB 212 - AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO THE POWERS OF DEPARTMENT OF TRANSPORTATION. Sponsors: Representative Roy, Senator Martin. To Highways and Transportation.

HB 225 - AN ACT TO AMEND TITLE 18, DELAWARE CODE TO LIMIT INVESTMENTS MADE BY INSURANCE COMPANIES IN ANY SINGLE INVESTMENT. Sponsors: Representative D. Ennis, Senator Sharp; Representatives Boykin, DiPinto, Smith, Jonkiert, Sills, VanSant. To Insurance and Elections.

HB 238 - AN ACT MAIVING THE STATUTORY PROVISIONS OF SECTION 107(A) OF CHAPTER 1, TITLE 13, DELAWARE CODE AS IT RELATES TO THE MARRIAGE OF PAUL ALLEN FRIDAY AND JOAN MATRE FRECHE, NON-RESIDENTS OF THE STATE OF DELAWARE. Sponsor: Representative Bennett. To Judiciary.

SJR 8 was reported out of the Committee to Combat Drug Abuse: 3 Merits.

HB 243 - AN ACT TO AMEND CHAPTER 72, TITLE 7 OF THE DELAWARE CODE RELATING TO SUBAQUEOUS LANDS. Sponsors: Representatives Carey, Caulk, Fallon, Lee, Lofink, Smith, Hebner, Schroeder; Senator Sokola. To Natural Resources and Environmental Control.

HB 245 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE REQUIRING ENVIRONMENTAL PERMITS PRIOR TO THE ISSUANCE OF BUILDING PERMITS. Sponsors: Representatives Carey, Fallon, Hebner, Mack, Clark; Senators Sokola, Knox. To Natural Resources and Environmental Control.

HB 256 - AN ACT TO AMEND TITLE 28, CHAPTER 11, OF THE DELAWARE CODE RELATING TO BINGO AND CHARITABLE GAMBLING. Sponsors: Representative Jonkiert; Senators Marshall, Still. To Judiciary.

Senator Bair marked PRESENT.

HB 266 - AN ACT TO AMEND CHAPTER 13, OF TITLE 22, AND CHAPTER 1, TITLE 26, DELAWARE CODE, TO PROVIDE FOR THE EQUITABLE REGULATION OF THE RATES OF CUSTOMERS SERVICED BY MUNICIPAL ELECTRIC UTILITIES WHO ARE OUTSIDE THE BOUNDARIES OF SUCH MUNICIPAL ELECTRIC UTILITIES. Sponsors: Representative Roy, Senator McDowell; Representatives Amick, Boykin, Taylor. To Administrative Services.

HB 312 - AN ACT TO AMEND TITLE 22, DELAWARE CODE RELATING TO RESIDENCY REQUIREMENTS FOR MUNICIPAL EMPLOYEES. (2/3 vote). Sponsors: Representatives Oberle, DiPinto. To Community/County Affairs.

Senator Sharp moved that the rules be suspended for the duration of the session for the purpose of acting on the President Pro Tempore's list of prefiled legislation. Such lists will be distributed to the members of the Senate and made available to any other interested parties.

At 2:49 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 42nd Legislative Day.

42ND LEGISLATIVE DAY June 18, 1991

The Senate convened at 2:49 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 Journal of the previous day was approved as read on motion of Senator Sharp.

LEGISLATIVE ADVISORIES #16 and #17 were partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #16, dated June 5, 1991: On June 4, 1991 the Governor signed SJR 7; SB 48 (Volume 68, Chapter 39, Laws of Delaware); SB 123 (Volume 68, Chapter 40, Laws of Delaware).

LEGISLATIVE ADVISORY #17, dated June 10, 1991: On June 6, the Governor signed SB 165 w/SA 1 (Volume 68, Chapter 41, Laws of Delaware); on June 10 the Governor signed HB 190 w/HA 1 (Volume 68, Chapter 42, Laws of Delaware).

HB 178 w/HA 1 w/HA 1, HA 2 was taken up for consideration on motion of Senator Venables:

HB 178 w/HA 1 w/HA 1, HA 2 - AN ACT TO AMEND CHAPTER 30, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL COUNSELORS.

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

Sensors Neal and McDowell marked PRESENT during the above roll call.

Discussion of the Bill ensued. The privilege of the floor was extended to Mr. Marvin R. Brans, representing himself, and Anne H. Redd, Board of Professional Counselors. Senator Hauge marked PRESENT.

The roll call vote on HB 178 w/HA 1 w/HA 1, HA 2, SA 1 was then taken and revealed 20 Senators voting YES and 1 (McDowell) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

At 3:35 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:55 p.m.; Lt. Governor Wolf presiding.

SB 144 was taken up for consideration on motion of Senator Cordrey:

SB 144 - AN ACT TO AMEND TITLE 26, DELAWARE CODE, AND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO WATER UTILITIES.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Cordrey and the roll call vote taken which revealed 16 Senators voting YES and 5 (Bair, Blevins, Hauge, Holloway, McBride) 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 Cordrey and the roll call vote taken which revealed 19 Senators voting YES and 2 (Bair, Holloway) ABSENT; therefore, the Amendment was declared adopted.

During a short discussion of the Bill the privilege of the floor was extended to William Walls, Senate Attorney, after which the roll call vote on SB 144 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.

SB 131 was lifted from the table for further consideration on motion of Senator Marshall.

During a rather lengthy discussion of the Bill among several Senators, the privilege of the floor was extended to Insurance Commissioner, David Levinson, who appeared twice during the discussion, Clifford B. Hearn, Jr., American Insurance Alliance, Bruce Decker, Delaware Compensation Rating Bureau, and Taylor Cosby, American Insurance Association.

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

SS 1 for SB 81 was taken up for consideration on motion of Senator Sokola:

SS 1 for SB 81 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE, RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

There followed considerable discussion of the Bill among several Senators during which the privilege of the floor was extended to Arthur Connolly, Senate Attorney.

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

SENATE CONSENT CALENDAR #14 consisting of the following resolutions was introduced:

SR 28 - RELATIVE TO THE RECOGNITION OF THE 10TH ANNIVERSARY OF THE COURT-APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM IN THE FAMILY COURT OF DELAWARE. Sponsors: Senators Bair, Holloway.

SR 29 - MEMORIALIZING THE IMPENDING UNION OF RICH DILLARD AND DARLENE HARMON IN THE SENATE CHAMBER ON JULY 20, 1991. Sponsors: Senators Bair, Connor, Hauge, Knox, Neal, Still.

SCR 47 - MOURNING THE DEATH AND COMMEMORATING THE LIFE OF INVENTOR AND INDUSTRIALIST THOMAS WORTH MURRAY SR., FORMERLY OF DOVER. Sponsors: Senators Torbert, Cook, Adams, Minner, Vaughn; Representatives Clark, B. Ennis, Outten, Bennett; Senator Still; Representatives Caulk, Quillen, Buckworth.

SCR 48 - MOURNING THE DEATH AND CELEBRATING THE LIFE OF RONALD V. ROBERTSON, WHOSE VOLUNTEER EFFORTS IN WILMINGTON MADE A PROFOUND AND POSITIVE IMPACT ON COMMUNITY LIFE. Sponsors: Senator Marshall, Representative Sillis.

SCR 51 - EXTENDING CONGRATULATIONS TO WILLIAM PENN HIGH SCHOOL BASEBALL TEAM, THE "COLONIALS", FOR HAVING WON THE STATE CHAMPIONSHIP BY DEFEATING ST. MARK'S ON SATURDAY, JUNE 1, 1991 AND FURTHER COMMENDING COACH MEL GARDNER AND HIS STAFF FOR THEIR EXCELLENT COACHING AND LEADERSHIP. Sponsors: Representatives Mack, Spence, Reynolds, Lofink, Houghton, Brady; Senators Cook, McBride, Vaughn, Connor.

The roll call vote on SENATE CONSENT CALENDAR #14 was then taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolution was returned to the House.

At 6:33 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., June 19, 1991.

The Senate reconvened at 4:13 p.m., June 19, 1991 with Lt. Governor Wolf presiding.

SB 182 was introduced and assigned to Natural Resources & Environmental Control

SB 182 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO MARINE FACILITIES. Sponsor: Senator Venables.

The Secretary announced that a message from the House informed the Senate that it had passed HB 11 w/HA 1, HB 248 w/HA 2,4,5, HB 202, HB 214 w/HA 3,4, SB 88 w/SA 2, HB 170, HB 267, and SB 129, adopted SCR 42.

PRESIDENT PRO TEMPORE'S PRE-FILED LIST OF LEGISLATION

June 19, 1991

SB 183 - AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO GROUNDS FOR REFUSAL OF LICENSE TO SELL ALCOHOLIC BEVERAGES. Sponsor: Senator Holloway. To Administrative Services Committee.

SB 184 - AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO. Sponsors: Senator Cordrey, Representative West. (2/3 vote) To Community/County Affairs.

SB 185 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL

ENGINEERS. Sponsors: Senator Venables, Representative Amick. To Sunset.

SB 186 - AN ACT TO AMEND CHAPTER 29, TITLE 24, DELAWARE CODE, RELATING TO THE REAL ESTATE GUARANTY FUND. Sponsor: Senator Venables. To Administrative Services.

SB 187 - AN ACT TO AMEND CHAPTER 29, TITLE 24, SUBCHAPTER II, OF THE DELAWARE CODE RELATING TO REGULATION OF REAL ESTATE APPRAISERS. (3/5 vote) Sponsors: Senator Venables and Representative Amick. To Sunset.

SA 1 to SB 108 - Sponsor: Senator Martin. Placed with the Bill.

SA 1 to HB 216 - Sponsor: Senator Bair. Placed with the Bill.

SA 1 to HB 218 - Sponsor: Senator Sharp. Placed with the Bill.

HB 11 w/HA 1 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COLLECTION OF TAXES. Sponsors: Representatives Petrilli, Lofink. To Community/County Affairs.

HB 170 - AN ACT TO AMEND CHAPTER 31 OF TITLE 16 OF THE DELAWARE CODE TO PROVIDE FOR THE ISSUANCE OF VANITY BIRTH CERTIFICATES. (3/5 vote) Sponsor: Representative Smith. To Corrections.

HB 202 - AN ACT TO AMEND CERTAIN SUBSECTIONS OF CHAPTER 2, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE COMPOSITION OF THE BOARD OF LANDSCAPE ARCHITECTURE, ELECTING MEMBERS OF THE BOARD OF LANDSCAPE ARCHITECTURE, AND AUTHORIZING THE BOARD TO PROMULGATE RULES AND REGULATIONS RELATING TO THE REQUIREMENTS FOR CONTINUING EDUCATION OF LANDSCAPE ARCHITECTS. Sponsor: Representative Amick. To Sunset.

HB 214 w/HA 3.4 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 85 RELATING TO PRIVATE BUSINESS AND TRADE SCHOOLS. Sponsors: Representatives Sills, D. Ennis, Moore; Senators Holloway, McDowell. To Education.

HB 248 w/HA 2.4.5 - AN ACT TO AMEND TITLES 16 AND 19 OF THE DELAWARE CODE RELATING TO THE HEALTH, SAFETY, EMPLOYMENT AND PRIVACY RIGHTS OF NON-SMOKERS AND SMOKERS; AND PROVIDING FOR BALANCED PROTECTION AND ACCOMMODATION SAFEGUARDS THEREFORE THROUGH CLEAN INDOOR AIR PROHIBITIONS AND REQUIREMENTS IN PUBLIC PLACES AND IN THE WORK PLACE; AND FURTHER PROVIDING PROTECTION AGAINST UNWARRANTED GOVERNMENT INTRUSION INTO AND REGULATION OF PRIVATE SPHERES OF CONDUCT AND CHOICE WITH RESPECT TO THE USE OR NONUSE OF TOBACCO PRODUCTS IN CERTAIN DESIGNATED PUBLIC AND PRIVATE PLACES; AND FURTHER AFFORDING PROTECTIONS TO PERSONS FROM DISCRIMINATORY AND RETALIATORY EMPLOYERS' ACTIONS FOR PRIVATE CONDUCT AND CHOICE CONCERNING TOBACCO PRODUCT USE OR NONUSE. Sponsors: Representative DiPinto, Senator Holloway; Representatives Spence, Petrilli, Buckworth, Roy, Boykin, Caulk, Ewing, Campanelli, Lofink, Corrozi; Senators Adams, Cordrey, Marshall, Martin, Sharp. To Health-Social Services/Aging.

HB 267 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATING TO HEALTH. Sponsors: Representative Maroney, Senator Holloway; Representatives Petrilli, Boykin, Corrozi, DiPinto, Lofink, Quillen, Reynolds, Smith, Brady, Campanelli, B. Ennis, Jonkiert, Moore, Soles. To Health-Social Services/Aging.

The following Committee reports were announced:

From the Highways and Transportation Committee: SB 54 - 5 Merits; SB 66 - 5 Merits; SB 67 - 5 Merits; HJR 3 - 5 Merits; HB 212 - 5 Merits.

From the Natural Resources and Environmental Control Committee: HB 156 - 4 Merits.

From the Education Committee: SB 102 - 4 Merits; HB 154 4 Merits; HB 176 w/HA 1.2 - 4 Merits.

The following VETO message from the Governor was partially read and a copy made available to each Senator:

STATE of DELAWARE
Office of the Governor

June 14, 1991

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

On June 5, 1991, I received Senate Bill No. 62 as amended by Senate Amendment No. 2 which is entitled: "AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO THE EMPLOYMENT OF STRIKEBREAKERS."

Among other things, this legislation would restrict the use of temporary workers by an employer to a six month period immediately following the commencement of a strike, walk-out or other labor dispute. Additionally, an employer would be required to provide temporary replacement workers with the same health and insurance benefits and the same wages or salary as the workers they are replacing. Because I believe it is clearly preempted by federal law and therefore in contravention of the Supremacy Clause of the United States Constitution, I am returning Senate Bill No. 62 with Senate Amendment No. 2 without my signature.

In the field of labor relations, Congress, through the National Labor Relations Act and other related federal statutes, has struck a balance between the interests of management and labor which may not be disturbed by state law. As the United States Supreme Court has recognized, federal law provides employees with the right to form and

join labor organizations, to bargain collectively and to strike while employers are provided with the right to replace striking workers either temporarily or permanently. Any state legislation which would "upset the balance of power between labor and management expressed in our national labor policy" is preempted. See Teamsters Local 20 v. Morton, 377 U.S. 252 (1964).

The legislation before me would disrupt the balance struck by Congress between the weapons of economic pressure available to employers and striking employees by prohibiting employers from using temporary replacement workers for more than six months following the commencement of a strike or other labor dispute. Additionally, I believe other aspects in the bill relating to the provision of mandatory health and insurance benefits and wages for temporary replacement workers and various advertising requirements imposed on employers involved in a labor dispute are also preempted by relevant provisions of the federal statutory scheme.

Those courts which have considered similar state statutes have without exception found them to be preempted by federal law. See, e.g., Opinion of the Justices, 571 A.2d 805 (Me. Supr. 1989) (The Supreme Courts of Maine held that the National Labor Relations Act preempts a state statute that would delay hiring of permanent replacement workers until the forty-fifth day after a strike commences); Chamber of Commerce of the United States v. New Jersey, 445 A.2d 353 (N.J. Supr. 1982) (The New Jersey Supreme Court held that a state statute which prohibited the importation from outside New Jersey of replacement workers during a strike was preempted by the National Labor Relations Act.); Peoples v. Federal Tool & Plastics, 344 NE2d 1 (Ill. Supr. 1975) (The Illinois Supreme Court held that a state statute requiring that any advertisement seeking replacements for striking employees contain a notice of the existence of the strike was preempted by the National Labor Relations Act.) A comparison of Senate Bill 62, as amended, with the statutes held preempted in the above-cited cases compels a finding that this legislation is also preempted by federal law.

For the reasons cited above, I am returning Senate Bill No. 62 as amended by Senate Amendment No. 2 without my signature.

Sincerely,
(Signed) Michael N. Castle

* * * * *

HB 312 which had been assigned to Community/County Affairs Committee was reassigned to Labor and Industrial Relations on motion of Senator Marshall. No objection.

At 4:22 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 43rd Legislative Day.

43RD LEGISLATIVE DAY June 19, 1991

The Senate convened at 4:22 p.m. with Lt. Governor Wolf presiding.

A Prayer was offered by Senator Blevins.

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.

HB 135 was taken up for consideration on motion of Senator Torbert:

HB 135 - AN ACT TO AMEND CHAPTER 39, TITLE 25, DELAWARE CODE, RELATING TO LIENS.

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

Senators Neal marked PRESENT during the above roll call.

HB 183 w/HA 1,2,3 was taken up for consideration on motion of Senator Torbert:

AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE RELATING TO SHIPPING OF ALCOHOLIC LIQUOR BY THE MANUFACTURER OR IMPORTER. (2/3 vote)

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

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

SA 1 to HB 183 w/HA 1,2,3 was stricken on motion of Senator Connor.

SB 83 was taken up for consideration on motion of Senator Holloway:

SB 83 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATED TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

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

SJR 8 was taken up for consideration on motion of Senator Holloway:

SJR 8 - AUTHORIZING AND DIRECTING THE FAMILY COURT OF THE STATE OF DELAWARE TO NAME THE FAMILY COURT BUILDING IN WILMINGTON IN HONOR OF THE LATE JEAN KANE FOULKE DU PONT, WIDOW OF E. PAUL DU PONT AND SO DEDICATE THE BUILDING WITH AN APPROPRIATE PLAQUE.

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

HB 147 was taken up for consideration on motion of Senator Sokola:

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)

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

SB 163 was laid on the table on motion of Senator McBride.

SB 164 was laid on the table on motion of Senator McBride.

HS 1 for HB 141 was taken up for consideration on motion of Senator Sharp:

HS 1 for HB 141 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, CHAPTER 44, TO SET FORTH IN GREATER DETAILS THE OBLIGATIONS AND POWERS OF THE DELAWARE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION.

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

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

HB 215 - AN ACT TO AMEND TITLE 18, DELAWARE CODE TO ADOPT STANDARDS FOR RISK RETENTION GROUPS.

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

HB 216 w/HA 1 was taken up for consideration on motion of Senator Sharp:

HB 216 w/HA 1 - AN ACT TO AMEND TITLE 18, DELAWARE CODE TO ADOPT STANDARDS FOR REINSURANCE INTERMEDIARIES.

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

The roll call vote on HB 216 w/HA 1, SA 1 was then taken and revealed 20 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

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

HB 217 - AN ACT TO AMEND SUBCHAPTER III OF CHAPTER 9 OF TITLE 18 OF THE DELAWARE CODE RELATING TO REINSURANCE.

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

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

HB 218 - AN ACT TO AMEND TITLE 18, DELAWARE CODE TO REGULATE MANAGING GENERAL AGENTS.

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

The roll call vote on HB 218 w/SA 1 was then taken and revealed 19 Senators voting YES and 2 (Cordrey, Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

SB 152 was taken up for consideration on motion of Senator Venables:

SB 152 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE REGULATION OF BOXING MATCHES OR EXHIBITIONS AND THE DEREGULATION OF WRESTLING MATCHES OR EXHIBITIONS.

The privilege of the floor was extended to David Hill, Division of Professional Regulation, after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 95 was taken up for consideration on motion of Senator Venables:

HB 95 - AN ACT TO AMEND CHAPTER 26, TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGULATION OF PHYSICAL THERAPISTS AND ATHLETIC TRAINERS. (2/3 vote)

SA 1 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 (Cordrey) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 95 w/SA 1 was then taken and revealed 20 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 108 w/HA 2 was taken up for consideration on motion of Senator Venables:

HB 108 w/HA 2 - AN ACT TO AMEND CHAPTER 101, TITLE 29, DELAWARE CODE RELATING TO THE

DELAWARE ADMINISTRATIVE COMMISSION.

Several Senators commented on the Bill after which the roll call vote 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.

SB 125 was taken up for consideration on motion of Senator McBride:

SB 125 - AN ACT TO AMEND CHAPTERS 17 AND 19 OF TITLE 24, DELAWARE CODE RELATING TO PRONOUNCEMENTS OF DEATH.

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

SB 163 was lifted from the table for consideration on motion of Senator McBride:

SB 163 - AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO ADULT ENTERTAINMENT ESTABLISHMENTS.

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

Senator Still requested that he be added as co-sponsor of the Bill. No objection.

The roll call vote on SB 163 w/SA 1 was then taken and revealed 20 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 164 was lifted from the table for consideration on motion of Senator McBride:

SB 164 - AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO CERTAIN ADULT ENTERTAINMENT ESTABLISHMENTS; AND PROVIDING FOR THE PREVENTION AND CONTROL OF CERTAIN SEXUALLY-RELATED COMMUNICABLE DISEASES.

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

The privilege of the floor was extended to Captain Raymond W. Hancock, Delaware State Police, and a short discussion of the Bill ensued after which the roll call vote on SB 164 w/SA 1 was taken and revealed 20 Senators voting YES and 1 (Cordrey) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

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

SB 166 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 35, TITLE 11, DELAWARE CODE, RELATING TO ORDERS TO PROTECT VICTIMS AND WITNESSES.

The privilege of the floor was extended to John Cordrey, Senate Attorney, during a discussion of the Bill after which the roll call vote on the Bill was taken and revealed 13 Senators voting YES; 3 (McDowell, Neal, Still) voting NO; 4 (Blevins, Holloway, Sokola, Venables) NOT VOTING; and 1 (Cordrey) ABSENT.

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

SB 168 was taken up for consideration on motion of Senator Torbert:

SB 168 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO DECEPTIVE BUSINESS PRACTICES BY USE OF 900 SERVICE OR SIMILAR TOLL SERVICE TELEPHONE NUMBERS. (2/3 vote)

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

The roll call vote on SB 168 w/SA 1 was then taken and revealed 19 Senators voting YES, 1 (Neal) voting NO and 1 (Cordrey) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 75 was taken up for consideration under suspension of the necessary rules on motion of Senator Holloway. No objection.

SB 75 - AN ACT TO AMEND CHAPTER 23, TITLE 18, DELAWARE CODE, RELATING TO UNFAIR PRACTICES IN INSURANCE.

The privilege of the floor was extended to Dr. Stephen S. Weiner and a short discussion of the Bill ensued.

At 6:08 p.m., Senator Sharp presiding.

At 6:13 p.m. Lt. Governor Wolf presiding.

The roll call vote on SB 75 was then taken and revealed 17 Senators voting YES, 3 (Neal, Still, Venables) voting NO, and 1 (Cordrey) ABSENT.

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

At 6:15 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 20, 1991.

The Senate reconvened at 2:21 p.m., Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Labor and Industrial Relations Committee: SB 143 - 1 Favorable, 4 Merits.

From the Health-Social Services/Aging Committee: SB 174 - 5 Merits.

Senator Cordrey marked PRESENT.

A message from the Chief Clerk of the House informed the Senate that Representative Carey signed SB 144 as an additional sponsor on June 19, 1991.

The President Pro Tempore's list of pre-filed legislation was partially read and a copy made available to each Senator:

PRESIDENT PRO TEMPORE'S PRE FILED LIST OF LEGISLATION
June 20, 1991

SB 188 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF NEW MOTOR VEHICLES. Sponsors: Senator Blevins, Representative Ewing. To Public Safety.

SB 189 - AN ACT TO REINCORPORATE THE TOWN OF ODESSA. (2/3 vote) Sponsors: Senator Vaughn, Representative Lofink. To Community/County Affairs.

SB 190 - AN ACT TO AMEND CHAPTER 3, TITLE 22 AND CHAPTER 1, TITLE 25, DELAWARE CODE RELATING TO FAMILY DAY CARE FACILITIES. Sponsors: Senator Blevins, Representative Maroney; Senators Knox, McDowell, Sokola; Representatives Sills, Clark, Davis, Buckworth, Taylor, Soles. To Health-Social Services/Aging.

SB 191 - AN ACT TO AMEND CHAPTER 85, TITLE 10 AND CHAPTER 41, TITLE 11 OF THE DELAWARE CODE RELATING TO FEES AND COSTS BY ESTABLISHING A NEW SPECIAL APPROPRIATION FUND TO BE KNOWN AS THE DELAWARE COURTS SECURITY FUND. (3/5 vote). Sponsors: Senators Venables, Sharp, Holloway. To Judiciary.

SB 192 - AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO PHYSICIANS' RECORDS. Sponsor: Senator Knox. To Health-Social Services/Aging.

SB 193 - AN ACT TO AMEND DELAWARE CODE, TITLE 29, CHAPTER 58, REGARDING THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE. Sponsor: Senator Cordrey. To Administrative Services.

SA 1 to SB 155 - Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to SB 172 - Sponsor: Senator Blevins. Placed with the Bill.

The following nomination was read in and duly assigned to the Executive Committee.

STATE OF DELAWARE
Office of the Governor
June 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: Donald P. Whiteley, 2508 Cedar Tree Drive, Wilmington, DE 19810, to be reappointed in the State Personnel Commission to serve for a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

HB 27 - AN ACT TO AMEND TITLE 2 OF THE DELAWARE CODE RELATING TO PUBLIC CARRIERS, REGULATORY DUTIES AND FUNCTIONS, REGULATORY REQUIREMENTS, POWERS AND LIMITATIONS, AND PUBLIC CARRIER RATES. (3/5 vote) Sponsors: Representatives Roy, Taylor, Amick, Schroeder; Senator Martin. To Public Safety.

HB 200 w/HA 1,2,4,5 - AN ACT TO AMEND CHAPTER 9, TITLE 3, OF THE DELAWARE CODE TO PROVIDE FOR A COMPREHENSIVE PROGRAM FOR AGRICULTURAL LAND PRESERVATION. Sponsors: Representative Caulk, Senator Adams, Representative Clark, Senator Minner, Representative West, Senator Cordrey, Representatives Carey, Spence, Petrilli, Boykin, DiPinto, Corrozi, Fallon, Lee, Lofink, D. Ennis, Ewing, Buckworth, Quillen, Oberle, Taylor, Reynolds, Smith, Gilligan, Campanelli, Moore, Bunting, B. Ennis, Schroeder; Senators Cook, Vaughn, Venables, Torbert, Connor, J. Still. Laid on the table.

HS 1 for HB 211 w/HA 1, HA 2 w/HA 1 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO FARM MINERIES IN THE STATE OF DELAWARE. (3/5 vote) Sponsors: Representatives Schroeder, Amick, Carey, Quillen, Smith, West; Senator Minner. To Administrative Services.

HB 235 - AN ACT TO AMEND CHAPTER 4, TITLE 7 OF THE DELAWARE CODE RELATING TO PENALTIES FOR VIOLATIONS OF STATE PARK REGULATIONS. Sponsors: Representatives Carey, Boykin, Caulk, Fallon, Hebbner, Lee, Lofink, Maroney, Quillen, Smith, Schroeder, Clark, Bunting; Senators Sokola, Knox, Venables. To Natural Resources and Environmental Control.

HB 261 w/HA 1 - AN ACT TO AMEND TITLE 7 AND TITLE 11 OF THE DELAWARE CODE RELATING TO DOGS; AND PROVIDING PENALTIES FOR CERTAIN OFFENSES AGAINST LAW ENFORCEMENT CANINES. (2/3 vote) Sponsors: Representative B. Ennis, Senator Vaughn; Representatives Ewing, Lee, Spence, VanSant. To Judiciary.

HB 280 - AN ACT TO AMEND AN ACT BEING CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" TO PERMIT QUARTERLY

SUPPLEMENTAL ASSESSMENTS OF REAL ESTATE. (2/3 vote) Sponsor: Representative Lee. To Community/County Affairs.

HB 282 - AN ACT TO AMEND CHAPTER 34, VOLUME 58, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BLADES", TO ELIMINATE THE REQUIREMENT THAT THE RULES AND EXEMPTIONS NOW APPLICABLE BY LAW TO THE MAKING OF THE COUNTY ASSESSMENT OF PERSONS AND PROPERTIES SHALL BE APPLICABLE INSOFAR AS CONSISTENT WITH THE PROVISIONS OF THIS CHARTER, TO ASSURE THAT THE TAX ASSESSOR SHALL HAVE NO VOTING POWER AT THE BOARD OF APPEALS HEARINGS(S) AND THAT HE/SHE SHALL BE PRESENT ONLY IN AN ADVISORY CAPACITY. (2/3 vote). Sponsors: Representative Fallon, Senator Venables. To Community/County Affairs.

(Finis)

A memorandum from Senator Connor was read adding Senator Marshall as a co-sponsor to SB 143.

The Secretary announced that a message from the House informed the Senate that it had passed HB 280, HB 282, HB 200 w/HA 1,4,5,2, HB 27, SB 64, SB 17 w/SA 1,2, SB 55, SB 132 w/HA 1, HS 1 for HB 211 w/HA 1, HA 2 w/HA 1, HB 235, HB 261 w/HA 1 and adopted HCR 53; HCR 54, SCR 47, and SCR 48.

At 2:26 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 44th Legislative Day.

44TH LEGISLATIVE DAY
June 20, 1991

The Senate convened at 2:26 p.m. with Lt. Governor Wolf presiding.

A Prayer was offered by Senator Still.

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.

SB 108 was taken up for consideration on motion of Senator Holloway:

SB 108 - AN ACT TO AMEND CHAPTER 21, TITLE 24, DELAWARE CODE, RELATING TO THE DEFINITION OF THE PRACTICE OF OPTOMETRY, THE USE OF DRUGS OR SURGERY IN THE PRACTICE OF OPTOMETRY, AND THE LICENSING AND CERTIFICATION THEREOF.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Martin.

During discussion of the Amendment, the privilege of the floor was extended to Dr. Joshua Kalin, Delaware Academy of Ophthalmology.

Senators Martin, Bair, Connor, Blevins marked PRESENT.

The roll call vote on the Amendment was then taken and revealed 6 Senators (Bair, Cook, Knox, Martin, Neal, Venables) voting YES; 14 Senators voting NO ABSENT; and 1 (Torbert) ABSENT. 00e Amendment was declared defeated.

Senator McBride marked PRESENT during the above roll call.

During the discussion of the Bill which ensued the privilege of the floor was extended to Dr. Carl Maschauer, Delaware Optometric Association; Dr. Michael Vincent, Ophthalmology; and Dr. Daniel A. Alvarez.

The roll call vote on SB 108 was then taken and revealed 13 Senators voting YES; 6 (Bair, Cook, Knox, Martin, Neal, Venables) voting NO; and 2 (Connor, Torbert) ABSENT.

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 4:12 p.m. with Senator Sharp presiding.

SB 13 w/SA 1 which had previously passed the Senate was taken up for reconsideration under suspension of the necessary rules as now further amended by HA 1 on motion of Senator Cordrey. No objection.

The roll call vote on SB 132 w/SA 1, HA 1 was then taken and revealed 19 Senators voting YES and 2 (Neal, Venables) ABSENT; therefore the Bill was declared passed by the Senate and sent to the Governor for his consideration.

Senator Torbert marked PRESENT during the above roll call.

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

SB 54 was taken up for consideration on motion of Senator Martin:

SB 54 - AN ACT TO AMEND CHAPTERS 30, 51 AND 52 OF TITLE 30, CHAPTER 13 OF TITLE 2, AND CHAPTER 3 OF TITLE 21, RELATING TO ACTIONS OR CLAIMS TO RECOVER ERRONEOUSLY OR ILLEGALLY COLLECTED REVENUES PLEDGED TO THE TRANSPORTATION TRUST FUND.

The privilege of the floor was extended to Frederick H. Schranck, Deputy Attorney General representing DelDOT, after which 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.

The day's agenda was interrupted to discuss an important public concern and the privilege of the floor was extended to Lester Wright, M.D., Division of Public Health, at the request of Senator Holloway. Dr. Wright addressed the issue of children with AIDS being allowed to co-mingle with non-infected children at day care centers without notification to parents. Many of the Senators joined in a lengthy discussion of the state policy regarding this issue.

SB 66 was taken up for consideration on motion of Senator Martin:

SB 66 - AN ACT TO AMEND CHAPTER 13, TITLE 2 OF THE DELAWARE CODE RELATING TO EMPLOYEES OF SUBSIDIARIES OF THE DELAWARE TRANSPORTATION AUTHORITY.

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

SB 67 was taken up for consideration on motion of Senator Martin:

SB 67 - AN ACT TO AMEND CHAPTER 1, TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS AND DRAINAGE FACILITIES THEREFOR.

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

The privilege of the floor was extended to Frederick Schranck, Deputy Attorney General representing DelDOT, who was questioned by several Senators.

The roll call vote on SB 67 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.

HJR 3 was taken up for consideration on motion of Senator Martin:

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.

Senator McDowell commented.

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

HB 212 was taken up for consideration on motion of Senator Martin:

HB 212 - AN ACT TO AMEND CHAPTER 1, TITLE 17, DELAWARE CODE RELATING TO THE POWERS OF DEPARTMENT OF TRANSPORTATION.

The privilege of the floor was again extended to Frederick Schranck, Deputy Attorney General representing DelDOT, who was questioned by several Senators.

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

SENATE CONSENT CALENDAR #15 was introduced on motion of Senator Minner:

SCR 49 - EXPRESSING BEST WISHES FOR A SPEEDY RECOVERY TO J. THOMAS SCHRANCK, FORMER SECRETARY OF THE DELAWARE DEPARTMENT OF LABOR. Sponsors: Senator Cook; Representatives Brady; Senators Marshall, McDowell, Holloway, Sharp; Representatives Oberle, Jonkiert, Campanelli, Gilligan.

SCR 50 - COMMENDING MRS. EDITH VINCENT, STATE SUPERVISOR FOR HEALTH EDUCATION AND HEALTH SERVICES, DEPARTMENT OF PUBLIC INSTRUCTION, WHO WAS RECENTLY CHOSEN AS "SCHOOL NURSE OF THE YEAR" BY THE DELAWARE NURSES' ASSOCIATION. Sponsors: Senators Bair, Holloway, McBride; Representatives Maroney, Fallon, Soles.

HCR 42 - URGING THE U. S. CONGRESS TO DEFEAT PROPOSALS THAT WOULD WEAKEN OR ELIMINATE THE DUAL BANKING SYSTEM. Sponsors: Representative D. Ennis; Senator Cordrey; Representatives Boykin, DiPinto, Smith, Jonkiert, VanSant Sills.

HCR 53 - MOURNING THE PASSING OF FORMER STATE REPRESENTATIVE ISAAC "IKE" THOMAS OF MARYDEL. Sponsors: Representative Quillen, Senator Cook on behalf of all Representatives and Senators.

HCR 54 - COMMENDING THE DELEGATES OF THE 1991 BOYS' STATE PROGRAM AND THANKING THE AMERICAN LEGION, DEPARTMENT OF DELAWARE, FOR CONTINUING THIS VALUABLE EDUCATION EXPERIENCE. Sponsors: Representative Fallon, Senator McBride on behalf of all Representatives and all Senators.

At the request of Senator McBride, HCR 42 was removed from the Calendar.

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

SCR 51 was introduced and considered for adoption on motion of Senator Cordrey:

SCR 51 - A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO REJECT ANY LEGISLATION IMPOSING UNREALISTIC AUTOMOBILE FUEL ECONOMY STANDARDS ON THE AUTOMOBILE INDUSTRY. Sponsors: Senator Cordrey, Representative Spence.

Senators McDowell and Martin commented on the Resolution after which the roll call vote was taken and revealed 17 Senators voting YES; 2 (McDowell, Sokola) voting NO; and 2 (Sharp, Torbert) NOT VOTING.

The Resolution was declared adopted by the Senate and sent to the House for consideration.

On motion of Senator Venables and without objection, the roll call vote on SB 28 was lifted; however, before being announced, the roll call was again laid on the table on further motion of the Senator.

HCR 42 was taken up for consideration on motion of Senator Cordrey:

HCR 42 - URGING THE U. S. CONGRESS TO DEFEAT PROPOSALS THAT WOULD WEAKEN OR ELIMINATE THE DUAL BANKING SYSTEM.

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

On motion of Senator Adams and without objection, the Governor's nomination for appointment of Marlene Lichtenstadter was taken up for consideration and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

At 6:03 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 25, 1991.

The Senate reconvened at 3:08 p.m., June 25, 1991, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 273 w/HA 1; HB 239; HB 268 w/HA 1,3; HB 296; HB 290 w/HA 1; SB 160 w/HA 1; HB 38 w/HA 1,2,4; HB 259; HB 144 w/HA 1; HB 79 w/HA 1,2,3; HB 253; HB 287 w/HA 1; HB 265 w/HA 1; HB 66; SB 77 w/SA 2; SB 103 and adopted HJR 8 and HJR 7 w/HA 1.

The President Pro Tempore's list of pre-filed legislation was introduced and a copy made available to each Senator:

PRESIDENT PRO TEMPORE'S PRE-FILED LIST OF LEGISLATION
June 25, 1991

SB 194 - AN ACT TO AMEND CHAPTER 69, TITLE 29, OF THE DELAWARE CODE PERTAINING TO PUBLIC WORK CONTRACTS. (2/3 vote) Sponsors: Senators Marshall, Sharp; Representatives Oberle, Campanelli. To Labor and Industrial Relations.

SB 195 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE, ENVIRONMENTAL APPEALS BOARD. Sponsors: Senator Minner, Representative Carey; Senators Blevins, Martin, Sokola, Venables, Knox; Representatives Caulk, Quillen, Mack, Bunting, Clark, Schroeder. To Natural Resources and Environmental Control.

SB 196 - AN ACT TO AMEND CHAPTER 65, TITLE 14, DELAWARE CODE, RELATING TO GRANTING CONTINUING AUTHORITY TO THE BOARD OF TRUSTEES OF DELAWARE STATE COLLEGE TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PRODUCING CAPITAL IMPROVEMENT FUNDS; FURTHER PROVIDING THAT SUCH REVENUE BONDS ISSUED PURSUANT TO THIS CHAPTER SHALL BE PAYABLE EXCLUSIVELY FROM SPECIFIED FUNDS OF DELAWARE STATE COLLEGE; AND FURTHER PROVIDING THAT BONDS ISSUED UNDER THE PROVISIONS OF THIS CHAPTER ARE MADE LEGAL INVESTMENTS FOR INSTITUTIONS AND FIDUCIARIES. (3/4 vote) Sponsors: Senator Cook, Representative Outten; Senators Holloway, Adams, Torbert, Minner, Knox, Still; Representatives Sillis, Moore, Houghton, Bennett, B. Ennis. To Finance.

SB 197 AN ACT TO AMEND TITLES 29 AND 31 OF THE DELAWARE CODE RELATING TO THE DISSOLUTION OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE TRANSFER OF ITS FUNCTIONS TO OTHER GOVERNMENTAL AGENCIES. Sponsors: Senator Sokola; Representative DiPinto. Laid on the table.

SB 198 - AN ACT TO AMEND CHAPTERS 1, 17, 19, AND 22 OF TITLE 5, DELAWARE CODE RELATING TO BANKING AND BUILDING AND LOAN ASSOCIATIONS. Sponsor: Senator Cordrey. To Banking.

SS 1 for SB 112 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH INSURANCE POOLING FOR UNINSURABLES. Sponsors: Senator Still; Representatives D. Ennis, DiPinto, Ewing, Quillen; Senators Bair, Neal, Holloway. To Insurance and Elections.

SA 2 to SB 155 - Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to HS 1 for HB 211 - Sponsor: Senator Minner. Placed with the Bill.

SA 1 to SB 187 - Sponsor: Senator Venables. Placed with the Bill.

HB 38 w/HA 1,2,3,4 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO INSURANCE FOR MOTOR VEHICLES. Sponsor: Representative Amick. To Insurance and Elections.

HB 66 - AN ACT TO AMEND TITLE 24 RELATING TO TERMS OF OFFICERS OF PROFESSIONAL REGULATORY BOARDS AND THE COMPENSATION OF BOARD MEMBERS. Sponsors: Representatives Amick, Jonkiert, VanSant, Lee; Senators Minner, R. Venables, Blevins. To Sunset.

HB 79 w/HA 1,2,3 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SUMMER SCHOOLS FOR TEACHERS AND INSTRUCTIONAL AIDES. Sponsor: Representative Outten. To Education.

HB 144 w/HA 1 - AN ACT TO AMEND CHAPTER 73, TITLE 29, DELAWARE CODE RELATING TO THE ARCHITECTURAL ACCESSIBILITY BOARD. Sponsor: Representative Amick. To Sunset.

HB 239 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE UNIFORM COMMERCIAL CODE; PROVIDING FOR THE CODIFICATION OF THE LAW WITH RESPECT TO LEASES OF GOODS. Sponsor: Representative Amick. To Sunset.

HB 253 - AN ACT TO AMEND CHAPTER 7, TITLE 24, RELATING TO CHIROPRACTIC PHYSICIAN COMPENSATION AND CONTRACTS ISSUED BY HEALTH SERVICE CORPORATIONS AND HEALTH MAINTENANCE ORGANIZATIONS. Sponsors: Representatives Roy, Amick, Mack, Lofink, Taylor, VanSant, Campanelli, Jonkiert; Senators Holloway, Marshall. To Health-Social Services/Aging.

HB 259 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS. Sponsors: Representatives Ewing, Carey, Lee, Maroney, Smith, Clark. To Public Safety.

HB 265 w/HA 1 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE, RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. Sponsors: Representative Amick, Senator Minner; Representative Soles, Senator Neal; Representative Petrilli. To Insurance and Elections.

HB 268 w/HA 1,3 - AN ACT TO AMEND CHAPTER 31, TITLE 16, RELATING TO VITAL STATISTICS. (3/5 vote) Sponsors: Representative Maroney, Senator Holloway; Representatives Bennett, Brady, Bunting, Buckworth, Corrozi, Ewing, Fallon, Houghton, Lee, Moore, Quillen, Reynolds, Smith, Spence, Taylor. To Health-Social Services/Aging.

HB 273 w/HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION. Sponsors: Representative Oberle, Senator Marshall. To Labor and Industrial Relations.

HB 290 w/HA 1 - AN ACT TO AMEND CHAPTERS 14 AND 40 OF TITLE 14, DELAWARE CODE RELATING TO TERMINATION OF SERVICES OF PROFESSIONAL EMPLOYEES AND RELATING TO PUBLIC SCHOOL EMPLOYMENT RELATIONS. Sponsors: Representatives D. Ennis, Spence, Buckworth, Corrozi, Davis, DiPinto, Lofink, Mack, Maroney, Oberle, Reynolds, Roy, Smith, Taylor, Brady, Bunting, Campanelli, B. Ennis; Senators Bair, Holloway, McBride, Venables, Still. To Education.

HB 287 w/HA 1 - AN ACT TO AMEND CHAPTER 48, TITLE 29, DELAWARE CODE, RELATING TO COIN-OPERATED-LOTTERIES AT RACETRACKS, AND TO AMEND CHAPTERS 3 AND 4, TITLE 28, DELAWARE CODE, RELATING TO HORSE RACING AND CHAPTER 100, TITLE 3 RELATING TO HARNESS HORSE RACING. Sponsors: Representatives Oberle, Spence, VanSant, Lofink, Hebner, Reynolds, Mack, Houghton, Brady, B. Ennis. To Judiciary.

HB 296 - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE TO ISSUE ADDITIONAL DEER PERMITS. Sponsors: Representatives West, Bunting, Carey, Caulk, Clark, Fallon, Quillen, Schroeder; Senators Adams, Venables. To Natural Resources and Environmental Control.

HB 297 w/HA 1 - AN ACT TO AMEND CHAPTER 25, TITLE 6, DELAWARE CODE RELATING TO PROHIBITED TRADE PRACTICES. Sponsors: Representatives Taylor, Roy, Petrilli, Spence, Amick, Caulk, Davis, D. Ennis, Ewing, Lee, Lofink, Oberle, Quillen, Reynolds, Gilligan, Bennett, Brady, Bunting, Clark, B. Ennis, Houghton, Jonkiert, Moore, Outten, Sills, Soles, VanSant, West. To Community/County Affairs.

HJR 7 w/HA 1 - ESTABLISHING A SPECIAL STUDY TASK FORCE TO EXAMINE THE EXTENT AND SERIOUSNESS OF THE PROBLEMS OF THE HOMELESS AND HOMELESS MENTALLY ILL POPULATIONS IN THE STATE OF DELAWARE, AND TO MAKE RECOMMENDATIONS FOR IMPROVING THE PLIGHT OF THESE INDIVIDUALS. Sponsors: Representatives Sills, D. Ennis, Moore, Soles, Spence; Senators Bair, Holloway, McDowell. To Health-Social Services/Aging.

HJR 8 - ESTABLISHING A FRESHWATER WETLANDS PROGRAM DEVELOPMENT AND IMPLEMENTATION COMMITTEE TO CARRY OUT ACTIONS CALLED FOR IN SENATE BILL 169, AND TO PROVIDE AMENDMENTS TO SAID BILL THAT WILL FURTHER DEFINE AND DESCRIBE A STATE-RUN FRESHWATER WETLANDS PROGRAM. Sponsors: Representative Carey, Senator Minner; Representatives Caulk, Quillen, Lofink, Schroeder, Bunting, Clark; Senators Cordrey, Adams, Venables. To Natural Resources and Environmental Control.

(FINIS)

The following Committee reports were announced:

From Administrative Services Committee: **SB 193** - 3 Merits.

From Community/County Affairs Committee: **SB 189** - 3 Merits; **SB 72** - 3 merits; **SB 184** - 3 Merits; **SB 175** - 3 Merits; **HB 282** - 3 Merits; **HB 312** - 4 Merits; **SB 69** - 3 Merits; **HB 116** - 3 Merits.

From Health-Social Services/Aging Committee: **SB 192** - 5 Merits; **SB 190** - 5 Merits; **HB 20** - 8 Merits; **HB 112** - 8 Merits; **HB 248** as amended - 4 Merits, 1 Unfavorable; **HB 267** - 5 Merits.

At 3:12 p.m. Lt. Governor Wolf presided.

From Labor, Industrial Relations Committee: **HB 229** - 4 Merits; **HB 230** - 4 Merits; **HB 231** - 4 Merits; **HB 232** 4 Merits.

From Education Committee: **HB 290** - 4 Merits; **HB 79** - 4 Merits.

From Banking Committee: **SB 198** - 5 Merits.

From Natural Resources and Environmental Control Committee: **SB 182** - 4 Merits; **SB 195** - 4 Merits; **HB 235** - 4 Merits; **HB 243** - 4 Merits; **HB 245** - 4 Merits; **HB 296** - 4 Merits; **HJR 8** - 4 Merits.

From Sunset Committee: **SB 185** - 4 Merits; **SB 187** - 4 Merits; **HB 165** - 4 Merits; **HB 202**- 4 Merits.

At 3:19 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 45th Legislative Day.

45TH LEGISLATIVE DAY
June 25, 1991

The Senate convened at 3:19 p.m. with 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.

SR 31 was introduced:

SR 31 - COMMENDING AND CONGRATULATING LYNNE FRINK, DIRECTOR OF TRI-STATE BIRD RESCUE & RESEARCH INC., AND MEMBERS OF HER STAFF FOR CONTRIBUTIONS TO THE RESCUE OF THOUSANDS OF BIRDS AND WILDLIFE FROM THE AFTER MATH OF ENVIRONMENTAL DISASTERS AND FOR ASSISTING IN THE ENVIRONMENTAL CLEANUP IN THE MIDDLE EAST AS A RESULT OF SADDAM HUSSEIN'S INHUMANE RELEASE OF MILLIONS OF BARRELS OF OIL INTO THE PERSIAN GULF DURING OPERATION DESERT STORM. Sponsors: Senators Minner, Vaughn, Sokola.

The privilege of the floor was extended to Lynne Frink, Tri-State Bird Rescue Research, pursuant to the above Resolution at the request of Senator Minner.

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

Sensors Blevins, Hauge, Marshall marked PRESENT during the above Resolution.

At 3:38 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 3:57 p.m. Lt. Governor Wolf presided.

HB 156 was taken up for consideration on motion of Senator Minner:

HB 156 - AN ACT TO AMEND CHAPTER 21, TITLE 23, DELAWARE CODE RELATING TO ARRESTS MADE WITHOUT WARRANTS.

A considerable discussion of the Bill transpired. The privilege of the floor was extended to Rodney Harmic, Division of Fish and Wildlife.

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

HB 200 w/HA 1,2,4,5 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Adams:

HB 200 w/HA 1,2,4,5 - AN ACT TO AMEND CHAPTER 9, TITLE 3, OF THE DELAWARE CODE TO PROVIDE FOR A COMPREHENSIVE PROGRAM FOR AGRICULTURAL LAND PRESERVATION.

Several Senators entered into discussion of the Bill during which the privilege of the floor was extended to Representative Wallace Caulk and Lawrence Ellery of Smyrna.

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 Holloway introduced to the Senate former Representative Gwynne Smith who was present in the Chamber.

SB 102 was taken up for consideration on motion of Senator McBride:

SB 102 - AN ACT TO AMEND CHAPTER 10, TITLE 14, OF THE DELAWARE CODE, RELATING TO QUALIFIED VOTERS.

At 5:29 p.m. Senator Cordrey presiding.

The roll call vote on SB 102 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 154 was taken up for consideration on motion of Senator McBride:

HB 154 - AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE RELATING TO TRANSPORTATION OF PUPILS.

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

The roll call vote on HB 154 w/SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 176 w/HA 1,2 was taken up for consideration on motion of Senator McBride:

HB 176 w/HA 1,2 - AN ACT TO AMEND CHAPTER 27, TITLE 14, DELAWARE CODE, RELATING TO TRUANCY.

After a short discussion of the Bill among several Senators, the Bill was laid on the table on motion of Senator McBride.

At 5:38 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 6:29 p.m., Lt. Governor Wolf presiding.

SB 155 was taken up for consideration on motion of Senator McDowell:

SB 155 - AN ACT TO AMEND CHAPTER 20, TITLE 15, DELAWARE CODE, RELATING TO AGENCY BASED REGISTRATION.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Sharp.

During a rather lengthy discussion of the Amendment, the privilege of the floor was extended to William Burke, New Castle County Department of Elections, and Michael Harkins, Secretary of State.

The roll call vote on the Amendment was taken and revealed 6 senators (Adams, Bair, Minner, Neal, Sharp, Vaughn) voting YES; 14 senators voting NO; and 1 (Martin) NOT VOTING. The Amendment was declared defeated.

SA 3 to the Bill (sponsor: Senator McDowell) was introduced and placed with the Bill.

SB 155 was then laid on the table on motion of Senator McDowell.

At 7:05 p.m., on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 26, 1991.

The Senate reconvened at 2:11 p.m., June 26, 1991, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HS 1 to HB 250 w/HA 1; HB 226; HB 4; HB 254 w/HA 1; SB 87; SB 121; HB 244; HB 103 w/HA 1; HB 241 w/HA 1; HB 166 w/HA 1; HB 247 w/HA 1; HB 332; HB 283; HB 15; HB 272 w/HA 1.

The Secretary announced a corrected committee report on HB 312 as being released from the Labor Committee instead of the Community/County Affairs with 4 Merits.

The following Committee reports were announced:

From Community/County Affairs Committee: SB 115 - 3 Merits.

From Judiciary Committee: SB 172 - 3 Merits; HB 238 - 3 Merits.

From Executive Committee: SB 179 5 Merits.

From Banking Committee: SB 202 - 3 Merits.

From Administrative Services Committee: HB 37 - 3 Merits; HB 113 - 3 Merits; HB 136 -3 Merits; HB 207 - 3 Merits; HS 1 for HB 211 - 3 Merits.

From Labor and Industrial Relations Committee: HB 273 - 1 Favorable, 3 Merits.

The President Pro Tempore's list of Pre-filed Legislation was introduced and a copy made available to each Senator:

PRESIDENT PRO TEMPORE'S PRE-FILED LIST OF LEGISLATION June 26, 1991

SB 199 - AN ACT TO AMEND CHAPTER 72, TITLE 7 OF THE DELAWARE CODE RELATING TO SUBAQUEOUS LANDS. Sponsor: Senator Knox. To Natural Resources and Environmental Control.

SB 200 - AN ACT TO AMEND CHAPTER 72, TITLE 7 OF THE DELAWARE CODE RELATING TO SUBAQUEOUS LANDS. Sponsor: Senator Knox. To Natural Resources and Environmental Control.

SB 201 - AN ACT TO AMEND CHAPTER 66, TITLE 7 OF THE DELAWARE CODE RELATING TO WETLANDS. Sponsor: Senator Knox. To Natural Resources and Environmental Control.

SB 202 - AN ACT TO AMEND CHAPTER 38 OF TITLE 12 OF THE DELAWARE CODE RELATING TO BUSINESS TRUSTS. Sponsors: Senator Cordrey, Representative Corrozi. To Banking.

SB 203 - AN ACT TO AMEND TITLE 29 AND TITLE 14 OF THE DELAWARE CODE, RELATING TO POST-RETIREMENT LUMP SUM DEATH BENEFITS. Sponsors: Senators Cook, Holloway, McBride, Vaughn, Neal, Still; Representatives Oberle, Corrozi, Davis, DiPinto, Quillen, Soles, West. To Finance.

SB 204 - AN ACT TO AMEND TITLE 14 AND TITLE 15 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A SCHOOL ELECTION COMMITTEE AND REGULATION OF SCHOOL ELECTIONS. Sponsors: Senator McBride, Representative Fallon; Senators Minner, Neal, Blevins; Representatives Amick, Bennett, Brady, Oberle, Reynolds, Soles, Schroeder. To Education.

SB 205 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES TO CLARIFY CERTAIN ACTIVITIES OF THE ADVANCED REGISTERED NURSE PRACTITIONER. Sponsors: Senators Venables, Representative Amick. To Sunset.

SB 206 - AN ACT TO PAY CERTAIN FUNDS TO FRANK J. CARELLO, JR. FOR HIS SERVICES AS A MEMBER OF THE UNEMPLOYMENT COMPENSATION COMMISSION. Sponsors: Senator McBride (by request), Representative Houghton. To Finance.

SB 207 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PATIENT'S RIGHT TO TERMINATE TREATMENT WHEN THE PATIENT IS IN A TERMINAL CONDITION OR PERSISTENT VEGETATIVE STATE, AND TO AMEND TITLE 12, CHAPTER 49 RELATING TO APPOINTMENT OF AGENTS TO MAKE HEALTHCARE DECISIONS. Sponsors: Senators McBride, Holloway, Knox; Representative Boykin. To Health-Social Services/Aging.

SB 208 - AN ACT TO AMEND CHAPTER 5, TITLE 18 OF THE DELAWARE CODE RELATING TO THE CANCELLATION OF AGENCY CONTRACTS WITH INDEPENDENT INSURANCE AGENTS. Sponsors: Senator Vaughn, Representative Gilligan. Laid on the table.

SB 209 - AN ACT TO AMEND CHAPTER 29, TITLE 24, DELAWARE CODE RELATING TO REAL ESTATE BROKERS AND SALESPERSONS. Sponsor: Senator Venables. To Sunset.

SS 1 for SB 183 - AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE, RELATING TO GROUNDS FOR REFUSAL TO LICENSE TO SELL ALCOHOLIC BEVERAGES. Sponsor: Senator Holloway. Adopted in lieu of the Original.

SA 1 to SB 72 - Sponsor: Senator Minner. Placed with the Bill.
SA 1 to SB 143 - Sponsors: Senators Marshall, Connor. Placed with the Bill.
SA 1 to SB 195 - Sponsor: Senator Minner. Placed with the Bill.
SA 2 to SB 195 - Sponsor: Senator Minner. Placed with the Bill.
SA 1 to SB 189 - Sponsor: Senator Vaughn. Placed with the Bill.
SA 1 to SB 197 - Sponsor: Senator Sokola. Placed with the Bill.
SA 1 to SB 207 - Sponsor: Senator McBride. Placed with the Bill.
SA 1 to HB 248 - Sponsor: Senator Cordrey. Placed with the Bill.
SA 1 to HB 268 - Sponsor: Senator Holloway. Placed with the Bill.

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

STATE OF DELAWARE
 Office of the Governor
 June 25, 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 E. Maloy, 113 Lakefront Drive, Dover, DE 19901, to be reappointed as a member of the State Personnel 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
 June 25, 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 G. Medd, 11 Michigan Avenue, Lewes, DE 19958, to be reappointed as a member of the Delaware Alcoholic Beverage Control Commission to serve a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
 (Signed) Michael N. Castle, Governor

* * * * *

Continuing with the pre-file legislation:

HB 4 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO RECEIVING STOLEN PROPERTY. Sponsor: Representative Roy. To Judiciary.

HB 15 AN ACT TO AMEND CHAPTER 11, TITLE 17, DELAWARE CODE RELATING TO OUTDOOR ADVERTISING. Sponsors: Representatives Roy, Oberle, Amick, Petrilli, Soles, Bunting, Schroeder. (2/3 vote) To Highways and Transportation.

HB 103 w/HA 1 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO FLORENCE KNIERIEM, 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: Representative Taylor, Senator Sharp. To Finance.

HB 166 w/HA 1 - AN ACT TO AMEND CHAPTER 3, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ACCESSIBILITY OF THE DRIVER AND VEHICLE RECORDS AS RETAINED BY THE DIVISION OF MOTOR VEHICLES. Sponsor: Representative Buckworth. Assigned to Public Safety Committee.

HB 226 - AN ACT TO AMEND CHAPTER 60, TITLE 7, OF THE DELAWARE CODE RELATING TO THE DUMPING OF SOLID WASTES INTO THE OCEAN, DELAWARE BAY, INLAND BAYS AND OTHER STATE WATERS. Sponsors: Representatives Schroeder, Bennett, Bunting, Carey, Caulk, Clark, Houghton, Lofink, Mack, Moore, Outten, Quillen, West; Senators Blevins, Knox, Martin, Minner, Sokola, Venables. To Natural Resources and Environmental Control.

HB 241 w/HA 1 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD FOR MOTOR VEHICLES. Sponsors: Representatives Ewing, Carey, Lee, Maroney, Smith, Clark. (2/3 vote) Assigned to Public Safety Committee.

HB 244 - AN ACT TO AMEND CHAPTER 84, TITLE 11 OF THE DELAWARE CODE RELATING TO THE DELAWARE POLICE TRAINING PROGRAM. Sponsors: Representatives Carey, Fallon, Caulk, Lee, Boykin, Smith, Hebner, Lofink, Schroeder, Bunting, Clark; Senators Sokola, Venables, Knox. To Natural Resources and Environmental Control.

HB 247 w/HA 1 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE TO REQUIRE LABELING OF CERTAIN PLASTIC PRODUCTS. Sponsors: Representatives Carey, Caulk, Fallon, Oberle, Lofink, Hebner, Mack, Schroeder, Bunting, Clark; Senators Sokola, Venables, Knox. To Natural Resources and Environmental Control.

HS 1 to HB 250 w/HA 1 - AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO THE ADOPTION AND RESPONSIBILITIES FOR THE IMPLEMENTATION OF FEDERAL REGULATIONS PROMULGATED UNDER TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986 (ALSO KNOWN AS SARA TITLE III OR THE EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT OF 1986), AND FURTHER PROVIDING FOR THE ESTABLISHMENT OF A MECHANISM TO COLLECT FEES FOR THE PURPOSE OF FUNDING THE LOCAL EMERGENCY PLANNING COMMITTEES AND DATA COLLECTION AND MANAGEMENT ACTIVITIES RELATED THERETO. (2/3 vote) Sponsors: Representative B. Ennis; Senator Torbert; Representatives D. Ennis, DiPinto, Roy. To Natural Resources and Environmental Control.

HB 254 w/HA 1 - AN ACT DIRECTING THE BOARD OF PENSION TRUSTEES TO WAIVE PAYMENT OF ANY ADDITIONAL EMPLOYEE CONTRIBUTIONS DUE FROM PATRICIA T. STEWARD PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsors: Representative Oberle, Senator Martin. To Finance.

HB 272 w/HA 1 - AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATING TO NAVIGATION AND WATERS. (2/3 vote) Sponsors: Representatives Schroeder, Bunting, Clark, Caulk, Carey, Quillen; Senator Minner. To Natural Resources and Environmental Control.

HB 283 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES. Sponsors: Amick, B. Ennis, Ewing, Carey. To Public Safety.

HB 332 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE RELATING TO THE DURATION AND COST OF TEMPORARY REGISTRATION PLATES. (3/5 vote) Sponsor: Representative Ewing. To Public Safety.

FINIS'

SB 155 was lifted from the table for further consideration 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 McDowell and the roll call vote on the amendment was tabled before being announced.

SA 3 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator McDowell and the roll call vote taken revealed 11 Senators (Adams, Bair, Blevins, Connor, Cordrey, McDowell, Sharp, Sokola, Torbert, Vaughn, Venables) voting YES; 10 Senators (Cook, Hauge, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Still) ABSENT. The Amendment was declared adopted.

The roll call vote on SA 2 was lifted and revealed 11 Senators (Adams, Bair, Blevins, Connor, Cordrey, McDowell, Sharp, Sokola, Torbert, Vaughn, Venables) voting YES; 10 (Cook, Hauge, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Still) ABSENT; therefore the Amendment was adopted.

The roll call vote on SB 155 w/SA 2,3 was then taken and revealed 13 senators voting YES; 8 (Cook, Hauge, Holloway, Knox, Martin, McBride, Minner, Neal) ABSENT.

The Bill as amended by SA 2 and SA 3, was declared passed by the Senate and sent to the House for consideration.

At 2:24 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 46th Legislative Day.

46TH LEGISLATIVE DAY
June 26, 1991

The Senate convened at 2:24 p.m. with Lt. Governor Wolf presiding.

A Prayer was offered by Senator Connor.

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.

SB 143 was taken up for consideration on motion of Senator Connor:

SB 143 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO MEAL BREAKS.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Marshall and the roll call vote taken; however, the roll call was laid on the table before being announced on motion of Senator Marshall.

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

SB 174 was taken up for consideration on motion of Senator Vaughn:

SB 174 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 31, TITLE 16, DELAWARE CODE, RELATING TO PERMIT FOR CREMATION: ISSUANCE, RETENTION AND INSPECTION.

Senator Marshall commented.

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

Senators Cook, Hauge, Knox, McBride, Minner marked PRESENT during the above roll call.

HB 176 w/HA 1,2 was lifted from the table for further consideration on motion of Senator McBride.

Senator Venables commented.

The roll call vote taken revealed 11 Senators (Adams, Bair, Blevins, Connor, Hauge, Knox, Marshall, McBride, Minner, Sharp, Sokola) voting YES; 5 Senators (Cook, Cordrey, McDowell, Still, Venables) voting NO; 2 (Torbert, Vaughn) NOT VOTING; and 3 (Holloway, Martin, Neal) ABSENT.

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

SB 143 was lifted from the table for further consideration on motion of Senator Connor.

The roll call vote on SA 1 to the Bill which had been laid on the table was lifted and announced 15 Senators voting YES; 3 Senators (Adams, Cordrey, Venables) voting NO and 3 (Holloway, Martin, Minner) ABSENT.

The Amendment was declared adopted.

Senator Neal marked PRESENT during the above roll call.

The privilege of the floor was extended to Karen Peterson, Department of Labor, during discussion of the Bill which followed.

The roll call vote on SB 143 w/SA 1 was then taken and revealed 18 Senators voting YES, 2 (Adams, Neal) voting NO and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Martin marked PRESENT during the above roll call.

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

SB 184 - AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO. (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 sent to the House for consideration.

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

SB 193 - AN ACT TO AMEND DELAWARE CODE, TITLE 29, CHAPTER 58, REGARDING THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE.

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

SB 197 was lifted from the table for consideration on motion of Senator Sokola under suspension of the necessary rules:

SB 197 - AN ACT TO AMEND TITLES 29 AND 31 OF THE DELAWARE CODE RELATING TO THE DISSOLUTION OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE TRANSFER OF ITS FUNCTIONS TO OTHER GOVERNMENTAL AGENCIES.

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

The roll call vote on SB 197 w/SA 1 was then taken and revealed 19 Senators voting YES, 1 (Still) voting NO and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 72 was taken up for consideration on motion of Senator Minner:

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.

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

Senator Still commented.

The roll call vote on SB 72 w/SA 1 was then taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Holloway marked PRESENT.

HB 20 was taken up for consideration on motion of Senator Holloway:

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)

The roll call vote on the Bill was taken and revealed 21 Senators voting YES;

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

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

HB 267 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATING TO HEALTH.

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 Marshall requested that he be removed as co-sponsor to HB 248.

HB 112 was taken up for consideration on motion of Senator Holloway:

HB 112 - AN ACT TO AMEND CHAPTER 10, TITLE 16 OF THE DELAWARE CODE RELATING TO THE HOSPITAL ADVISORY COUNCIL.

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

SB 189 was taken up for consideration on motion of Senator Vaughn:

SB 189 - AN ACT TO REINCORPORATE THE TOWN OF ODESSA. (2/3 vote)

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

The roll call vote on SB 189 w/SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 116 w/HA 1 was taken up for consideration on motion of Senator Sokola:

HB 116 w/HA 1 - AN ACT TO AMEND CHAPTER 96, TITLE 9 DELAWARE CODE, RELATING TO RECORDING SURCHARGES. (3/5 vote)

The privilege of the floor was extended to William Walls, Senate Attorney, during a short discussion of the Bill.

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

HB 282 was taken up for consideration on motion of Senator Sokola:

HB 282 - AN ACT TO AMEND CHAPTER 34, VOLUME 58, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BLADES", TO ELIMINATE THE REQUIREMENT THAT THE RULES AND EXEMPTIONS NOW APPLICABLE BY LAW TO THE MAKING OF THE COUNTY ASSESSMENT OF PERSONS AND PROPERTIES SHALL BE APPLICABLE INSOFAR AS CONSISTENT WITH THE PROVISIONS OF THIS CHARTER, TO ASSURE THAT THE TAX ASSESSOR SHALL HAVE NO VOTING POWER AT THE BOARD OF APPEALS HEARINGS(S) AND THAT HE/SHE SHALL BE PRESENT ONLY IN AN ADVISORY CAPACITY. (2/3 vote)

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

SB 160, which had previously passed the Senate was taken up for reconsideration on motion of Senator McDowell, having been amended by HA 1.

The roll call vote on SB 160 w/HA 1 was therefore taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

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

SB 192 - AN ACT TO AMEND CHAPTER 17, TITLE 24 OF THE DELAWARE CODE RELATING TO PHYSICIANS' RECORDS.

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

SB 126 - AN ACT TO AMEND CHAPTER 38, TITLE 31, DELAWARE CODE, RELATING TO FOSTER CARE REVIEW.

Senator Bair commented.

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

SB 198 - AN ACT TO AMEND CHAPTERS 1, 17, 19, AND 22 OF TITLE 5, DELAWARE CODE RELATING TO BANKING AND BUILDING AND LOAN ASSOCIATIONS.

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

The privilege of the floor was extended to Keith H. Ellis, State Bank Commissioner.

The roll call vote on SB 198 w/SA 1 was then taken and revealed 20 Senators voting YES and 1 (McBride) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 196 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules. No objection.

SB 196 - AN ACT TO AMEND CHAPTER 65, TITLE 14, DELAWARE CODE, RELATING TO GRANTING CONTINUING AUTHORITY TO THE BOARD OF TRUSTEES OF DELAWARE STATE COLLEGE TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PRODUCING CAPITAL IMPROVEMENT FUNDS; FURTHER PROVIDING THAT SUCH REVENUE BONDS ISSUED PURSUANT TO THIS CHAPTER SHALL BE PAYABLE EXCLUSIVELY FROM SPECIFIED FUNDS OF DELAWARE STATE COLLEGE; AND FURTHER PROVIDING THAT BONDS ISSUED UNDER THE PROVISIONS OF THIS CHAPTER ARE MADE LEGAL INVESTMENTS FOR INSTITUTIONS AND FIDUCIARIES. (3/4 vote)

Senator Knox commented.

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 203 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules. No objection.

SB 203 - AN ACT TO AMEND TITLE 29 AND TITLE 14 OF THE DELAWARE CODE, RELATING TO POST-RETIREMENT LUMP SUM DEATH BENEFITS.

Senators Sokola and Neal commented.

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

SB 122 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES.

Several Senators commented on the Bill after which the roll call vote was taken and revealed 13 Senators voting YES; 6 (Adams, Bair, Cordrey, Neal, Still, Venables) voting NO; and 2 (Hauge, McDowell) ABSENT. The Bill was declared passed by the Senate and sent to the House for consideration.

HB 229 was laid on the table on motion of Senator Marshall.

Senator Venables requested that he be removed as co-sponsor to HB 229.

HB 79 w/HA 1,2,3 was taken up for consideration on motion of Senator McBride:

HB 79 w/HA 1,2,3 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SUMMER SCHOOLS FOR TEACHERS AND INSTRUCTIONAL AIDES.

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

HB 290 w/HA 1 was taken up for consideration on motion of Senator McBride:

HB 290 w/HA 1 - AN ACT TO AMEND CHAPTERS 14 AND 40 OF TITLE 14, DELAWARE CODE RELATING TO TERMINATION OF SERVICES OF PROFESSIONAL EMPLOYEES AND RELATING TO PUBLIC SCHOOL EMPLOYMENT RELATIONS.

The roll call vote on the Bill was taken and revealed 13 Senators voting YES; 4 (Cook, Cordrey, Hauge, Vaughn) voting NO; 3 (Marshall, Martin, Sharp) ABSENT; and 1 (Knox) ABSENT.

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

SB 182 was taken up for consideration on motion of Senator Venables:

SB 182 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO MARINE FACILITIES.

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

SB 195 was taken up for consideration on motion of Senator Minner:

SB 195 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE, ENVIRONMENTAL APPEALS BOARD.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Minner and the roll call vote taken revealed 19 Senators voting YES and 2 (Marshall, 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 Minner and the roll call vote taken revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 195 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.

HB 235 which was next on the Agenda of the day was returned to the Natural Resources & Environmental Control Committee on motion of Senator Minner.

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

HB 243 - AN ACT TO AMEND CHAPTER 72, TITLE 7 OF THE DELAWARE CODE RELATING TO SUBAQUEOUS LANDS.

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

HB 245 was taken up for consideration on motion of Senator Minner:

HB 245 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE REQUIRING ENVIRONMENTAL PERMITS PRIOR TO THE ISSUANCE OF BUILDING PERMITS.

The privilege of the floor was extended to Gerard L. Esposito, Department of Natural Resources and Environmental Control, and several Senators entered into discussion of the Bill.

The roll call vote on the Bill was taken and revealed: 16 Senators voting YES; 5 (Marshall, McDowell, Sharp, Vaughn, Venables) voting NO. The Bill was declared passed by the Senate and returned to the House.

HB 296 was taken up for consideration on motion of Senator Minner:

HB 296 - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE TO ISSUE ADDITIONAL DEER PERMITS.

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

HJR 8 was taken up for consideration on motion of Senator Minner:

HJR 8 - ESTABLISHING A FRESHWATER WETLANDS PROGRAM DEVELOPMENT AND IMPLEMENTATION COMMITTEE TO CARRY OUT ACTIONS CALLED FOR IN SENATE BILL 169, AND TO PROVIDE AMENDMENTS TO SAID BILL THAT WILL FURTHER DEFINE AND DESCRIBE A STATE-RUN FRESHWATER WETLANDS PROGRAM.

Several Senators commented.

Senator Knox requested to be added as a co-sponsor of the Resolution.

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.

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

SB 185 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL ENGINEERS.

Senator Neal commented.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Marshall, Sharp, Vaughn) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 187 was taken up for consideration on motion of Senator Venables:

SB 187 - AN ACT TO AMEND CHAPTER 29, TITLE 24, SUBCHAPTER II, OF THE DELAWARE CODE RELATING TO REGULATION OF REAL ESTATE APPRAISERS. (3/5 vote)

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 revealed 19 Senators voting YES, 1 (Sharp) NOT VOTING and 1 (Still) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to John Cordrey, Senate Attorney, after which the roll call vote on SA 1 to SB 187 was rescinded and the Amendment stricken on motion of Senator Venables. No objection.

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

Senators McBride and Neal commented.

The roll call vote on SB 187 w/SA 2 was taken and revealed 17 Senators voting YES; 1 (Sharp) voting NO; 3 (McBride, Still, Vaughn) NOT VOTING.

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

HB 165 w/HA 2 was taken up for consideration on motion of Senator Marshall:

HB 165 w/HA 2 - AN ACT TO AMEND CHAPTER 25, TITLE 30 OF THE DELAWARE CODE RELATING TO CONTRACTOR'S LICENSE REQUIREMENTS.

At 5:10 p.m., Senator Cordrey presiding.

Senator Bair commented.

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

HB 202 was taken up for consideration on motion of Senator Venables:

HB 202 - AN ACT TO AMEND CERTAIN SUBSECTIONS OF CHAPTER 2, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE COMPOSITION OF THE BOARD OF LANDSCAPE ARCHITECTURE, ELECTING MEMBERS OF THE BOARD OF LANDSCAPE ARCHITECTURE, AND AUTHORIZING THE BOARD TO PROMULGATE RULES AND REGULATIONS RELATING TO THE REQUIREMENTS FOR CONTINUING EDUCATION OF LANDSCAPE ARCHITECTS.

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

SB 175 was taken up for consideration on motion of Senator Sharp:

SB 175 - AN ACT TO AMEND CHAPTER 19, TITLE 9 OF THE DELAWARE CODE, RELATING TO NEW CASTLE COUNTY POLICE.

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

HS 1 for HB 211 w/HA 1,2 w/HA 1 was taken up for consideration on motion of Senator Torbert:

HS 1 for HB 211 w/HA 1,2 w/HA 1 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO FARM WINERIES IN THE STATE OF DELAWARE. (3/5 vote)

SA 1 to the Bill which had been placed with the Bill was considered for adoption on

motion of Senator Minner.

Several senators commented on the Amendment.

Lt. Gov. Wolf Wolf presiding at 5:21 p.m.

The roll call vote was taken and revealed 19 Senators voting YES and 2 (Blevins, Venables) voting NO; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator Torbert) was introduced and considered for adoption.

Senator Sokola commented.

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

The roll call vote on HS 1 for HB 211 w/HA 1.2 w/HA 1, SA 1.2 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendments.

SB 69 was taken up for consideration on motion of Senator Venables:

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)

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

HB 238 was taken up for consideration on motion of Senator Sharp:

HB 238 - AN ACT WAIVING THE STATUTORY PROVISIONS OF SECTION 107(A) OF CHAPTER 1, TITLE 13, DELAWARE CODE AS IT RELATES TO THE MARRIAGE OF PAUL ALLEN FRIDAY AND JOAN MATRE FRECHE, 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.

SB 179 was taken up for consideration on motion of Senator Cook:

SB 179 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE V, SECTION 6 OF THE DELAWARE CONSTITUTION RELATING TO THE COMPOSITION OF THE SUPERIOR COURT AS A BOARD OF CANVASS IN KENT COUNTY. (2/3 vote)

Senator Still requested that he be added as co-sponsor to the Bill after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 37 was taken up for consideration on motion of Senator Torbert:

HB 37 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO CONDOMINIUM MANAGEMENT COUNCILS.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Cordrey.

Senator Sokola commented.

The roll call vote was taken and revealed 20 Senators voting YES and 1 (Holloway) voting NO; therefore, the Amendment was declared adopted.

The roll call vote on HB 37 w/SA 1 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 for consideration of the Senate Amendment.

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

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.

Senators Connor and Still commented.

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

HB 136 w/HA 1 was taken up for consideration on motion of Senator Torbert:

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.

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

HB 207 w/HA 1 was taken up for consideration on motion of Senator Torbert:

HB 207 w/HA 1 - AN ACT TO AMEND CHAPTER 19, TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING.

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 207 was taken up for consideration on motion of Senator McBride under suspension of the necessary rules. No objection.

SB 207 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PATIENT'S RIGHT TO TERMINATE TREATMENT WHEN THE PATIENT IS IN A TERMINAL CONDITION OR PERSISTENT VEGETATIVE STATE, AND TO AMEND TITLE 12, CHAPTER 49 RELATING TO APPOINTMENT OF AGENTS TO MAKE HEALTHCARE DECISIONS.

SA 1 to the Bill which had been placed with the Bill was taken up for consideration on

motion of Senator McBride.

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

The privilege of the floor was extended to John Cordrey, Senate Attorney, and after considerable discussion of the Bill as amended. It was then laid on the table on motion of Senator McBride.

On motion of Senator McDowell and without objection, the roll call vote on SB 155 w/SA 2.3 was rescinded and a new roll call vote taken 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 Marshall and without objection, the roll call vote on SB 122 was rescinded and the Bill was taken up for reconsideration.

The privilege of the floor was extended to Andrew D. Stayton, Delaware State Chamber of Commerce, and the following statement from John M. Burris, President, Delaware State Chamber of Commerce was read and made part of this Journal:

DELAWARE STATE CHAMBER OF COMMERCE

June 25, 1991

TO: All Delaware State Senators
FROM: John M. Burris
President, Delaware State Chamber of Commerce
RE: Mandated Family Leave

Once again, the Delaware State Senate is being asked to consider a bill, SB 122, which would mandate family leave benefits to certain members of the public and private sectors. This bill is an exact duplicate of last year's SB 392, which has been amended over the years to make it more "acceptable to the business community".

The business community is 100% for developing family leave plans which will "work" for their size company, in their market niche, and with their employees. Many companies have done this voluntarily over the past several years and more are planning on instituting plans which meet their own and their employees' needs. Eventually, marketplace competition will dictate that almost all companies have some sort of family leave program, but until that time arrives, companies should continue to be able to develop the plans voluntarily without government mandates.

Because the arguments against this bill remain the same, the State Chamber will not be bringing in a host of witnesses to testify against the bill as this has been done the past three years. Be assured, however, that our resolve is also still the same; government should stay out of the business of mandating benefits to businesses, as this is an issue which should be governed by the dynamics of the marketplace.

I urge you to vote against this intrusive bill.

* * * * *

The roll call vote on SB 122 was then taken and revealed 14 Senators voting YES; 6 (Adams, Bair, Cordrey, Hauge, Neal, Venables) voting NO; 1 (Still) NOT VOTING.

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

SENATE CONSENT CALENDAR #16 was introduced on motion of Senator Minner:

SR 32 - ENTHUSIASTICALLY SUPPORTING THE DOVER AIR FORCE BASE AND ITS "50 YEARS OF AIR POWER" AIRSHOW BEING HELD JULY 6 AND 7. Sponsors: Senators Still, Vaughn, Cook, Torbert, Minner; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk, Buckworth.

SCR 52 - COMMENDING MR. EDMUND N. "NED" CARPENTER, II, ONE OF DELAWARE'S MOST RESPECTED ATTORNEYS ON HIS IMPENDING RETIREMENT AND FURTHER WISHING HIM THE BEST OF HEALTH AND HAPPINESS IN HIS YEARS OF RETIREMENT. Sponsors: Senator Bair, Representative Corrozi, Senators Knox, Hauge; Representatives Maroney, Boykin.

SCR 53 - EXPRESSING SINCERE THANKS AND APPRECIATION TO WILLIAM E. WIGGIN FOR HIS EXEMPLARY YEARS OF SERVICE AS EXECUTIVE DIRECTOR OF THE DELAWARE STATE BAR ASSOCIATION. Sponsors: Senators Bair, Adams, McDowell; Representatives Amick, Soles.

SCR 54 - EXTENDING THE LIFE OF THE DELAWARE RIVER AND BAY OVERSIGHT COMMITTEE THROUGH JUNE 30, 1992 AND EXPANDING ITS MEMBERSHIP BY THE ADDITION OF TWO MEMBERS. Sponsors: Senator Minner, Representative Carey.

SCR 55 - EXPRESSING BEST WISHES FOR A SPEEDY RECOVERY TO PAUL T. HART, DIRECTOR OF ELECTIONS FOR NEW CASTLE COUNTY. Sponsors: Senators Sharp, Representative Spence; all Senators; all Representatives.

SCR 56 - URGING THE BOARD OF TRUSTEES OF THE DELAWARE TECHNICAL AND COMMUNITY COLLEGE TO NAME THE WILMINGTON CAMPUS IN HONOR OF THE LATE THOMAS GARRETT OF WILMINGTON, FAMED AS THE WILMINGTON STATIONMASTER ON THE UNDERGROUND RAILROAD WHICH SPIRITED SLAVES TO FREEDOM IN THE NORTH DURING THE CIVIL WAR ERA. Sponsors: Senator McDowell, Holloway, Marshall; Representatives Sills, Moore.

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

The following letter was partially read and made part of this Journal at the request of Senator Martin. No objection.

STATE of DELAWARE
DEPARTMENT OF PUBLIC SAFETY
Dover, Delaware 19903
June 19, 1991

The Honorable Roger A. Martin
State Senate
Legislative Hall
Dover, Delaware 19901

Subject: Your Letter Dated June 12, 1991
Re: Drivers' Conduct on Delaware Roads

Dear Senator Martin:

I am writing to you concerning your perception of the traffic enforcement effort currently demonstrated by the Division of State Police. More specifically, I have been made aware of several comments of concern regarding a perceived lack of traffic enforcement. I genuinely understand your concern and appreciate the opportunity to explain the convincing impact our enforcement efforts have made. The ever-increasing workload continues to place demands on uniformed patrol. Today we have more traffic officers on patrol than we have ever had before. Still, as evidenced by the statistics already available for 1991, I believe the Delaware State Police should be commended for their relentless commitment to public safety.

Total traffic arrests have increased by 10% in the first third of 1991 when compared with the average of traffic arrests among the first calendar third of the previous three years. Total speed arrests have increased by 14%, and arrests for violations of the 55 MPH speed limit have increased by 22% when compared with the same period. Significant among those categories of traffic arrests are the number of persons arrested for DUI. From January through April of this year 1,418 operators were charged with DUI, an increase of 5% over the previous three-year average. Last year we saw an increase in all these categories as well.

When you examine the fatal accident picture through June 12, 1991, you will see a significant change. First, fatal crashes are down by 24% over 1990. Second, alcohol-involved fatalities have decreased from 59% to 43%. Third, actual deaths in 1991 are down over 1990 figures by 29%. Finally, personal injury accidents during the first third of 1991 when compared to a three-year average show a 9% decrease.

The Division implemented an additional enforcement program that took effect Memorial Day weekend. This program will run through Labor Day. It involves utilizing 56 troopers that are presently assigned in an administrative capacity to an intensive speed enforcement program. This program will expend approximately 900 additional hours of traffic enforcement directly to our highways over their most heavily travelled periods. In conjunction with the above-described program, the Division will run a Speed Enforcement Program funded by the Office of Highway Safety that will expand an additional 1,040 hours towards 55 MPH speed enforcement. Both of these programs are in addition to our regular traffic enforcement by our six patrol troops.

In conclusion, the statistics conclusively verify the fact that traffic enforcement by the Division of State Police has increased significantly over the past four years. An ever-more positive result of our traffic enforcement effort is the reduction in personal injury and fatal crashes over the same period. In the future, you will have an opportunity to personally support legislation that will directly impact highway safety within our state and upon our roadways. You can do this by passing the .08 blood alcohol level, radar detectors legislation and the mandatory helmet law. It is my hope that after reading this memorandum whatever concerns you may have had concerning the Division's Enforcement Program have been resolved.

(Signed)

Sincerely,
Pat
Patrick W. Murray
Secretary, Department of Public Safety

cc: Col. Thomas P. Gordon
Col. Clifford M. Graviet

* * * * *

HCR 57 was introduced and considered for adoption on motion of Senator McBride:
HCR 57 - COMMENDING THE PARTICIPANTS OF THE 1991 GIRLS' STATE AND THANKING THE AUXILIARY OF THE AMERICAN LEGION, DEPARTMENT OF DELAWARE, FOR PROVIDING SUCH A REMARKING EXPERIENCE FOR OUR STATE'S YOUTH. Sponsors: Representative Fallon, Senator McBride; On behalf of all Representatives and all Senators.

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

SB 188 was stricken on motion of Senator Blevins.

SB 180 was stricken on motion of Senator Sokola.

At 6:33 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 27, 1991.

The Senate reconvened at 2:33 p.m., June 27, 1991; Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 344 w/HA 1; HB 171 w/HA 1; HB 301; HB 294; HB 281 w/HA 1; SB 124; HB 264; HB 298 w/HA 1; HB 304 w/HA 1; HB 330; HB 340; HB 279 w/HA 2; HB 352; HS 1 for HB 307; HB 5; HB 14; HB 246; HB 300; HB 286; HB 316; HB 351; HB 331; HB 205; HB 355; HB 345; HB 234; HS 1 for HB 140; SB 139 w/SA 1; SB 148 w/SA 1 and adopted HCR 56; HCR 57; SCR 49; SCR 50; HCR 55.

The President Pro Tempore's list of Pre-File legislation was introduced and assigned:

PRESIDENT PRO TEMPORE'S PRE-FILED LIST OF LEGISLATION
June 27, 1991

SB 210 - AN ACT TO AMEND CHAPTER 14 OF TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF ELECTRICAL EXAMINERS. Sponsors: Senator Venables, Representative Amick. To Sunset.

SB 211 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO EXEMPTION FROM MOTOR FUEL TAXES CERTAIN NON-PROFIT ORGANIZATIONS. Sponsor: Senator Minner. To Revenue and Taxation.

SB 212 - AN ACT TO AMEND CHAPTER 5, TITLE 22 OF THE DELAWARE CODE RELATING TO PARKING AUTHORITIES. (2/3 vote) Sponsors: Senators Martin, Neal. To Highways and Transportation.

SB 213 - AN ACT TO AMEND TITLE 29, CHAPTER 8, SECTION 807 RELATING TO REAPPORTIONMENT AND REDISTRICTING. Sponsors: Senators Cordrey, Bair; Representatives Spence, George. Laid on the table.

SB 214 - AN ACT TO AMEND CHAPTER 17, TITLE 18, DELAWARE CODE RELATING TO THE LICENSING OF ADMINISTRATORS. (3/5 vote) Sponsor: Senator Still. To Administrative Services.

SB 215 - AN ACT TO AMEND CHAPTER 35, TITLE 18 OF THE DELAWARE CODE RELATING TO THE REQUIREMENT OF CONVERTIBILITY OF GROUP HEALTH INSURANCE POLICIES. Sponsors: Senator McDowell; Representative VanSant. To Insurance and Elections.

SB 216 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE OPERATION OF MULTIPLE EMPLOYER SELF-INSURED HEALTH PLANS. (3/5 vote) Sponsor: Senator Still. To Health-Social Services/Aging.

SB 217 - AN ACT TO AMEND CHAPTER 33, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF VETERINARIANS. Sponsor: Senator Venables. To Sunset.

SB 218 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES AND TO RECOGNIZE ADVANCED REGISTERED NURSE PRACTITIONERS WHOSE AREA OF PRACTICE DOES NOT HAVE A NATIONAL CERTIFICATION EXAMINATION. Sponsors: Senator Adams, Representative Ewing. Laid on the table.

SB 219 - AN ACT TO AMEND CHAPTER 52, TITLE 24, DELAWARE CODE, RELATING TO NURSING HOME ADMINISTRATORS. Sponsor: Senator Venables. To Health-Social Services/Aging.

SB 220 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO AGENCY RULES AND REGULATIONS. Sponsors: Senators Venables, Minner; Representative Carey. To Sunset.

SA 2 to SB 150 - Sponsor: Senator Hauge. Placed with the Bill.

SA 1 to SB 191 - Sponsor: Senator Venables. Placed with the Bill.

SA 1 to HB 266 - Sponsor: Senator Still. Placed with the Bill.

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

STATE OF DELAWARE
Office of the Governor
June 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: Pasqualine Robison, 7 Valley Road, New Castle, DE 19702, to be appointed as a member of the Commission on Adult Entertainment Establishments to serve a three year term to succeed C. Leslie Ridings, Jr., whose term has expired and is ineligible for reappointment.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
June 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: Phyllis M. McKinley, 14 Heritage Drive, Dover, DE 19901, to be appointed as a Director of the Delaware Solid Waste Authority to serve a three year term to succeed William Philipbar, who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

* * * * *

(Continuing with pre-file legislation):

HB 5 - AN ACT TO AMEND CHAPTER 32, TITLE 5, DELAWARE CODE RELATING TO THE TRANSPORTATION OF MONEY AND VALUABLES. Sponsor: Representative Roy. To Banking.

HB 14 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO SATISFACTION OF MORTGAGES. Sponsors: Representatives Roy, DiPinto. To Community/County Affairs.

HS 1 to HB 140 w/HA 3 - AN ACT TO AMEND CHAPTER 42, TITLE 18, DELAWARE CODE, RELATING TO VARIOUS ASPECTS OF THE INSURANCE GUARANTY ACT. Sponsors: Representatives D. Ennis, Boykin, DiPinto, Smith, Sills, VanSant, Jonkiert. To Banking.

HB 171 w/HA 1 - AN ACT TO AMEND CHAPTER 83, TITLE 29, CHAPTERS 1, 11, 13, 19, 20, 23, 29, 51, 52, 54 AND 55, TITLE 30, CHAPTER 11 OF TITLE 5, CHAPTER 5 OF TITLE 8 AND CHAPTERS 7, 53, 55, 61, 63 AND 64 OF TITLE 18 OF THE DELAWARE CODE RELATING TO TAX PREFERENCES. Sponsors: Representative D. Ennis, Senator Marshall; Representatives Davis, Smith, Bennett; Senator McDowell. To Revenue and Taxation.

HB 205 - AN ACT TO AMEND CHAPTER 70, TITLE 29 OF THE DELAWARE CODE RELATING TO THE SALE OF STATE-OWNED MATERIAL. Sponsor: Representative Taylor. To Administrative Services.

HB 234 w/HA 1 - AN ACT TO AMEND CHAPTER 90, TITLE 14, DELAWARE CODE, RELATING TO THE COLLEGE AND UNIVERSITY SECURITY INFORMATION ACT. Sponsor: Representative Fallon. To Education.

HB 246 - AN ACT TO AMEND CHAPTER 1, TITLE 16 OF THE DELAWARE CODE RELATING TO THE STATE BOARD OF HEALTH. Sponsors: Representatives Carey, Bunting, Schroeder. To Health-Social Services/Aging.

HB 264 - AN ACT TO AMEND CHAPTER 17, TITLE 15, OF THE DELAWARE CODE RELATING TO NOTIFICATION OF RESTORATION OF THE RIGHT TO VOTE AND VOTER REGISTRATION. Sponsor: Representative Buckworth. To Insurance and Elections.

HB 279 w/HA 2 - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE BRINGING OR SENDING OF NONRESIDENT CHILDREN INTO THE STATE OF DELAWARE. Sponsors: Representative Maroney, Senator Holloway; Representative Fallon, Quillen, Reynolds, Taylor, D. Ennis, B. Ennis, Moore. To Children, Youth and Families.

HB 281 w/HA 1 - AN ACT TO AMEND TITLE 30 AND TITLE 4 OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF THE REVENUE LAWS OF THE STATE OF DELAWARE. (3/5 vote) Sponsors: Representative Smith, Senator Marshall; Representative D. Ennis, DiPinto, Boykin, Sills, Jonkiert; Senator Holloway. To Revenue and Taxation.

HB 286 - AN ACT TO AMEND CHAPTER 9, TITLE 10, OF THE DELAWARE CODE RELATING TO FAMILY COURT MASTERS. Sponsors: Representatives Brady, Ewing, Amick, Campanelli, West, Jonkiert, Boykin, Moore, Reynolds, Houghton, Clark, Gilligan, Outten, Bunting, DiPinto, Smith, Petrilli; Senators Hauge, Vaughn, McDowell. To Judiciary.

HB 294 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO HEAVY METALS CONTENT IN PACKAGING. (2/3 vote) Sponsor: Representative Mack. To Natural Resources and Environmental Control.

HB 298 w/HA 1 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO ABSENTEE REGISTRATION AND ABSENTEE VOTING. (2/3 vote) Sponsors: Representative Buckworth, Senator Martin. To Insurance and Elections.

HB 300 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE, RELATING TO THE BOARD OF VETERINARY MEDICINE. Sponsor: Representative Amick. To Sunset.

HB 301 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES TO CHANGE THE MANNER IN WHICH BOARD OF NURSING MEMBERS ARE APPOINTED AND TO CLARIFY ACTIVITIES WHICH DO NOT REQUIRE LICENSURE. Sponsor: Representative Amick. To Sunset.

HB 304 w/HA 1 - AN ACT TO AMEND CHAPTER 81, PART V, TITLE 10 OF THE DELAWARE CODE RELATING TO LIMITATION FROM CIVIL LIABILITY FOR CERTAIN VOLUNTEERS. Sponsors: Representatives Maroney, D. Ennis, Petrilli, Buckworth, Spence, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, Ewing, Fallon, Hebner, Lee, Lofink, Mack, Oberle, Quillen, Reynolds, Roy, Smith, George, Gilligan, Bennett, Brady, Campanelli, Clark, B. Ennis, Houghton, Jonkiert, Moore, Outten, Schroeder, Silis, Soles, VanSant, West; Senators Blevins, Holloway, Martin, Venables, Bair, Connor, Hauge, Knox, Neal, Still. To Judiciary.

HS 1 for HB 307 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO ATTACHMENT AND ASSIGNMENT OF STATE EMPLOYEES' PENSION PLAN BENEFITS. Sponsors: Representative Boykin, Senator Knox; Representatives Brady, Maroney. To Finance.

HB 316 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO QUALIFICATION FOR SCHOOL BUS DRIVERS. Sponsors: Representative Ewing, Senator McBride; Representatives Petrilli, Buckworth, Amick, Carey, Caulk, Corrozi, Fallon, Lee, Lofink, Maroney, Smith, Brady, Clark, B. Ennis, Houghton, Moore, Outten, Schroeder, VanSant, West; Senators Adams, Minner, Torbert, Vaughn, Venables. To Public Safety.

HB 330 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF VEHICLES. Sponsor: Representative Ewing. To Public Safety.

HB 331 - AN ACT TO AMEND CHAPTER 52, TITLE 30 OF THE DELAWARE CODE RELATING TO MOTOR CARRIERS FUEL PURCHASE LAW. Sponsors: Representatives Ewing, Carey, Lee, Maroney, Smith, Clark. To Public Safety.

HB 340 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS. Sponsor: Representative Campanelli. To Highways and Transportation.

HB 344 w/HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF NEW MOTOR VEHICLES. Sponsors: Representatives Lofink and Ewing. To Public Safety.

HB 345 w/HA 1 - AN ACT TO AMEND CHAPTER 13, TITLE 18 OF THE DELAWARE CODE TO EXCLUDE DELAWARE INSURERS FROM APPLICATION OF FEDERAL INVESTMENT STANDARDS. Sponsor: Representative D. Ennis. To Insurance and Elections.

HB 351 - AN ACT TO AMEND CHAPTER 7, TITLE 18 OF THE DELAWARE CODE RELATING TO FEES AND TAXES. Sponsors: Representative Spence, Senator Holloway. To Community/County Affairs.

HB 352 - AN ACT TO AMEND TITLE 21, DELAWARE CODE REGARDING AUTHORIZED EMERGENCY VEHICLES AND TRAFFIC SIGNS, SIGNALS AND MARKINGS. Sponsors: Representatives Buckworth, B. Ennis, Lofink, Mack. To Public Safety.

HB 355 - AN ACT TO AMEND CHAPTER 345, VOLUME 67 OF THE LAWS OF DELAWARE RELATING TO VEHICLE PERMITS FOR EXCESSIVE SIZE AND WEIGHT. Sponsors: Representatives Lofink, Roy; Senator Martin. To Public Safety.

(FINIS)

SB 213 was lifted from the table for consideration on motion of Senator Cordrey under suspension of the necessary rules. No objection.

SB 213 - AN ACT TO AMEND TITLE 29, CHAPTER 8, SECTION 807 RELATING TO REAPPORTIONMENT AND REDISTRICTING.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES; 2 (Hauge, Knox, Still) voting NO; 1 (Martin) ABSENT.

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

The following Committee reports were announced:

From Sunset Committee: SB 205 - 3 Merits; SB 209 - 3 Merits; SB 220 - 4 Merits; SB 210 - 4 Merits; SB 217 - 4 Merits; HB 66 - 4 Merits; HB 239 - 4 Merits; HB 300 - 4 Merits; HB 301 - 4 Merits.

From Banking Committee: HS 1 for HB 140 w/HA 3 - 5 Merits; HB 5 - 5 Merits.

From Education Committee: HB 214 w/HA 3, 4 - 5 Merits.

From Administrative Services Committee: SB 186 - 3 Merits.

At 2:41 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 47th Legislative Day.

47TH LEGISLATIVE DAY
June 27, 1991

The Senate convened at 2:41 p.m. with Lt. Governor Wolf presiding.

A Prayer was offered by Senator Holloway.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, 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 207 w/SA 1 was lifted from the table for consideration on motion of Senator McBride.

During a lengthy discussion of the Bill, the privilege of the floor was extended to Weston E. Nellius, representing the Diocese of Wilmington, and John Cordrey, Senate Attorney, after which the roll call vote was taken and revealed 16 senators voting YES; 5 (Connor, Marshall, McDowell, Still, Venables) voting NO.

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

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

SB 202 - AN ACT TO AMEND CHAPTER 38 OF TITLE 12 OF THE DELAWARE CODE RELATING TO BUSINESS TRUSTS.

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 115 was taken up for consideration on motion of Senator Venables:

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).

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 218 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Adams:

SB 218 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES AND TO RECOGNIZE ADVANCED REGISTERED NURSE PRACTITIONERS WHOSE AREA OF PRACTICE DOES NOT HAVE A NATIONAL CERTIFICATION EXAMINATION.

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

The roll call vote on SB 218 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 was announced and admitted.

HB 214 w/HA 3.4 was taken up for consideration on motion of Senator McBride:

HB 214 w/HA 3.4 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 85 RELATING TO PRIVATE BUSINESS AND TRADE SCHOOLS.

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

The roll call vote on HB 214 w/HA 3.4, SA 1 was then taken and revealed 20 Senators voting YES and 1 (Marshall) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

At 3:50 p.m. Senator Cordrey presiding during the above roll call.

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

SB 205 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES TO CLARIFY CERTAIN ACTIVITIES OF THE ADVANCED REGISTERED NURSE PRACTITIONER.

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

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

SB 209 - AN ACT TO AMEND CHAPTER 29, TITLE 24, DELAWARE CODE RELATING TO REAL ESTATE BROKERS AND SALESPERSONS.

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

SB 220 was taken up for consideration on motion of Senator Venables:

SB 220 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO AGENCY RULES AND REGULATIONS.

Several Senators commented on the Bill after which the roll call vote was taken and revealed 13 senators voting YES; 2 (Holloway, Marshall) voting NO; 5 (McBride, Sharp, Sokola, Still, Vaughn) NOT VOTING; and 1 (Minner) ABSENT.

The Bill was declared passed by the Senate and sent to the House for consideration. HJR 7 w/HA 1 was taken up for consideration on motion of Senator Holloway under suspension of the necessary rules:

HJR 7 w/HA 1 - ESTABLISHING A SPECIAL STUDY TASK FORCE TO EXAMINE THE EXTENT AND SERIOUSNESS OF THE PROBLEMS OF THE HOMELESS AND HOMELESS MENTALLY ILL POPULATIONS IN THE STATE OF DELAWARE, AND TO MAKE RECOMMENDATIONS FOR IMPROVING THE PLIGHT OF THESE INDIVIDUALS.

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 returned to the House.

SB 186 was taken up for consideration on motion of Senator Venables:

SB 186 - AN ACT TO AMEND CHAPTER 29, TITLE 24, DELAWARE CODE, RELATING TO THE REAL ESTATE GUARANTY FUND.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (McBride, McDowell) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

On motion of Senator Holloway and without objection, HB 248 was returned to Health/Social Services Committee.

SS 1 for SB 81 was taken up for consideration on motion of Senator Sokola:

SS 1 for SB 81 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE, RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

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

The following communications were read and made part of this Journal on motion of Senator Sokola:

STATE of DELAWARE
Department of Justice
State Office Building
Wilmington, Delaware 19801
June 26, 1991

The Honorable David P. Sokola
State Senator
Delaware State Senate
Legislative Hall
Dover, Delaware 19901

BY FACSIMILE

Re: Senate Substitute No. 1 to Senate Bill No. 81

Dear Senator Sokola:

You requested by your telephone call and fax of June 25, 1991 that I look at and comment on Senate Substitute No. 1 to Senate Bill No. 81. It appears that the affect of this amendment to 15 Del. C. Sec. 8002(6)(f) is to amend the definition of contribution in the Campaign Financing and Disclosure Act of 1990. That definition as it now exist defines a contribution as including "service or use of property without full payment thereof" but excepts from that definition certain things such as use of an individual's residence and the contribution of food and beverages "by an individual volunteering personal services or the individual's residence." Senate Substitute No. 1 to Senate Bill No. 81, of which you are one of the sponsors, appears to continue that exception for food and beverages provided by an individual volunteering services or his residence but adds a limitation "so long as the total value of said food and beverages does not exceed \$100 during an election period."

As I explained, this is my reading of your bill and does not constitute an Opinion of the Attorney General. Further, I am have not (sic) discussed this matter with the Attorney General and therefore I comment only on the apparent affect of the proposed amendment and this letter should not be construed as the Attorney General either endorsing or opposing this bill.

If I can be of further assistance, please do not hesitate to contact me.

(Signed) Very truly yours,
Malcolm S. Cobin
Assistant State Solicitor

cc: Michael F. Foster, State Solicitor

* * * * *

Law Offices
CONNOLLY, BOVE, LODGE & HUTZ
1220 Market Building
Wilmington, Delaware 19899

June 27, 1991

The Honorable David P. Sokola
Delaware State Senate
Legislative Hall
Dover, DE 19903

Re: Senate Substitute No. 1 To Senate Bill No. 81

Dear Senator Sokola:

You have asked me to describe the changes Senate Substitute No. 1 to Senate Bill No. 81, as amended by Senate Amendment No 1 ("Senate Substitute No. 1") makes to the current Campaign Contributions and Expenditures Act of 1990 (the "current Act"), as codified at 15 Del. C. §§8001-8046. As is more fully described below, the only change Senate Substitute No. 1 makes to the current Act is that it would place a \$100 limit on the contribution of food and beverages by an individual volunteering personal services or the individual's residence which are exempted from the definition of a contribution. Under the current Act, there is no such limit.

Under the current Act, "contribution" is defined, among other things, as:

Service or use of property without full payment thereof (except the contribution of services by an individual, the use of an individual's residence, the contribution of such items as invitations, food and beverages by an individual volunteering personal services or the individual's residence, or the use of the telephone equipment of any person). . .

15 DEL. C. §8002(6)(f).

Senate Substitute No. 1 makes one non-substantive stylistic change to the current Act by changing the location of the phrase "the use of the telephone equipment of any person". The use of such equipment is under the current Act, and remains under Senate Substitute No. 1, an exception to the definition of contribution. It is important to point out that this exception applies only to individuals and not to businesses or corporations.

Beside the non-substantive stylistic change, Senate Substitute No. 1 makes only one change to the current Act. Senate Substitute No. 1 reads as follows (the language of the substantive change is highlighted):

Service or use of property without full payment thereof (except the contributions of services by an individual, the use of an individual's residence, the use of the telephone equipment of any person, and the contributions of such items as invitations, food and beverages by an individual volunteering personal services or the individual's residence, so long as the total value of said food and beverages does not exceed \$100 during an election period);

As you may know, I was involved in the various drafts of the current Act. The intention of those who worked on this legislation was that the \$100 limit on exempted contributions of food and beverages by an individual be included in the current Act. In fact the second-to-last draft of the current Act included such a limit. I am uncertain as to how the \$100 limit was deleted from the final version.

It makes sense to amend the Act to place the \$100 limit on exempted contributions of food and beverages by an individual. Such a limit would allow individuals to hold small coffees and other events where food and beverages cost \$100 or less for a candidate, committee or party, without the requirement of reporting the in-kind contribution of food and beverages. An event where food and beverages could total thousands of dollars, however, was not intended to be excluded from the definition of contribution. I believe the public -- including other candidates -- has a right to know which individuals are making contributions of this magnitude, and that such large contributions should be subject to the same limitations as any other gift.

If you have any question, please do not hesitate to contact me.

Very truly yours,
(Signed) Charles J. Durante

At 4:18 p.m., Lt. Governor Wolf presiding.

The privilege of the floor was extended to Arthur Connolly, Senate Attorney.

The roll call vote on SS 1 for SB 81 w/SA 1 was taken and laid on the table by the sponsor before being announced.

At 4:24 the Senate recessed for Party Caucus on motion of Senator Sharp and reconvened at 5:18 p.m., Lt. Governor Wolf presiding.

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

STATE OF DELAWARE
Office of the Governor
June 27, 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. Berndt, 312 Beverly Place, Wilmington, DE 19809, to be appointed as a member of the State Ethics Commission to serve a term to expire April 2, 1993, to succeed Linda Neff Bly, who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
(Signed) Michael N. Castle, Governor

The nomination was temporarily laid on the table on motion of Senator Adams.

The Governor's nomination for appointment of Robert A. Armstrong was considered for confirmation of motion of Senator Adams under suspension of the necessary rules (no objection). The roll call vote on the nomination was taken and revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

The nomination for appointment of Robert J. Berndt was lifted from the table for consideration and the roll call vote taken revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

Pursuant to the above appointment, former Senator Robert J. Berndt was introduced and granted the privilege of the floor.

The following nominations for appointment were taken up for consideration under suspension of the necessary rules on motion of Senator Adams. No objection.

Sarah Ann Fillat - 21 Senators voting YES; therefore, the appointment was declared confirmed.

Gary Evans Grubb - 21 Senators voting YES; therefore, the appointment was declared confirmed.

Pamela Deeds Holloway - 20 Senators voting YES; 1 (Cook) ABSENT; therefore, the appointment was declared confirmed.

James J. Horgan - 21 Senators voting YES; therefore, the appointment was declared confirmed.

Frederick H. Kenney - 21 Senators voting YES; therefore, the appointment was declared confirmed.

HB 229 was lifted from the table for consideration on motion of Senator Marshall:

HB 229 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

The privilege of the floor was extended to W. Thomas MacPherson, Division of Unemployment Insurance, and several Senators entered into discussion of the Bill after which the Bill was laid on the table on motion of Senator Marshall.

HB 230 w/HA 1 was brought up for consideration on motion of Senator Marshall:

HB 230 w/HA 1 - AN ACT TO AMEND CHAPTER 31, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

W. Thomas MacPherson, Division of Unemployment Insurance, was still a witness and several Senators discussed the Bill which was then laid on the table on motion of Senator Marshall.

SENATE CONSENT CALENDAR #17 was introduced on motion of Senator Minner:

SR 33 - COMMENDING ROGER L. JONES, JR. OF NEWARK ON ATTAINING THE RANK OF EAGLE SCOUT. Sponsor: Senator Neal.

SR 34 - URGING THE STATE BOARD OF EDUCATION TO CONSIDER APPROPRIATE ACTION TO INCORPORATE THE UNITED STATES CONSTITUTION, THE BILL OF RIGHTS, THE DECLARATION OF INDEPENDENCE, AND THE FEDERALIST PAPERS AND THEIR ANALYSES IN TEXTBOOKS AND OTHER MATERIALS AND TO CONSIDER APPROPRIATE ACTION TO INSURE THAT STUDENTS ARE ASSESSED ON THEIR KNOWLEDGE AND UNDERSTANDING OF THESE FUNDAMENTAL DOCUMENTS BEFORE GRADUATION FROM HIGH SCHOOL. Sponsor: Senator Holloway.

SCR 57 - URGING THE ATTORNEY GENERAL OF THE STATE OF DELAWARE TO RESEARCH EXISTING STATE LAW AS IT MAY RELATE TO CONTESTS OFFERED TO DELAWARE RESIDENTS THROUGH 900 TELEPHONE NUMBERS AND TO RECOMMEND LEGISLATION, IF NEEDED, TO THE GENERAL ASSEMBLY TO EFFECTIVELY CURB THIS PRACTICE. Sponsor: Senator Torbert.

SCR 59 - REQUESTING GOVERNOR MICHAEL N. CASTLE TO REAPPOINT THE GOVERNOR'S WHITE CLAY CREEK PRESERVE TASK FORCE CREATED BY SENATE CONCURRENT RESOLUTION NO. 85 OF THE 134TH GENERAL ASSEMBLY AND SENATE CONCURRENT RESOLUTION NO. 87 OF THE 135TH GENERAL ASSEMBLY TO STUDY THE ADVISABILITY AND FEASIBILITY OF DEDICATED CONSERVATION EASEMENTS AND/OR STATE PURCHASE OF LANDS ALONG THE EAST BANK AND WESTERN SLOPES OF THE WHITE CLAY CREEK IN ORDER TO PRESERVE THE NATURAL CHARACTER OF THE VALLEY. Sponsors: Senators Martin, Blevins, Marshall, McDowell, Sharp, McBride, Minner, Sokola, Venables, Bair, Hauge, Knox, Neal, J. Still; Representatives Oberle, Soles, Smith, DiPinto, Brady, Maroney, Boykin, Corrozi, VanSant, Campanelli, Mack, Spence, Gilligan, Taylor, Petrilli, Davis, B. Ennis, Clark, Caulk, Buckworth, Ewing, Schroeder, Bunting.

HCR 55 - PROVIDING FOR CONTINUATION OF THE TASK FORCE TO IMPLEMENT A DATA SYSTEM TO HELP THE STATE PLAN FOR DISABILITY PREVENTION AND SERVICES. Sponsors: Representative Maroney, Senator Holloway; Representatives Petrilli, Buckworth, Spence, Carey, Corrozi, D. Ennis, Fallon, Hebner, Lofink, Mack, Quillen, Reynolds, Roy, Smith, Gilligan, Brady, Bunting, B. Ennis, Bennett, Moore, Outten; Senators Venables, Bair, Hauge, Knox, Neal.

HCR 56 - HONORING HAROLD B. CLARK, IN RECOGNITION OF HIS MORE THAN 30 YEARS OF DEDICATION AND SERVICE TO THE 2ND ELECTION DISTRICT OF THE 7TH REPRESENTATIVE DISTRICT. Sponsors: Representatives Smith, Maroney, Boykin, D. Ennis, Hebner; Senators Bair, Knox, Hauge.

SCR 58 - REQUESTING DELAWARE HEALTH CARE COMMISSION TO EVALUATE THE PRESENT REGULATORY FRAMEWORK FOR HEALTH CARE COVERAGE AND TO REPORT ITS FINDINGS AND RECOMMENDATION TO THE 136TH GENERAL ASSEMBLY. Sponsors: Senator Cordrey, Representative D. Ennis.

Senators Bair, Neal, Still, Hauge requested to be added as co-sponsors to SCR 58.

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.

The roll call vote on SS 1 for SB 81 w/SA 1 was lifted from the table on motion of Senator Sokola; however, the roll call was again laid on the table before being announced on motion of the Senator.

At 6:08 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 28, 1991.

The Senate reconvened at 2:10 p.m., June 28, 1991, Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 335; HS 1 for HB 295; HB 369; SB 95; SB 144 w/SA 1,2, HA 1; SB 196; SB 149 w/SA 2; HB 370; HB 260 w/HA 1; SB 66; SB 67 w/SA 1 and adopted HJR 9; HJR 11; HJR 12; SCR 45; SCR 51; SJR 6.

Lt. Gov. Wolf presiding at 2:11 p.m.

The following Memorandum from the Chief Clerk of the House was read:

House of Representatives
State of Delaware
Legislative Hall
Dover, Delaware 19903

M E M O R A N D U M

To: Bernard J. Brady
Secretary of the Senate
FROM: JoAnn M. Hedrick
Chief Clerk of the House
RE: HB 332
DATE: June 26, 1991

It has come to my attention that House Bill Number 332 was delivered to the Senate as having been passed by the House on June 25, 1991.

The Bill requires a three-fifths vote and not receive the sufficient number to pass.
I respectfully request that HB 332 be returned to the House. Thanks for your cooperation.

* * * * *

The President Pro Tempore's list of Pre-File legislation was introduced and a copy made available to each Senator:

PRESIDENT PRO TEMPORE'S PRE-FILED LIST OF LEGISLATION

June 28, 1991

SB 221 - AN ACT TO AMEND CHAPTER 100, TITLE 3 OF THE DELAWARE CODE RELATING TO THE HARNESS RACING COMMISSION. Sponsor: Senator Venables. Assigned to Sunset Committee.

SB 222 - AN ACT TO AMEND CHAPTER 3, TITLE 28 OF DELAWARE CODE RELATING TO THE REGULATION OF HORSE RACING. Sponsor: Senator Venables. Assigned to Sunset Committee.

SB 223 - AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO ADULT ENTERTAINMENT ESTABLISHMENTS. Sponsors: Senator McBride, Representative Spence. Laid on the table.

SB 224 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, RELATING TO INSURANCE COVERAGE FOR RENTALS OF MOTOR VEHICLES. Sponsor: Senator Holloway. Assigned to Insurance and Elections Committee.

SB 225 - AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE BROKERS, SALESPERSONS, AND APPRAISERS AND PSYCHOLOGICALLY IMPACTED PROPERTIES. Sponsor: Senator Venables. Assigned to Sunset Committee.

SB 226 - AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO DISCLOSURE OF AGENCY IN A REAL ESTATE TRANSACTION. Sponsor: Senator Venables. Assigned to Sunset Committee.

SA 2 to HB 266 - Sponsor: Senator Still. Placed with the Bill.

SA 1 to HB 283 - Sponsor: Senator Blevins. Placed with the Bill.

The following letter of nomination for appointment by the Governor was assigned to Executive Committee:

STATE OF DELAWARE
Office of the Governor
June 27, 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: Dorothy M. S. Pritchett, 2108 North Spruce 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

* * * * *

HB 150 w/HA 1 - AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO CONSTRUCTION OF VEHICLES TO PREVENT ESCAPE OF CONTENTS. (2/3 vote) Sponsors: Representatives Caulk, Petrilli, Buckworth, Amick, Boykin, Carey, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Maroney, Lofink, Oberle, Quillen, Reynolds, Roy, Smith, Taylor, Bunting, Campanelli, Clark, Jonkiert, Moore, Sills, VanSant; Senators Holloway, Bair, Connor. To Public Safety.

HB 260 w/HA 1 - AN ACT TO AMEND SUBPART I, SUBCHAPTER III, CHAPTER 5, TITLE 11, OF THE DELAWARE CODE ESTABLISHING THE OFFENSE OF CRIMINAL IMPERSONATION, ACCIDENT RELATED. Sponsors: Representative B. Ennis, Senator Vaughn; Representatives VanSant, Ewing, Lee. To Judiciary.

HS 1 for HB 295 - AN ACT TO AMEND TITLE 6, DELAWARE CODE RELATING TO CREDIT SERVICES ORGANIZATIONS. (3/5 vote) Sponsors: Representatives VanSant; Jonkiert, B. Ennis, Campanelli, Bennett, Boykin, Clark, Quillen, Houghton, Petrilli, Ewing, Spence, Moore, West, Bunting, Davis, Brady, Schroeder, Buckworth, Carey, Amick; Senators McBride, Knox, Connor, Cook, Cordrey, Marshall. To Small Business.

HB 335 - AN ACT TO AMEND TO REINCORPORATE THE TOWN OF GREENWOOD. (2/3 vote) Sponsor: Representative Ewing. Laid on the table.

HB 369 - AN ACT TO AMEND CHAPTER 47, TITLE 7 OF THE DELAWARE CODE RELATING TO PENALTIES FOR VIOLATIONS OF STATE PARK REGULATIONS. Sponsors: Representatives Carey, Boykin, Caulk, Fallon, Hebner, Lee, Lofink, Maroney, Quillen, Smith, Schroeder, Clark, Bunting; Senators Sokola, Knox, Venables. Assigned to Natural Resources and Environmental Control Committee.

HB 370 - 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, Spence, West; Senators Marshall, McBride, Minner. Assigned to Judiciary Committee.

HJR 9 - ESTABLISHING A WELLHEAD PROTECTION PROGRAM DEVELOPMENT COMMITTEE TO FORMULATE LEGISLATION FOR THE ENACTMENT OF A WELLHEAD PROTECTION PROGRAM IN DELAWARE. Sponsors: Representatives Carey, Davis. Assigned to Natural Resources and Environmental Control Committee.

HJR 11 - DIRECTING AND AUTHORIZING THE PENSION REFORM COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO ESTABLISH PENSION PORTABILITY FOR EDUCATORS. Sponsors: Representative Buckworth, Senator Cook. Assigned to Education Committee.

HJR 12 - ESTABLISHING A PRODUCTIVITY AND QUALITY SERVICE IMPROVEMENT PROGRAM TO IDENTIFY, DEVELOP AND COORDINATE THE IMPLEMENTATION OF RESTRUCTURING AND OTHER OPERATIONAL IMPROVEMENTS THAT CAN IMPROVE SERVICES AND REALIZE COST SAVINGS AND ESTABLISHING A PRIVATE SECTOR RESOURCE COUNCIL AND AN EXECUTIVE STEERING COMMITTEE. Sponsors: Representative Petrilli, Senator Venables; Representatives Spence, Buckworth, Amick, Boykin, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Lofink, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Taylor, Gilligan, George, Bennett, Brady, Clark, B. Ennis, Jonkiert, Moore, Outten, Schroeder, Sills, Soles, West; Senators Cordrey, Sokola, Bair, Connor, Hauge, Knox, Neal, Still. Assigned to Executive Committee.

Finis'

The following Committee reports were announced:

From Revenue and Taxation Committee: SB 159 - 4 Merits.

From Labor and Industrial Relations Committee: SB 194 - 1 Favorable, 4 Merits.

From Highways and Transportation Committee: HB 15 - 1 Favorable, 4 Merits.

From Health-Social Services/Aging Committee: HB 268 w HA 1, 3 - 4 Merits.

From Natural Resources and Environmental Control Committee: HB 226 - 5 Merits; HB 244 - 4 Merits; HB 247 w/HA 1 - 5 Merits; HS 1 for HB 250 w/HA 1 - 5 Merits; HB 272 w HA 1 - 5 Merits.

From Community/County Affairs Committee: HB 280 - 3 Merits; HB 151 - 3 Merits.

From Public Safety Committee: HB 355 - 6 Merits.

At 2:15 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 48th Legislative Day.

48TH LEGISLATIVE DAY

June 28, 1991

The Senate convened at 2:15 p.m.; Lt. Governor Wolf presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, 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 144 w/SA 1,2 - AN ACT TO AMEND TITLE 26, DELAWARE CODE, AND CHAPTER 60. TITLE 7, DELAWARE CODE, RELATING TO WATER UTILITIES.

The Bill which had previously passed the Senate was taken up for reconsideration under suspension of the necessary rules having been further amended by HA 1 on motion of Senator Cordrey. The roll call vote on SB 144 w/SA 1,2, HA 1 was then taken and revealed 17 Senators voting YES and 4 (Bair, Connor, Holloway, Minner) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

Senators Cook, Knox, Martin, McBride, Hauge marked PRESENT during the above roll call.

HB 273 w/HA 1 was taken up for consideration on motion of Senator Marshall:

HB 273 w/HA 1 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

Senator Connor marked PRESENT.

The roll call vote on the Bill was taken and revealed 14 Senators voting YES; 1 (Cordrey) voting NO; 4 (Bair, Hauge, Knox, Neal) NOT VOTING; and 2 (Holloway, Minner) ABSENT.

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

Senator Bair marked PRESENT during the above roll call.

SB 30 was taken up for consideration on motion of Senator Connor under suspension of the necessary rules. No objection.

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

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

SB 50 was taken up for consideration on motion of Senator Vaughn:

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.

Senator Venables commented on the bill.

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

SB 217 was taken up for consideration on motion of Senator Venables:

SB 217 - AN ACT TO AMEND CHAPTER 33, TITLE 24, DELAWARE CODE, RELATING TO THE BOARD OF VETERINARIANS.

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

Senator Minner marked PRESENT during the above roll call.

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

SB 159 - AN ACT TO AMEND TITLE 30, CHAPTER 54, DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX.

The privilege of the floor was extended to Senate Attorney, John Cordrey, for a brief discussion of the Bill among some Senators after which the Bill was laid on the table on motion of Senator Minner.

SB 223 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator McBride:

SB 223 - AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO ADULT ENTERTAINMENT ESTABLISHMENTS.

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

SB 227 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

SB 227 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE IMPOSING CERTAIN LIMITATION ON EXAMINATION EXPENSES BORNE BY INSURERS AND CERTAIN OTHER PERSONS.

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

HB 229 was lifted from the table for consideration on motion of Senator Marshall; however, the Bill was immediately again laid on the table on the Senator's motion.

HB 230 w/HA 1 was lifted from the table for consideration on motion of Senator Marshall; however, the Bill was immediately again laid on the table on the Senator's motion.

HB 231 was taken up for consideration on motion of Senator Marshall:

HB 231 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

The privilege of the floor was extended to W. Thomas MacPherson, Division of Unemployment Insurance, for a brief discussion of the Bill.

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

HB 232 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

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

HB 113 was lifted from the table for consideration on motion of Senator Torbert:

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.

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

The roll call vote on HB 113 w/SA 1 was then taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 230 was lifted from the table for consideration on motion of Senator Marshall. The roll call vote on the Bill was taken; however, the roll call was laid on the table before being announced on motion of the Senator.

At 3:13 p.m., on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:00 p.m.; Lt. Governor Wolf presiding.

The following communication from Senator Sokola was read:

State of Delaware
SENATE
Legislative Hall
Dover, Delaware 19901

M E M O R A N D U M

TO: Bernard J. Brady, Secretary of the Senate
FROM: Senator David P. Sokola
RE: Charles J. Durante's June 27, 1991 Letter (RE: SS 1/SB 81)
DATE: June 28, 1991

Yesterday, I requested that a letter dated June 27, 1991 from Charles J. Durante addressed to me be made part of the Senate record. I have been informed by Mr. Durante that the sentence at the top of page 2 of the letter (beginning with the word "It" and ending with the word "corporations") should have been deleted from the letter.

Please see that this clarification is made a part of today's record.

Thank you very much,

* * * * *

The following Committee reports were announced:

From the Small Business Committee: HS 1 for HB 295 - 4 Merits.

From the Sunset Committee: SB 221 - 4 Merits; SB 222 - 4 Merits; SB 225 - 4 Merits; SB 226 - 4 Merits.

Senator Holloway marked PRESENT.

HB 312 was taken up for consideration on motion of Senator Marshall:

HB 312 - AN ACT TO AMEND TITLE 22, DELAWARE CODE RELATING TO RESIDENCY REQUIREMENTS FOR MUNICIPAL EMPLOYEES. (2/3 vote)

The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Knox, Neal) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 27 was returned to the Public Safety Committee on motion of Senator Blevins.

HB 97 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

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.

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

HB 98 was taken up for consideration on motion of Senator Sharp:

HB 98 - AN ACT TO AMEND CHAPTER 1, TITLE 20 OF THE DELAWARE CODE RELATING TO COURTS-MARTIAL.

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

HB 103 w/HA 1 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HB 103 w/HA 1 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO FLORENCE KNIERIEM, 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.

Several Senators commented on the Bill after which the roll call vote was taken and revealed 11 Senators (Adams, Bair, Blevins, Connor, Knox, Martin, McDowell, Minner, Sharp, Torbert, Vaughn) voting YES; 8 (Cook, Cordrey, Holloway, Marshall, Neal, Sokola, Still, Venables) voting NO; 1 (McBride) NOT VOTING; and 1 (Hauge) ABSENT.

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

HS 1 for HB 140 w/HA 3 was taken up for consideration on motion of Senator Cordrey:

HS 1 for HB 140 w/HA 3 - AN ACT TO AMEND CHAPTER 42, TITLE 18, DELAWARE CODE, RELATING TO VARIOUS ASPECTS OF THE INSURANCE GUARANTY ACT.

The privilege of the floor was extended to Catherine S. Mulholland, Delaware Insurance Department, after which the roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 143 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 143 - AN ACT TO AMEND CHAPTER 19, TITLE 12, DELAWARE CODE, RELATING TO INVENTORY AND APPRAISAL FILLED WITH THE REGISTER OF WILLS.

After a brief discussion of the Bill the roll call vote was taken and revealed 15 Senators voting YES; 4 (Cordrey, McBride, Vaughn, Venables) voting NO; 2 Blevins, McDowell) NOT VOTING.

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

Under suspension of rules, HB 166 w/HA 1 was taken up for consideration on motion of Senator Blevins:

HB 166 w/HA 1 - AN ACT TO AMEND CHAPTER 3, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ACCESSIBILITY OF THE DRIVER AND VEHICLE RECORDS AS RETAINED BY THE DIVISION OF MOTOR VEHICLES.

Senator McBride commented on the legislation.

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

HB 226 was taken up for consideration on motion of Senator Minner:

HB 226 - AN ACT TO AMEND CHAPTER 60, TITLE 7, OF THE DELAWARE CODE RELATING TO THE DUMPING OF SOLID WASTES INTO THE OCEAN, DELAWARE BAY, INLAND BAYS AND OTHER STATE WATERS.

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

HB 254 w/HA 1 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HB 254 w/HA 1 - AN ACT DIRECTING THE BOARD OF PENSION TRUSTEES TO WAIVE PAYMENT OF ANY ADDITIONAL EMPLOYEE CONTRIBUTIONS DUE FROM PATRICIA T. STEWARD PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

Several Senators commented on the Bill and it was then laid on the table on further motion of Senator Cook.

HB 261 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 261 - AN ACT TO AMEND TITLE 7 AND TITLE 11 OF THE DELAWARE CODE RELATING TO DOGS; AND PROVIDING PENALTIES FOR CERTAIN OFFENSES AGAINST LAW ENFORCEMENT CANINES. (2/3 vote) Senators Blevins and McBride commented.

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

HB 268 was returned to the Health/Social Services Committee on motion of Senator Holloway.

HB 272 w/HA 1 was taken up for consideration on motion of Senator Minner:

HB 272 w/HA 1 - AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATING TO NAVIGATION AND WATERS. (2/3 vote)

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

Senators Sharp and Minner commented on the amendment.

The roll call vote on the Amendment was taken and revealed 17 Senators voting YES; 3 (Minner, Sharp, Sokola voting NO; and 1 (Hauge) ABSENT.

The Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator Venables) was introduced and considered for adoption.

Several Senators commented on the amendment.

The roll call vote on the Amendment was taken and revealed 4 Senators (Bair, Connor, Still, Venables) voting YES; 15 voting NO; 2 (Holloway, Neal) ABSENT. The Amendment was declared defeated.

The roll call vote on HB 272 w/HA 1, SA 1 was then taken; however, the roll call vote was laid on the table before being announced on motion of Senator Minner.

HB 254 was lifted from the table for further consideration on motion of Senator Cook and the privilege of the floor extended to Donald F. McArdle, Pension Office, and several Senators entered into discussion of the Bill. The roll call vote on the Bill was taken, but was laid on the table before being announced on motion of Senator Cook.

HB 166 w/HA 1 was lifted from the table for further discussion on motion of Senator Blevins.

The privilege of the floor was extended to Michael Shahan, Acting Director, Department of Motor Vehicle, and there was discussion of the Bill among several Senators.

The roll call vote on the Bill was then taken and revealed 18 Senators voting YES, 1 (Marshall) voting NO, and 2 (Holloway, McBride) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 345 w/HA 1 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 345 w/HA 1 - AN ACT TO AMEND CHAPTER 13, TITLE 18 OF THE DELAWARE CODE TO EXCLUDE DELAWARE INSURERS FROM APPLICATION OF FEDERAL INVESTMENT STANDARDS.

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

HB 351 was taken up for consideration on motion of Senator Sokola under suspension of the necessary rules:

HB 351 - AN ACT TO AMEND CHAPTER 7, TITLE 18 OF THE DELAWARE CODE RELATING TO FEES AND TAXES.

After a short discussion of the Bill the roll call vote was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 355 was taken up for consideration on motion of Senator Blevins under suspension of the necessary rules:

HB 355 - AN ACT TO AMEND CHAPTER 345, VOLUME 67 OF THE LAWS OF DELAWARE RELATING TO VEHICLE PERMITS FOR EXCESSIVE SIZE AND WEIGHT.

Three Senators made brief comments on the Bill after which the roll call vote was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 5 was taken up for consideration on motion of Senator Sharp:

HB 5 - AN ACT TO AMEND CHAPTER 32, TITLE 5, DELAWARE CODE RELATING TO THE TRANSPORTATION OF MONEY AND VALUABLES.

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

HB 335 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Adams:

HB 335 - AN ACT TO AMEND TO REINCORPORATE THE TOWN OF GREENWOOD. (2/3 vote)

Senators Holloway and Connor commented.

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 Adams requested that he be added as a co-sponsor to HB 335.

SB 156 was taken up for consideration on motion of Senator Holloway under suspension of the necessary rules:

SB 156 - AN ACT TO AMEND CHAPTER 71, TITLE 18, DELAWARE CODE, RELATING TO LONG-TERM CARE INSURANCE.

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

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

The roll call vote on SB 156 w/SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 161 was lifted from the table for further consideration on motion of Senator Blevins.

HB 161 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF SPECIAL REGISTRATION PLATES. (3/5 vote)

SA 2 to the Bill (sponsor: Senator Sharp) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Neal) voting NO; therefore, the Amendment was declared adopted.

The roll call vote on HB 161 w/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.

The roll call vote on HB 272 was lifted from the table on motion of Senator Minner, and announced 14 Senators voting YES; 7 (Adams, Connor, Marshall, Neal, Still, Vaughn, Venables) voting NO.

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

SENATE CONSENT CALENDAR #18 was introduced on motion of Senator Minner.

SCR 60 - ENTHUSIASTICALLY SUPPORTING THE DOVER AIR FORCE BASE AND ITS "50 YEARS OF AIR POWER" AIRSHOW BEING HELD JULY 6 AND 7. Sponsors: Senators Still, Vaughn, Cook, Torbert, Minner, Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk, Buckworth.

SCR 61 - CONTINUING THE FLEXIBLE BENEFIT PLAN STUDY COMMISSION. Sponsors: Senators Still, Connor, Hauge, Bair, Holloway, Knox, Neal; Representatives Buckworth, Quillen.

SCR 63 - URGING THE DIRECTOR OF PUBLIC SAFETY TO WORK WITH THE DELAWARE LEAGUE OF LOCAL GOVERNMENTS TO EVALUATE THE FEASIBILITY OF IMPLEMENTING A MOTOR VEHICLE FLAGGING PROGRAM TO ENFORCE PARKING CITATION COMPLIANCE. Sponsors: Senator Blevins, Representative Ewing.

SCR 64 - REQUESTING DELAWARE'S CONGRESSIONAL DELEGATION DIRECT THE FEDERAL RESOURCE AGENCIES TO MOVE QUICKLY TO APPROVE THE NECESSARY PERMITS FOR THE DUALIZATION OF U.S. ROUTE 113 BETWEEN MILFORD AND GEORGETOWN. Sponsors: Senators Cordrey, Adams, Minner, Venables; Representatives West, Carey.

SCR 65 - REQUESTING CERTAIN ORGANIZATIONS TO UNDERTAKE A COOPERATIVE EFFORT TO REVIEW AND COORDINATE DEVELOPMENT PLANS AND TRAFFIC IMPACT IN THE NEWARK AREA AND TO ENCOURAGE USE OF MULTIPLE PASSENGER TRANSPORTATION OPTIONS. Sponsors: Senators Neal, Martin.

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

SCR 62 was introduced on motion of sponsor, Senator Stillio
SCR 62 - REQUESTING DELAWARE'S BUSINESS AND ACADEMIC COMMUNITY TO CONDUCT AN INDEPENDENT STUDY OF THE STRUCTURE OF GOVERNMENT AND SCHOOL DISTRICTS IN DELAWARE AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND THE GOVERNOR. Sponsor: Senator Still.
On motion of Senator McDowell and without objection, SCR 62 was assigned to Education Committee.

SB 230 was introduced and laid on the table on motion of Senator McDowell. No objection.

SB 230 - AN ACT TO AMEND CHAPTER 5 OF TITLE 18 OF THE DELAWARE CODE RELATING TO DOMESTIC INSURERS REQUIRING PHYSICAL PRESENT IN DELAWARE AND PROVIDING FOR AN EXEMPTION FROM THE REQUIREMENT UNDER SPECIFIED CIRCUMSTANCES. Sponsor: Senator McDowell.

At 6:15 p.m. on motion of Senator Sharp, the Senate recessed until 4:00 p.m., June 30, 1991.

The Senate reconvened at 5:21 p.m., June 30, 1991, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 309 w/HA 1; HB 315 w/HA 1.3; HB 65 w/HA 1.2; SB 72 w/SA 1; SB 107 w/SA 1.2; HA 1; SB 69; HB 379; HB 187 w/HA 1.2.4; SB 175; SB 182; SB 125; SB 152; SB 45 w/SA 1.2; SB 26 w/SA 1; SB 23 w/SA 1; HB 361; HB 358; SB 179; SB 184; SB 189 w/SA 1; SB 89; SB 12; SB 163 w/SA 1; SB 164 w/SA 1; SB 186; SB 187 w/SA 2; SB 198 w/SA 1; SB 202, SB 209, SB 218 w/SA 1; and adopted HJR 10.

LEGISLATIVE ADVISORIES #17, 18, 19, 20, 21 were partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #17, dated June 10, 1991: On June 6, the Governor signed SB 165 w/SA 1 (Volume 68, Chapter 41, Laws of Delaware); on June 10, the Governor signed HB 190 w/HA 1 (Volume 68, Chapter 42, Laws of Delaware).

LEGISLATIVE ADVISORY #18, dated June 13, 1991: On June 12, the Governor signed SB 33 w/SA 1 (Volume 68, Chapter 43, Laws of Delaware).

LEGISLATIVE ADVISORY #19, dated June 18, 1991: On June 14, the Governor signed SB 92 w/SA 1.2, HA 4 w/HA 1 (Volume 68, Chapter 44, Laws of Delaware), HB 179 (Volume 68, Chapter 45, Laws of Delaware); on June 17, the Governor signed SB 65 (Volume 68, Chapter 46, Laws of Delaware); and on June 14 the Governor VETOED SB 62 w/SA 2.

LEGISLATIVE ADVISORY #20, dated June 24, 1991: On June 20 the Governor signed HB 189 (Volume 68, Chapter 47, Laws of Delaware); SB 120 (Volume 68, Chapter 48, Laws of Delaware); SB 90 (Volume 68, Chapter 49, Laws of Delaware); SB 127 (Volume 68, Chapter 50, Laws of Delaware); SB 128 (Volume 68, Chapter 51, Laws of Delaware); on June 20, the Governor VETOED HB 188.

LEGISLATIVE ADVISORY #21, dated June 26, 1991: On June 25, 1991 the Governor signed HB 178 w/HA 1 w/HA 1, HA 2, SA 1 (Volume 68, Chapter 52, Laws of Delaware); SB 88 w/SA 2 (Volume 68, Chapter 53, Laws of Delaware); HB 183 w/HA 1.2.3 (Volume 68, Chapter 54, Laws of Delaware); HS 1 to HB 141 (Volume 68, Chapter 55, Laws of Delaware); HB 147 (Volume 68, Chapter 56, Laws of Delaware); HB 215 (Volume 68, Chapter 57, Laws of Delaware); HB 217 (Volume 68, Chapter 58, Laws of Delaware); SB 17 w/SA 1.2 (Volume 68, Chapter 59, Laws of Delaware); SB 64 (Volume 68, Chapter 60, Laws of Delaware); SB 129 (Volume 68, Chapter 61, Laws of Delaware); HB 135 (Volume 68, Chapter 62, Laws of Delaware); On June 26 the Governor signed SB 55 (Volume 68, Chapter 63, Laws of Delaware); HB 108 w/HA 2 (Volume 68, Chapter 64, Laws of Delaware).

The following legislation was introduced and assigned:

SB 228 - AN ACT TO AMEND CHAPTER 81, TITLE 10, DELAWARE CODE RELATING TO ACTIONS INVOLVING PUBLIC PETITION AND PARTICIPATION. Sponsors: Senators Sokola, Blevins, McDowell, Venables; Representatives Amick, Petrilli. To Judiciary.

SB 229 - AN ACT TO AMEND CHAPTER 27, TITLE 25, DELAWARE CODE RELATING TO CERTIFICATIONS REGARDING MECHANICS' LIENS AND PENALTIES FOR VIOLATIONS. Sponsor: Senator Vaughn. To Administrative Services.

At 5:25 p.m., on motion of Senator Sharp, the Senate adjourned to immediately convene for the 49th Legislative Day.

49TH LEGISLATIVE DAY June 30, 1991

The Senate convened at 5:25 p.m. with Lt. Governor Wolf presiding.

A Prayer was offered by Senator Cordrey.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, 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.

SB 107 w/SA 1.2, having been returned from the House as further amended by HA 1, was taken up for reconsideration under suspension of rules on motion of Senator Holloway.

The roll call vote on SA 107 w/SA 1.2, HA 1 was then taken and revealed 20 Senators voting YES and 1 (Venables) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

Senators Neal and Still marked PRESENT during the above roll call.

SB 159 was lifted from the table for further consideration on motion of Senator Minner under suspension of the necessary rules. No objection.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES; 1 (Hauge) voting NO; 2 (Holloway, Vaughn) NOT VOTING; 1 (Venables) ABSENT.

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

At the request of Senator Cook, Senate Tribute to Francis West was read in its entirety and the Tribute was duly presented by Senator Cordrey to Secretary West.

HB 330 was taken up for consideration on motion of Senator Blevins under suspension of the necessary rules. No objection.

HB 330 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF VEHICLES.

The privilege of the floor was extended to Michael Shahan, Acting Director - Department of Motor Vehicles, after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Venables) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 344 w/HA 1 was taken up for consideration on motion of Senator Blevins under suspension of the necessary rules. No objection.

HB 344 w/HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO REGISTRATION OF NEW MOTOR VEHICLES.

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

The privilege of the floor was extended to Michael Shahan, Acting Director, Department of Motor Vehicles, and several Senators entered into discussion of the Bill.

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

Senators Venables marked PRESENT during the above roll call.

At 6:03 p.m., on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 7:08 p.m, Lt. Governor Wolf presiding.

SENATE CONSENT CALENDAR #19 was introduced on motion of Senator Minner:

SR 35 - CREATING A TASK FORCE ON THE FAMILY TO PROVIDE A FORUM FOR THE CONSIDERATION OF ISSUES AFFECTING DELAWARE'S FAMILIES. Sponsor: Senator Blevins.

SR 36 - MOURNING THE DEATH AND EXTOLLING THE LIFE OF PAULINE A. YOUNG OF ARDENCROFT, TIRELESS TEACHER, LIBRARIAN, HISTORIAN, AUTHOR, AND CIVIL RIGHTS ACTIVIST. Sponsor: Senator Holloway

SCR 66 - REQUESTING THE FEDERAL RESOURCE AGENCIES TO ACT QUICKLY TO APPROVE U. S. CORPS 404 PERMIT FOR THE OGLETOWN INTERCHANGE PROJECT. Sponsors: Senators Sharp, Martin; Representatives Davis, Oberle, Spence.

SCR 67 - REQUESTING THE DELAWARE DEPARTMENT OF TRANSPORTATION TO REPORT TO THE GENERAL ASSEMBLY ON PLANS FOR INTERCITY AND LOCAL RAIL PASSENGER SERVICE. Sponsors: Senators McDowell, Martin; Representative D. Ennis.

SCR 68 - HONORING SIXTY-FIVE YEARS OF CONTINUOUS DEDICATED SERVICE BY WILLIAM S. SCARBOROUGH AND HIS FATHER STANLEY S. SCARBOROUGH. Sponsors: Senators Cook, Torbert, Vaughn, Still; Representatives, Outten, Clark, Bennett, Roy.

SCR 69 - PERMITTING THE COMMITTEE ON DISPOSITIONAL GUIDELINES FOR JUVENILES TO OVERSEE THE PILOT TESTING OF DISPOSITIONAL GUIDELINES FOR JUVENILES IN ORDER THAT THE COMMITTEE MAY IDENTIFY AND RESOLVE PROBLEMS PRIOR TO RECOMMENDING PERMANENT LEGISLATION. Sponsors: Senator McDowell, Representative Maroney

Senator Hauge requested that he be added as a co-sponsor to SCR 66.

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

On motion of Senator Adams and without objection, the following nomination for appointment was introduced and considered for confirmation under suspension of the necessary rules:

STATE OF DELAWARE
Office of the Governor
June 28, 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 L. Moore, 142 W. Netherfield Road, Wilmington, DE 19804, 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

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

The following nominations for appointment by the Governor were considered for confirmation under suspension of the necessary rules on motion of Senator Adams:

Margarete Fair MacLeish - 21 Senators voting YES; therefore, the appointment was declared confirmed.

Robert G. Medd - 21 Senators voting YES; therefore, the appointment was declared confirmed.

Dorothy M. S. Pritchett - 21 Senators voting YES; therefore, the appointment was declared confirmed.

SB 221 was taken up for consideration on motion of Senator Venables:

SB 221 - AN ACT TO AMEND CHAPTER 100, TITLE 3 OF THE DELAWARE CODE RELATING TO THE HARNESS RACING COMMISSION.

Senator Adams announced that he would be recorded as NOT VOTING due to a possible conflict of interest.

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

SB 222 was taken up for consideration on motion of Senator Venables:

SB 222 - AN ACT TO AMEND CHAPTER 3, TITLE 28 OF DELAWARE CODE RELATING TO THE REGULATION OF HORSE RACING.

Senators Sharp and Marshall commented on the Bill after which it was laid on the table.

SB 225 was taken up for consideration on motion of Senator Venables:

SB 225 - AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE BROKERS, SALESPERSONS, AND APPRAISERS AND PSYCHOLOGICALLY IMPACTED PROPERTIES.

The privilege of the floor was extended to William A. Hufnal, Delaware Association of Realtors, and several Senators entered into discussion of the Bill.

The roll call vote on the Bill was taken and revealed 11 Senators (Adams, Bair, Blevins, Connor, Cook, Cordrey, Knox, Minner, Neal, Still, Venables) voting YES; 4 (McDowell, Sharp, Sokola, Vaughn) voting NO; 6 (Hauge, Holloway, Marshall, Martin, McBride, Torbert) NOT VOTING.

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

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

SB 226 - AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO DISCLOSURE OF AGENCY IN A REAL ESTATE TRANSACTION.

The privilege of the floor was extended to William Hufnal, Delaware Association of Realtors, and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Bair, Hauge) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HS 1 for HB 295 was taken up for consideration on motion of Senator Venables:

HS 1 for HB 295 - AN ACT TO AMEND TITLE 6, DELAWARE CODE RELATING TO CREDIT SERVICES ORGANIZATIONS. (3/5 vote).

Senator Holloway commented.

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

The Secretary announced that a message from the House informed the Senate that it had adopted HJR 13, HJR 14.

HJR 13 was introduced and considered for adoption on motion of Senator Cordrey under suspension of the necessary rules:

HJR 13 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1991. Sponsors: Representatives Petrilli, Corrozi, George; Senators Cordrey, Cook, Neal.

The roll call vote on the Resolution was taken and revealed 19 Senators voting YES, 1 (McBride) NOT VOTING and 1 (Hauge) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

HB 346 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cordrey (no objection):

HB 346 - AN ACT TO AMEND CHAPTER 11, TITLE 12, OF THE DELAWARE CODE RELATING TO ESCHEATS. Sponsors: Representative Smith, Senator Bair; Representatives Petrilli, Boykin, DiPinto, D. Ennis, George, Sillis, VanSant; Senator Cordrey.

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 Cordrey.

HS 1 for HB 347 was introduced and taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules. No objection.

HS 1 for HB 347 - AN ACT TO AMEND CHAPTERS 23, 25, 27, 29, AND 43, TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS AND OCCUPATIONAL LICENSE FEES AND TAXES. (3/5 vote) Sponsors: Representatives Smith, Senator Bair; Representatives Petrilli, Boykin, DiPinto, D. Ennis, George, Sills, VanSant; Senator Cordrey.

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

Several Senators commented on the amendment.

The roll call vote on the Amendment was taken and revealed 3 Senators (Connor, Hauge, Still) voting YES; 18 voting NO. The Amendment was declared defeated.

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 3 Senators (Bair, Hauge, Still) voting YES; 18 voting NO.

The Amendment was declared defeated.

There was considerable discussion of the Bill among several Senators after which the roll call vote on HS 1 for HB 347 was taken; however, the roll call was laid on the table before being announced on motion of Senator Cordrey.

The Secretary announced that a message from the House informed the Senate that it had passed HB 346; HS 1 for HB 347; HB 348 w/HA 1; HB 349; HB 350; HB 383 w/HA 1; SB 213; SB 162 w/SA 1, HA 1, 3.

HB 348 w/HA 1 was introduced and taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules. No objection.

HB 348 w/HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 8 OF THE DELAWARE CODE RELATING TO CORPORATE FRANCHISE TAXES. (3/5 vote). Sponsors: Representatives Smith, Senator Bair; Representatives Petrilli, Boykin, DiPinto, D. Ennis, George, Sills, VanSant; Senator Cordrey.

SA 1 to the Bill (sponsor: Senator Sharp) was introduced and immediately stricken.

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

HB 349 was introduced and taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules. No objection.

HB 349 - AN ACT TO AMEND CHAPTERS 11 AND 19 OF THE DELAWARE CODE RELATING TO INCOME TAXES. (3/5 vote) Sponsors: Representatives Smith, Senator Bair; Representatives Petrilli, Boykin, DiPinto, D. Ennis, George, Sills, VanSant; Senator Cordrey.

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

HB 383 w/HA 1 was introduced and taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules. No objection.

HB 383 w/HA 1 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE PRIVILEGE TAX ON CERTAIN DOMESTIC INSURERS. (3/5 vote) Sponsors: Representatives Smith and Petrilli.

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

The roll call vote on HB 346 was lifted on motion of Senator Cordrey and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

The roll call vote on HS 1 for HB 347 was lifted on motion of Senator Cordrey and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

At 8:36 p.m., on motion of Senator Sharp the Senate recessed for a dinner break and reconvened at 9:39 p.m.; Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 147 w/SA 1; SB 166; SB 197 w/SA 1; SB 71 w/SA 1, HA 1; HB 353; HB 288 w/HA 3; HB 371; HB 372; HB 368; HB 305 and adopted HCR 58.

HJR 14 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Cordrey.

HJR 14 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1992. Sponsors: Representatives Petrilli, Corrozi, George; Senators Cordrey, Cook, Neal.

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

HB 120 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules. No objections.

HB 120 - AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.

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

SB 222 was lifted from the table for further consideration on motion of Senator Venables.

SA 1 to the Bill (sponsor: Senator Marshall) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 15 Senators voting YES; 5 (Adams, Cook, Minner, Neal, Still) voting NO; 1 (McDowell) ABSENT.

The Amendment was declared adopted.

The roll call vote on SB 222 w/SA 1 was then taken and revealed 16 Senators voting YES; 5 (Adams, Cook, Minner, Neal, Still) voting NO.

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

HB 358 was taken up for consideration on motion of Senator Sharp under suspension of rules:

HB 358 - AN ACT TO AMEND CHAPTER 52, TITLE 29, DELAWARE CODE RELATING TO HEALTH CARE INSURANCE.

Senator Blevins commented.

The roll call vote on the Bill was taken and revealed 13 Senators voting YES and 8 (Cook, Holloway, Marshall, McBride, McDowell, Minner, Still, Vaughn) voting NO.

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

HS 1 for HB 307 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules. Senator Sharp yielded to Senator Knox. No objection.

HS 1 for HB 307 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO ATTACHMENT AND ASSIGNMENT OF STATE EMPLOYEES' PENSION PLAN BENEFITS.

Senators Knox and Holloway commented on the Bill after which the roll call vote was taken and revealed 17 Senators voting YES and 4 (Cordrey, McBride, Sharp, Vaughn) voting NO.

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

HB 354 w/HA 1 was taken up for consideration on motion of Senator Venables under suspension of the necessary rules:

HB 354 w/HA 1 - AN ACT TO AMEND CHAPTER 25, TITLE 24, DELAWARE CODE RELATING TO PHARMACY. (2/3 vote).

The privilege of the floor was extended to Robert L. Snively, Delaware State Board of Pharmacy, and several Senators entered into discussion of the Bill after which the Bill was laid on the table on further motion of Senator Venables.

HB 65 w/HA 1,2 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (No objection. Senator Cordrey then yielded to Senator Venables to floor manage the Bill.

The privilege of the floor was extended to John McCarnan, Alcoholic Beverage Control Commission, and several Senators entered into discussion of the Bill.

The roll call vote on the Bill was taken and revealed 15 Senators voting YES; 4 (Adams, Cook, Neal Torbert) voting NO; 1 (Venables) NOT VOTING; and 1 (Holloway) ABSENT. The Bill was declared passed by the Senate and returned to the House.

HB 301 was taken up for consideration on motion of Senator Venables:

HB 301 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES TO CHANGE THE MANNER IN WHICH BOARD OF NURSING MEMBERS ARE APPOINTED AND TO CLARIFY ACTIVITIES WHICH DO NOT REQUIRE LICENSURE.

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.

HS 1 for HB 250 w/HA 1 was taken up for consideration on motion of Senator Minner:

HS 1 for HB 250 w/HA 1 - AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO THE ADOPTION AND RESPONSIBILITIES FOR THE IMPLEMENTATION OF FEDERAL REGULATIONS PROMULGATED UNDER TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986 (ALSO KNOWN AS SARA TITLE III OR THE EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT OF 1986), AND FURTHER PROVIDING FOR THE ESTABLISHMENT OF A MECHANISM TO COLLECT FEES FOR THE PURPOSE OF FUNDING THE LOCAL EMERGENCY PLANNING COMMITTEES AND DATA COLLECTION AND MANAGEMENT ACTIVITIES RELATED THERETO. (2/3 vote)

The privilege of the floor was extended to Phillip G. Retallick, State Emergency Response Commission. Senators Sharp and McBride questioned the witness after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Vaughn) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 11 w/HA 1 was taken up for consideration on motion of Senator Sokola under suspension of the necessary rules:

HB 11 w/HA 1 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COLLECTION OF TAXES.

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

SB 141 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules. No objection.

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)

Senator McBride commented.

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 162 w/SA 1 which had previously passed the Senate, was taken up for reconsideration, as now further amended by HA 1.3 on motion of Senator Holloway under suspension of the necessary rules.

The roll call vote on SB 162 w/SA 1, HA 1.3 was then taken and revealed 20 Senators voting YES and 1 (Neal) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

SB 71 w/SA 1 which had previously passed the Senate, was taken up for reconsideration as now further amended by HA 1 on motion of Senator Bair under suspension of the necessary rules.

The roll call vote on SB 71 w/SA 1, HA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

SB 24 w/SA 1 which had previously passed the Senate was taken up for reconsideration as now further amended by HA 1 on motion of Senator Venables under suspension of the necessary rules.

The roll call vote on SB 24 w/SA 1, HA 1 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 Governor for his consideration.

SB 230 was lifted from the table for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 230 - AN ACT TO AMEND CHAPTER 5 OF TITLE 18 OF THE DELAWARE CODE RELATING TO DOMESTIC INSURERS REQUIRING PHYSICAL PRESENCE IN DELAWARE AND PROVIDING FOR AN EXEMPTION FROM THE REQUIREMENT UNDER SPECIFIED CIRCUMSTANCES.

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

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

SA 3 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 (Cordrey, Holloway, Sharp) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to R. T. Cosby, American Insurance Association, and several Senators questioned the witness after which the roll call vote on SB 230 w/SA 1,2,3 was taken and revealed 14 Senators voting YES; 4 (Bair, Connor, Hauge, Neal) voting NO; 3 (Knox, Sharp, Still) NOT VOTING.

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

HJR 9 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules:

HJR 9 - ESTABLISHING A WELLHEAD PROTECTION PROGRAM DEVELOPMENT COMMITTEE TO FORMULATE LEGISLATION FOR THE ENACTMENT OF A WELLHEAD PROTECTION PROGRAM IN DELAWARE.

At 11:41 p.m. Senator Cordrey presiding.

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

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

HB 244 - AN ACT TO AMEND CHAPTER 84, TITLE 11 OF THE DELAWARE CODE RELATING TO THE DELAWARE POLICE TRAINING PROGRAM.

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

HB 247 w/HA 1 was taken up for consideration on motion of Senator Minner:

HB 247 w/HA 1 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE TO REQUIRE LABELING OF CERTAIN PLASTIC PRODUCTS. (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 returned to the House.

HB 369 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules:

HB 369 - AN ACT TO AMEND CHAPTER 47, TITLE 7 OF THE DELAWARE CODE RELATING TO PENALTIES FOR VIOLATIONS OF STATE PARK REGULATIONS.

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

HB 370 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 370 - AN ACT TO AMEND CHAPTER 5, TITLE 11, RELATING TO LICENSES TO CARRY CONCEALED DEADLY WEAPONS.

At 11:50 p.m., Lt. Governor Wolf presiding.

The privilege of the floor was extended to John J. Thompson, Delaware State Sportsmen's Association, and a brief discussion of the Bill ensued after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Bair, Hauge)

voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 361 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HB 361 - AN ACT TO AMEND CHAPTER 73, TITLE 6, OF THE DELAWARE CODE RELATING TO THE REGULATION OF SECURITIES, BROKER DEALERS, INVESTMENT ADVISERS AND AGENTS. (3/5 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 returned to the House.

At midnight, June 30, 1991, the First Session of the 136th General Assembly adjourned on motion of Senator Sharp.

SPECIAL SESSION - July 1, 1991

STATE of DELAWARE
Office of the Lieutenant Governor

TO: Members of the 136th General Assembly
FROM: Dale E. Wolf, Lt. Governor, State of Delaware
Terry R. Spence, Speaker of the House of Representatives
SUBJECT: Special Session
DATE: June 30, 1991, 12 o'clock (midnight)

Pursuant to the provisions of Article II, Section 4 of the Constitution of the State of Delaware of 1897, as amended, we hereby declare the 136th General Assembly of the State of Delaware in Special Session.

Dale E. Wolf
Lt. Governor, State of Delaware

Terry R. Spence
Speaker of the House of Representatives
* * * * *

Pursuant to the above, the Senate convened at 12:01 a.m., July 1, 1991 Lt. Governor Wolf presiding.

A Prayer was offered by Senator Sharp.

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

HB 350 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1992; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

Senators Neal, Cordrey and Holloway commented on the Bill after which the roll call vote was taken and revealed 21 Senators voting YES, therefore, the Bill was declared passed by the Senate and returned to the House.

HB 380 was introduced and taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HB 380 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID FOR THE FISCAL YEAR ENDING JUNE 30, 1992; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. (3/4 vote). Sponsors: Representative Corrozi, Senator Cook; Representatives Davis, DiPinto, Quillen, Soles, West; Senators Holloway, McBride, Neal, Still, Vaughn.

Senators Marshall and Bair commented on the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 392 was introduced and taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HB 392 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1992; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 350 OF THE 136TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE. Sponsors: Representative Corrozi, Senator Cook; Representatives Spence, Petrilli, Buckworth, George, Gilligan; Senators Cordrey, Sharp, McDowell, Bair, Connor.

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

From 12:17 a.m. to 12:19 a.m., the Senate took a standing recess for purpose of changing the tape. Lt. Governor Wolf still presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 249 w/HA 1; SB 223; SB 174 w/HA 1; SB 130 w/HA 1; HB 392; HB 380; SB 227 w/HA 1; SB 151 w/HA 1; SB 75; SB 24 w/SA 1, HA 1; SB 195 w/SA 1, 2 and adopted HCR 59; HCR 60; HJR 15; SCR 52, SCR 53, SCR 55, SCR 59.

HCR 58 was introduced and considered for adoption on motion of Senator Cook:

HCR 58 - URGING DELAWARE'S CONGRESSIONAL DELEGATION TO TAKE WHATEVER ACTION NECESSARY TO RESTORE THE RESERVE FUND AND THE LONG-TERM SOLVENCY OF THE DELAWARE HIGHER EDUCATION LOAN PROGRAM. Sponsors: Representative Corrozi, Senator Cook; Representatives DiPinto, Davis, Quillen, Fallon, West, Soles; Senators Holloway, McBride, Vaughn, Neal, Still.

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

HJR 12 was taken up for consideration on motion of Senator Venables under suspension of the necessary rules:

HJR 12 - ESTABLISHING A PRODUCTIVITY AND QUALITY SERVICE IMPROVEMENT PROGRAM TO IDENTIFY, DEVELOP AND COORDINATE THE IMPLEMENTATION OF RESTRUCTURING AND OTHER OPERATIONAL IMPROVEMENTS THAT CAN IMPROVE SERVICES AND REALIZE COST SAVINGS AND ESTABLISHING A PRIVATE SECTOR RESOURCE COUNCIL AND AN EXECUTIVE STEERING COMMITTEE.

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

HJR 11 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HJR 11 - DIRECTING AND AUTHORIZING THE PENSION REFORM COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO ESTABLISH PENSION PORTABILITY FOR EDUCATORS.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Adams) ABSENT; therefore, the Resolution was declared adopted 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 395; HB 390 and adopted SCR 60; SCR 63; SCR 64; SCR 65; SCR 66; SCR 67; SCR 69; SCR 68.

HB 390 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Martin:

HB 390 - 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, GUARANTEED INDUSTRIAL REVENUE BONDS, REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY AND THE TRANSPORTATION TRUST FUND; REVERTING AND REPROGRAMMING CERTAIN SURPLUS FUNDS OF THE STATE AND REPROGRAMMING CERTAIN FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; CREATING CERTAIN FUNDS OF THE STATE; APPROPRIATING CERTAIN FUNDS FROM THE GENERAL FUND, THE TRANSPORTATION TRUST FUND AND SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; AMENDING VOLUME 67, CHAPTER 360 AND VOLUME 68 CHAPTER 32, DELAWARE LAWS RELATING TO TRANSFER OF LIBRARY APPROPRIATION BALANCES; AMENDING TITLE 29, DELAWARE CODE RELATING TO DEBT LIMITS; AUTHORIZING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO ALLOCATE STRIPPER WELL FUNDS TO CERTAIN ELIGIBLE CAPITAL IMPROVEMENTS AUTHORIZED IN THIS ACT; AMENDING VOLUME 67, CHAPTER 46, LAWS OF DELAWARE RELATING TO THE REPROGRAMMING OF CERTAIN FUNDS OF THE TRANSPORTATION TRUST FUND; AMENDING TITLE 17, CHAPTER 1, DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION; AMENDING TITLE 29, CHAPTER 69, DELAWARE CODE RELATING TO THE PROCUREMENT OF MATERIELS AND AWARD OF CONTRACTS; AMENDING TITLE 30, CHAPTER 52, DELAWARE CODE RELATING TO MOTOR FUEL PURCHASE; AMENDING TITLE 21, CHAPTER 4, DELAWARE CODE RELATING TO RECIPROCAL AGREEMENTS; AMENDING TITLE 21, CHAPTER 3, DELAWARE CODE RELATING TO THE TRANSPORTATION TRUST FUND AND THE DEPARTMENT OF PUBLIC SAFETY; AMENDING TITLE 30, CHAPTER 30, DELAWARE CODE RELATING TO MOTOR VEHICLE DOCUMENT FEE AND AUTOMOBILE DEALER HANDLING FEE AND LICENSE FEE; AMENDING TITLE 30, CHAPTER 51, DELAWARE CODE RELATING TO MOTOR FUEL TAX; AMENDING CHAPTER 14, TITLE 2 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE TRANSPORTATION TRUST FUND; AMENDING TITLE 30, CHAPTER 52, DELAWARE CODE RELATING TO MOTOR CARRIER FUEL PURCHASE FEES AND AGREEMENTS; AMENDING TITLE 2, CHAPTER 13, DELAWARE CODE RELATING TO THE DELAWARE TRANSPORTATION AUTHORITY; AMENDING TITLE 21, CHAPTER 21, DELAWARE CODE RELATING TO FEES FOR REGISTRATION OF VEHICLES; AMENDING TITLE 21, CHAPTER 23, DELAWARE CODE RELATING TO FEES FOR VEHICLE TITLES AND LIENS; AMENDING TITLE 21, CHAPTER 25, DELAWARE CODE RELATING TO FEES FOR TRANSFER OF TITLE, REGISTRATION, AND LIENS; AMEND CHAPTER 75, TITLE 29, AND CHAPTER 26, TITLE 14, OF THE DELAWARE CODE, RELATING TO EQUALIZATION OF SCHOOL CONSTRUCTION FUNDS; AND AMENDING VOLUME 67, CHAPTER 285, DELAWARE LAWS. (3/4 vote). Sponsors: Representative Roy, Senator Martin; Representatives Boykin, Carey, Ennis, Jonkiert, Taylor; Senators Cook, Hauge, Knox, McBride, Minner.

At the request of Senator Martin the Debt Statement attached to the Bill was partially read. Senators Sharp, Still and Marshall commented on the Bill after which the roll call vote was taken and revealed 19 Senators voting YES; 3 (Neal, Sharp, Vaughn) voting NO; and 1 (Adams) ABSENT.

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

HB 395 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook:

HB 395 - AN ACT TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, SOCIAL SERVICES FOR THE PURPOSE OF AN EMERGENCY CONCERNING MEDICAID FUNDS FOR NON-STATE INSTITUTIONS. Sponsors: Representative Corrozi, Senator Cook; Representatives Spence, Petrilli, Buckworth, George, Gilligan; Senators Cordrey, Sharp, McDowell, Bair, Connor. (3/5 vote)

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

HB 378 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules:

HB 378 - AN ACT TO AMEND CHAPTER 91 OF TITLE 7 OF THE DELAWARE CODE RELATING TO TAXATION OF PETROLEUM AND PETROLEUM PRODUCTS. Sponsors: Representatives Mack, Petrilli; Senator Minner.

Senator McDowell commented on the Bill after which the roll call vote on the Bill was taken and revealed 18 Senators voting YES; 1 (McDowell) voting NO; 2 (Adams, Holloway) ABSENT. The Bill was declared passed by the Senate and returned to the House.

HB 288 w/HA 3 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 288 w/HA 3 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH INSURANCE SOLD TO CERTAIN GROUPS.

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

HB 171 w/HA 1 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

HB 171 w/HA 1 - AN ACT TO AMEND CHAPTER 83, TITLE 29, CHAPTERS 1, 11, 13, 19, 20, 23, 29, 51, 52, 54 AND 55, TITLE 30, CHAPTER 11 OF TITLE 5, CHAPTER 5 OF TITLE 8 AND CHAPTERS 7, 53, 55, 61, 63, AND 64 OF TITLE 18 OF THE DELAWARE CODE RELATING TO TAX PREFERENCES.

Senators McDowell and Sharp commented on the Bill after which the roll call vote was taken and revealed 16 Senators voting YES; 4 (Cordrey, McBride, Sharp, Vaughn) voting NO; and 1 (Adams) ABSENT.

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

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

HB 256 - AN ACT TO AMEND TITLE 28, CHAPTER 11, OF THE DELAWARE CODE RELATING TO BINGO AND CHARITABLE GAMBLING.

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

The roll call vote on HB 256 w/SA 1 was then taken and revealed 20 Senators voting YES and 1 (Adams) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 281 w/HA 1 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

HB 281 w/HA 1 - AN ACT TO AMEND TITLE 30 AND TITLE 4 OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF THE REVENUE LAWS OF THE STATE OF DELAWARE. (3/5 vote)

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

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

The privilege of the floor was extended to Robert Chastant, Division of Revenue, during a short discussion of the Bill.

The roll call vote on HB 281 w/SA 1,2 was then taken and revealed 16 Senators voting YES; 2 (Cordrey, Vaughn) voting NO; and 3 (Adams, Holloway, Sharp) ABSENT.

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

HJR 15 was introduced and considered for adoption on motion of Senator Cordrey under suspension of the necessary rules:

HJR 15 - CREATING A STUDY COMMITTEE RELATING TO THE OPERATIONS OF THE DELAWARE INSURANCE DEPARTMENT AND ISSUES RELATING THERETO. Sponsors: Representatives D. Ennis, Buckworth; Senator Sharp.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES; 1 (Venables) voting NO; and 3 (Adams, Holloway, Sharp) ABSENT.

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

SB 174 which had previously passed the Senate was taken up for reconsideration under suspension of the necessary rules as now further amended by HA 1 on motion of Senator Vaughn.

The roll call vote on SB 174 w/HA 1 was therefore taken and revealed 18 Senators voting YES and 3 (Adams, Holloway, Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

SB 231 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook:

SB 231 - AN ACT TO AMEND CHAPTERS 83 AND 88, TITLE 11, CHAPTERS 55, 55A, AND 56, TITLE 29, DELAWARE CODE, RELATIVE TO EMPLOYER PICKUP OF MEMBER/EMPLOYEES PENSION CONTRIBUTIONS. Sponsors: Senators Cook, Vaughn, McBride, Holloway, Still, Neal; Representatives Corrozi, Davis, Soles, DiPinto, West, Quillen.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES; 1 (McBride) NO; and 3 (Adams, Holloway, Sharp) ABSENT.

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

At 1:08 a.m. on motion of Senator Cordrey, the Senate recessed for 10 minutes and reconvened at 1:19 a.m. Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 360 w/HA 1; HB 381 w/HA 1; SB 159; SB 156 w/SA 1; SB 226; SB 225; SB 141; SB 220.

HB 360 w/HA 1 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Minner:

HB 360 w/HA 1 - AN ACT TO AMEND TITLES 7 AND 23 OF THE DELAWARE CODE RELATING TO PERMIT FEES AND OTHER ASSESSMENTS CHARGED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND TO AUTHORIZE AND APPROVE VARIOUS PERMIT FEES AND ASSESSMENTS. (3/5 vote). Sponsors: Representatives Davis, Amick, Boykin, Carey, DiPinto, Corrozi, Smith, Taylor, Buckworth, Spence; Senators Knox, Venables, Neal, Bair, Sokola.

The privilege of the floor was extended to Edwin H. Clark, II, Secretary of the Department of Natural Resources and Environmental Control, during a brief discussion of the Bill.

The roll call vote on the Bill was taken and revealed 14 Senators voting YES; 4 (Cook, McBride, McDowell, Vaughn) voting NO; 1 (Cordrey) NOT VOTING; and 2 (Adams, Sharp) ABSENT.

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

Senator Hauge was granted the personal privilege of the floor and commented on the upcoming reapportionment.

At 1:29 a.m., July 1, 1991 the Senate recessed to the call of the President pro Tempore on motion of Senator McDowell.

The Senate reconvened at 8:48 p.m. on August 6, 1991 for the continuation of the First Special Session. Senator Cordrey presiding.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 302 and HB 398 w/HA 1, 2, SB 115, and SCR 58.

The following legislation was introduced under suspension of rules on motion of Senator Sharp:

HB 398 w/HA 1,2 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE PROVIDING FOR REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS. (Sponsors: Representatives Petrilli, Spence; Senators Cordrey, Sharp)

Personal privilege of the floor was granted to Francis Murphy, ESQ to explain the intent of the bill. Several senators commented on the bill. Witness was excused.

Senator Bair requested that SA 1 to the Bill be brought before the Senate for consideration.

SA 1 to HB 398 was introduced on motion of Senator Bair.

Senator Sharp moved that the amendment be laid on the table. Sen. Bair objected. Roll call vote was taken on the motion and revealed 14 Senators YES; 5 (Bair, Hauge, Knox, Neal, Still) voting NO; and 2 (Connor, Venables) ABSENT. The motion was carried and the amendment was laid on the table.

Senator Bair requested the following referenced communications be recorded as filed with the Secretary:

A. Wilmington Branch, National Association for the Advancement of Colored People
10th & Walnut Street, Wilmington, Delaware - Keith R. Booker, President
DATE: May 7, 1991
TO: The Members of the House and Senate of the Delaware General Assembly
RE: Redistricting

- B. Samuel L. Guy, Attorney At Law, 2227 N. Market Street, Wilmington, Delaware 19802
 DATE: June 27, 1991
 TO: The 136th General Assembly
 RE: Legal Principles Regarding Redistricting
- C. Samuel L. Guy, Attorney At Law, 2227 N. Market Street, Wilmington, Delaware 19802
 DATE: June 30, 1991
 TO: 136th General Assembly
 RE: Legal Principles Regarding Redistricting
- D. NAACP REDISTRICTING PROJECT
 TO: Delaware Senate Redistricting Committee
 FROM: Samuel L. Walters, Assistant General Counsel
 DATE: July 30, 1991
 RE: Inadequacy of Proposed Senate Redistricting Plan for Wilmington Areas;
 Requirements of the Voting Rights Act

At the request of Senator Bair, the privilege of the floor was extended to Samuel Guy, ESQ, NAACP. During his testimony, Mr. Guy presented a Franklin's map of Wilmington and New Castle County outlining proposed redistricting. (All of the aforementioned communications are included in the file for the Legislative Day.)

Senator Hauge commented. Witness excused. Several senators commented on the bill.

The roll call vote on the Bill was then taken and revealed 16 senators voting YES; 3 NO (Bair, Hauge, Still); and 2 (Connor, Venables) ABSENT.

At 10:03 p.m., on the motion from Senator Sharp, the Senate recessed to the call of the President Pro Tempore.

EXTRAORDINARY SESSION CALLED BY THE GOVERNOR October 24, 1991

At 4:48 p.m. with Lt. Gov. Wolf presiding, the Senate convened by the reading of the following proclamation, issued by the Governor:

STATE OF DELAWARE
 EXECUTIVE DEPARTMENT
 DOVER

PROCLAMATION

I, MICHAEL N. CASTLE, by the authority vested in me as Governor of the State of Delaware, pursuant to Article III, Section 16 of the Constitution of 1897, do hereby convene the 136th General Assembly of the State of Delaware into Extraordinary Session on Thursday, October 24, 1991, at 2:00 p.m. for the purpose of considering and acting upon legislation amending Volume 68, Chapter 188 of the Laws of Delaware regarding reapportionment of State legislative districts, and for the transaction of such other business as may lawfully come before it.

IN WITNESS WHEREOF, I, MICHAEL N. CASTLE, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of said State to be affixed hereunto at Wilmington, this 1st day of October, in the year of our Lord one thousand nine hundred ninety-one, and of the Independence of the United States of America the two hundred sixteenth.

(Signed) (Signed) Michael N. Castle
 Governor

(Signed) Attest:
 Michael E. Harkins
 Secretary of State

Prayer offered by Sen. Adams who also requested a moment of silence in memory of Roger Minner, late husband of Sen. Ruth Ann Minner.

Pledge of Allegiance to the Flag.

Call of the roll for the Extraordinary Session revealed the following attendance:

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

Sen. Sharp yielded to Sen. Adams.

Sen. Adams asked that rules be suspended to consider the following nominations.

STATE OF DELAWARE
Office of the Governor
August 6, 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 F. Crossan, 38 Sunset Road, Newark, DE 19711 to be appointed Chairman of the Delaware Agricultural Lands Preservation Foundation to serve a term during the pleasure of the Governor.

Your consideration of this nomination is appreciated.

(Signed) Sincerely,
Michael N. Castle
Governor

Roll call on the nomination revealed 20 Senators voting YES and 1 (Minner) ABSENT; therefore Mr. Crossan was confirmed.

Senators Hauge, Holloway, Marshall marked present during the above roll call.

Rules were suspended to consider the nomination of Pasqualine Robison.

Roll call on the nomination revealed that 20 Senators voting YES and 1 (Minner) ABSENT; therefore, Ms. Robison was confirmed.

STATE OF DELAWARE
Office of the Governor
October 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:

Joann F. C. Christian, 6 Fifth Avenue, New Castle, DE 19720 to be a member of the Commission on Adult Entertainment Establishment to service for a three year term to succeed John P. Gaul, whose term has expired and is ineligible for reappointment.

Your consideration of the nomination is appreciated.

(Signed) Sincerely,
Michael N. Castle,
Governor

Under suspension of rules, roll call was taken and revealed that 20 Senators voting YES and 1 (Minner) ABSENT; therefore Ms. Christian was confirmed.

At 4:40 p.m. the Senate recessed on motion by Senator Sharp.

At 4:49 p.m., the Senate reconvened.

Senator Sharp requested that SS 1 for SB 79 be adopted in lieu of the original. Rules were suspended.

SS 1 for SB 79 - AN ACT TO AMEND TITLE 11, DELAWARE CODE RELATING TO THE IMPOSITION OF THE DEATH PENALTY.

Senator Sharp requested personal privilege of the floor for Eugene Hall of the Department of Justice to speak to the bill. Various Senators engaged in conversation, which continued after the witness was excused.

Roll call on the Bill was taken and revealed 19 Senators voting YES; 1 (Holloway) NOT VOTING; 1 (Minner) ABSENT; therefore the Bill was passed and sent to the House for consideration.

Senator Torbert asked for personal privilege of the floor.

Senator Sharp requested personal privilege of the floor for Mr. Mathias Fallis, Director of State Personnel. Several Senators engaged in a conversation regarding recent personnel problems.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 402 w/HA 1.

Senator Sharp requested that rules be suspended to consider HB 402 w/HA 1.

HB 402 w/HA 1 AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE AS AMENDED BY VOLUME 68, CHAPTER 188 OF THE LAWS OF DELAWARE RELATING TO REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS. Sponsors: Representatives Petrilli, Spence; Senators Cordrey, Sharp.

SA 1 to the bill was introduced on motion by Sponsor Senator Hauge.

Senator Sharp moved to lay the amendment on the table. Senator Hauge objected to the motion. A roll call on the motion revealed 14 Senators voting YES; 6 (Bair, Connor, Hauge, Knox, Neal, Still) voting NO; 1 (Minner) ABSENT. Motion carried. SA 1 to HB 402 w/HA 1 was laid on the table.

The bill was now before the Senate; Senator Hauge requested personal privilege of the floor for Mr. Samuel Guy, Esq., representing the NAACP. There were several questions and comments from the Senators. Witness excused.

Roll call on HB 402 w/HA 1 was taken and revealed the following 16 senators voting YES; 4 (Bair, Connor, Hauge, Still) voting NO; and 1 (Minner) ABSENT.- The Bill was adopted and returned to the House.

Senator Sokola, Sponsor, requested that SR 43 be read in.

SR 43 URGING THE GOVERNOR TO MAKE CERTAIN DECLARATIONS REGARDING THE RECENT CHANGES PUT INTO PLACE BY THE STATE PERSONNEL OFFICE AND TO CONVENE A COMMISSION TO EVALUATE THE STATE PERSONNEL SYSTEM.

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

SENATE CONSENT CALENDAR # 20 was introduced on motion of Senator Minner:

SR 37 - ESTABLISHING A TASK FORCE ON THE POSSIBLE CORRELATION BETWEEN EDUCATION AND UNEMPLOYMENT AND CRIMINAL RECIDIVISM. SPONSOR: Holloway

SR 38 - COMMENDING NED S. HANKINS, LEGISLATIVE AGENT OF DIAMOND STATE TELEPHONE COMPANY, FOR HIS LONG AND MERITORIOUS SERVICE. SPONSORS: HOLLOWAY, All Senators.

SR 40 - COMMENDING LESLIE BURGESS FOR HIS EFFORTS IN RESTORING ASHLEY MANSION AT 15 ASHLEY PLACE, SOUTH OF WILMINGTON. SPONSORS: MCBRIDE, REP. CAMPANELLI.

SCR 59 - RECOGNIZING THE WEEK OF OCTOBER 6, 1991, AS MENTAL HEALTH AWARENESS WEEK. SPONSORS: Rep. Maroney, Sen. Holloway.

SCR 60 - URGING THE DELAWARE DEPARTMENT OF TRANSPORTATION AND THE ATTORNEY GENERAL'S OFFICE TO ENSURE FULL COMPLIANCE WITH ALL APPLICABLE LAWS, RULES AND REGULATIONS CONCERNING THE BORROW PIT ACTIVITY BEING CONDUCTED ON THE LANDS OF BARRATT'S CHAPEL CEMETERY, INCORPORATED, AND ON THE LANDS OF CHARLES H. WEST FARMS, INC. IN KENT COUNTY, DELAWARE. SPONSORS: Reps. D. Ennis, Caulk, Spence, Roy, Taylor, Mack, Boykin, Maroney, Fallon, Smith, Lofink, Quillen, Reynolds, Davis, Lee, Corrozi, Brady, Sills, Moore, Bunting; Sen. Torbert.

SR 42 - RECOGNIZING NOVEMBER OF 1991 AS NATIONAL DIABETES MONTH SPONSORS: Marshall, all Senators.

SCR 60 was removed from the Consent Calendar by request.

Roll Call was taken on Consent Calendar, including SR 37, SR 38, SR 40, SR 42, and SCR 59 and revealed 20 Senators voting YES and 1 (Minner) ABSENT; therefore the Resolutions were declared adopted. The House Concurrent Resolutions were adopted and returned to the House.

Senator Still requested that SCR 71 be read in.

SCR 71 - URGING THE STATE PERSONNEL OFFICE AND THE GOVERNOR TO IMPLEMENT A MORATORIUM ON STATE JOB RECLASSIFICATIONS AND TO CREATE A TASK FORCE TO RECOMMEND IMPROVEMENTS TO THE CLASSIFICATION PROCESS. Sponsors: Still, Bair, Neal, Venables; Rep. Quillen.

The Resolution was then laid on the table.

On request of Senator McBride, SR 41 was read in and taken up for consideration. Senators Connor and Holloway were added as co-sponsors. Senator Holloway withdrew his request to be a co-sponsor.

SR 41 - URGENTLY REQUESTING THE DELAWARE SOLID WASTE AUTHORITY TO RECONSIDER ITS DECISION TO SITE AND BUILD AN INFECTIOUS WASTE INCINERATOR AT THE PIGEON POINT FACILITY. SPONSORS: Senator McBride; Reps. Houghton, Reynolds.

A brief discussion on the Resolution took place after which roll call on the Resolution was taken and laid on the table.

SCR 70 was introduced on motion of Senator McBride.

SCR 70 - URGING THE UNIVERSITY OF DELAWARE TO RECONSIDER ITS DECISION TO ELIMINATE THE MEDICAL TECHNOLOGY PROGRAM BY JUNE OF 1993. Sponsors: Senator McBride; Representative Fallon.

On request of Senator McBride, personal privilege of the floor was granted to Stephen Permut, M.D. of the Medical Society of Delaware.

Roll call on the Resolution was taken and revealed the following 12 Senators voting YES; 5 (Adams, Bair, Cordrey, Hauge, Knox) voting NO; 2 (Cook, Martin) NOT VOTING; and 2 (Holloway, Minner) ABSENT. The Resolution was declared adopted and sent to the House for their consideration.

SB 235 was introduced and assigned to the Judiciary Committee:

SB 235 AN ACT TO AMEND CHAPTER 85, TITLE 11 OF THE DELAWARE CODE RELATING TO CHILD SEX ABUSER REGISTRATION. SPONSORS: Sokola, Marshall, McBride, Hauge; Reps. Jonkiert, Soles, Gilligan, Smith, Corrozi.

HCRC 60 was read in by request of Senator Bair.

HCRC 60 - URGING THE DELAWARE DEPARTMENT OF TRANSPORTATION AND THE ATTORNEY GENERAL'S OFFICE TO ENSURE FULL COMPLIANCE WITH ALL APPLICABLE LAWS, RULES AND REGULATIONS CONCERNING THE BORROW PIT ACTIVITY BEING CONDUCTED ON THE LANDS OF BARRATT'S CHAPEL CEMETERY, INCORPORATED, AND ON THE LANDS OF CHARLES H. WEST FARMS, INC. IN KENT COUNTY, DELAWARE.

The Resolution was then laid on the table.

Personal privilege of the floor was granted to Senator Torbert.

The President Pro Tempore Pre-file legislation, dated July 10, 1991 was introduced:

PRESIDENT PRO TEMPORE'S PRE-FILED LEGISLATION

July 10, 1991

SA 2 to SB 40 - Sponsor: Senator Holloway - Placed with the bill

SA 3 to SB 40 - Sponsor: Senator Holloway - Placed with the bill

SA 1 to HB 30 - Sponsor: Senator Blevins - Placed with the bill

SA 1 to HB 150 - Sponsor: Senator Still - Placed with the bill

SA 2 to HB 150 - Sponsor: Senator Still - Placed with the bill

SA 1 to HB 241 - Sponsor: Senator Blevins - Placed with the bill

HB 187 w/HA 1,2,4 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 9, TITLE 13, OF THE DELAWARE CODE RELATING TO THE ADOPTION OF MINORS. Sponsors: Representatives Maroney, Spence, Petrilli, Carey, Corrozi, DiPinto, Fallon, Lee, Quillen, George, Bennett, Gilligan, Brady, Bunting, Jonkiert, Schroeder; Senators Marshall, Hauge, Knox. To Children, Youth and Families.

HB 249 w/HA 1 - AN ACT TO AMEND SECTION 3315(4), CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO UNEMPLOYMENT COMPENSATION BENEFITS. Sponsors: Representative Oberle, Senator Marshall; Representative Amick, Davis, Mack, Reynolds, Houghton, Campanelli, VanSant, Brady, Moore. To Labor and Industrial Relations.

HB 302 - AN ACT TO AMEND CHAPTER 5, TITLE 4, OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS. (2/3 vote) Sponsor: Representative Amick. To Sunset.

HB 305 - AN ACT TO AMEND TITLES 9, 10, AND 12 OF THE DELAWARE CODE RELATING TO THE SALARIES OF PARTICULAR SUSSEX COUNTY OFFICIALS. Sponsors: Senators Minner, Adams, Cordrey, Venables. Top Community/County Affairs. Sponsors: Representatives West, Schroeder, Bunting, Ewing, Carey Fallon, Lee; Senators Minner, Adams, Cordrey, Venables.

HB 309 w/HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 11 OF THE DELAWARE CODE RELATING TO TRANSPORTATION OR PURCHASE OF CONTROLLED SUBSTANCES AS GROUNDS FOR SEIZURE. Sponsors: Representative Ewing, Senator McBride. To Public Safety.

HB 315 w/HA 1, 3 - AN ACT TO AMEND CHAPTER 41, SUBCHAPTER I, TITLE 21 OF THE DELAWARE CODE RELATING TO OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS. Sponsors: Representative Davis; Senator Martin; Representative Bunting. Assigned to Public Safety Committee.

HB 353 - AN ACT TO AMEND CHAPTER 11, TITLE 19, DELAWARE CODE RELATING TO WAGE PAYMENT AND COLLECTION. Sponsors: Representatives Smith, Petrilli, Bennett, B. Ennis; Senators Cordrey, Adams. To Labor and Industrial Relations.

HB 368 - AN ACT TO AMEND CHAPTER 9, TITLE 29, DELAWARE CODE RELATING TO THE LEGISLATIVE PROCESS. Sponsors: Representatives Clark, Houghton, Bunting, B. Ennis, Schroeder, West, Brady, VanSant, Caulk, Ewing, Oberle, Quillen, Carey, Reynolds; Senators Vaughn, Adams, Venables. To Executive.

HB 371 - AN ACT TO AMEND TITLE 10 AND TITLE 13 OF THE DELAWARE CODE RELATING TO CORRECTION OF BIRTH CERTIFICATES AND CHANGES OF NAME. Sponsors: Representative Reynolds; Senators McBride, Connor; Representatives Amick, Boykin, Buckworth, Carey, DiPinto, Lee, Lofink, Mack, Petrilli, Quillen, Smith, Spence, Campanelli, Clark, Gilligan, Jonkiert, Moore, Bunting. To Judiciary.

HB 372 - AN ACT TO AMEND SECTION 810, CHAPTER 8, TITLE 13, DELAWARE CODE RELATING TO CIVIL ACTION PROCEDURES AND THE UNIFORM PARENTAGE ACT. (3/5 vote) Sponsors: Representatives Reynolds, Carey, Ewing, Hebner, Lofink, Mack, Quillen, Brady, Houghton, Moore. To Judiciary.

HB 379 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO APPROVED LEAVES OF ABSENCE. Sponsors: Representatives Oberle, Davis, Corrozi. To Labor and Industrial Relations.

HB 381 w/HA 1 - AN ACT AWARDED SPECIAL PENSION BENEFITS, 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: Representatives Oberle, Davis, Corrozi. To Finance.

HJR 10 - MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CONTINUE SUPPORT AND FUNDING FOR THE DELAWARE ESTUARY PROGRAM. Sponsors: Representative D. Ennis, Senator

Minner; Representatives Carey, Caulk, Lofink, Quillen, Bunting, Clark, Schroeder; Senators Blevins, Martin, Sokola, Venables, Knox. To Natural Resources.

SENATE CITATION #7, containing S91:180-264 inclusive was read in.

At 6:58 p.m., Senator Sharp made a motion to recess to the call of the President Pro-Tempore.

The Senate reconvened the First Extraordinary Session, January 14, 1992 at 2:53 p.m. with Senator Cordrey presiding at which time Senator Sharp moved the Senate adjourn the Extraordinary Session called by the Governor on October 24, 1991.

The Senate reconvened the First Special Session at 2:54 p.m. with Senator Cordrey presiding on January 14, 1992.

Senator Sharp moved to immediately adjourn the First Special Session of the 136th General Assembly which was initially called on July 1, 1991.

FINIS'

STATE OF DELAWARE
136TH GENERAL ASSEMBLY
SECOND SESSION
1st LEGISLATIVE DAY
January 14, 1992

Pursuant to Section 4, Article 2 of the Constitution of the State of Delaware, the Senate convened at Legislative Hall in Dover, Delaware at 2:54 p.m. with President Pro Tempore Richard Cordrey presiding.

A prayer was offered by Senator Holloway.

Pledge of allegiance to the Flag.

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

PRESENT: Senators Adams, Bair, Blevins, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, 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 Holloway requested the following communication to be read in and made part of this journal.

Nanticoke Memorial Hospital
December 12, 1991

Senator Herman M. Holloway, Sr.
Health & Social Services/Aging Committee, Chair
2008 Washington Street
Wilmington, DE 19802

Dear Senator Holloway:

I was very concerned to learn the University of Delaware is considering elimination of the Medical Technology Program. It is my belief this would seriously impact the quality of future leadership for clinical laboratories in Delaware. Most leadership positions within the clinical laboratory requires a background that is best obtained through a Bachelor Science in Medical Technology.

A recent survey sponsored by the American Society of Medical Technologists (ASMT) indicates clinical laboratories across the nation are suffering from the effects of a shrinking pool of Medical Technologists. This survey adds to a growing number of other surveys (CAP, CLMA, etc.) which predicts the personnel shortage in clinical laboratories will worsen during the decade of the 90s. In a work environment where there is a shortage of available qualified personnel, the demand for laboratory services is increasing. Why would a University close a school when the demand for the product they produce is increasing?

Since qualified technologists are in high demand, the successful clinical laboratory will have an affiliation with a Medical Technology program. Although, Nanticoke Memorial Hospital, Inc. has no formal affiliation with the University of Delaware the loss of a local source of Medical Technologist would impact our future ability to recruit local personnel.

Recruiting Technologist from out of state increases recruitment cost. Historically, turn over of personnel recruited from out of state has been higher than for personnel recruited in state. As you know, turn over is very expensive for an organization.

From November 1990 until February 1991, NMH had an opening of a medical technologist on the 11-7 shift. I was not successful in recruiting a medical technologist during that period, although recruitment was done on a national level. As a result in February 1991, I hired a medical laboratory technician (MLT) who had recently graduated from Del Tech. To be forced to hire an MLT instead of an MT on a busy 11-7 shift, where the individual functions without immediate supervision, is not an ideal alternative. In addition, it does may not meet proposed CLIA 88 guidelines which will probably be implemented in early 1992.

(Signed) Earley C. Camp
Director Lab Services, NMH

Senator Hauge marked present.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed SS 1 to SB 79, dated October 24, 1991.

A communication from Senator David P. Sokola was read in relative to co-sponsorship of SB 235, adding Representative Steve Amick and Senator Herman Holloway.

The Secretary announced that a message from the Chief Clerk of the House had been received, noting that Representative Maroney signed SCR 53 as an additional co-sponsor on June 30, 1991, and Representatives Ewing and Lee signed SB 160 as additional co-sponsors.

LEGISLATIVE ADVISORIES #22 - #30 were received from the Office of Counsel to the Governor and read in on motion of Senator Sharp. Copies made available to each Senator.

LEGISLATIVE ADVISORY #22, dated June 28, 1991; The following legislation was signed by the Governor on the date indicated. On June 28, 1992 - SB 77 w/SA 2 (Volume 68, Chapter 65, Laws of Delaware; SB 103 (Volume 68, Chapter 66, Laws of Delaware; HJR 3; HB 156 (Volume 68, Chapter 67, Laws of Delaware; HB 218 w/SA 1 (Volume 68, Chapter 68, Laws of Delaware; HB 216 w/ HA 1, SA 1 (Volume 68, Chapter 69, Laws of Delaware; SB 121 (Volume 68, Chapter 70, Laws of Delaware; HB 95 w/SA 1 (Volume 68, Chapter 71, Laws of Delaware.

LEGISLATIVE ADVISORY #23, dated July 1, 1991. The following legislation was signed by the Governor on the dates indicated: June 28, 1991 - HB 238 (Volume 68, Chapter 72) Laws of Delaware; On June 30, 1991 - SB 213 (Volume 68, Chapter 73, Laws of Delaware; On July 1, 1991 - HB 154 w/SA 1 (Volume 68, Chapter 74, Laws of Delaware; HB 296 (Volume 68, Chapter 75, Laws of Delaware; HB 243 (Volume 68, Chapter 76, Laws of Delaware; HB 282 (Volume 68, Chapter 77, Laws of Delaware; HB 20 (Volume 68, Chapter 78, Laws of Delaware; HB 112 (Volume 68, Chapter 79, Laws of Delaware; HS 1 for HB 347 (Volume 68, Chapter 80, Laws of Delaware; HB 348 w/ HA 1 (Volume 68, Chapter 81, Laws of Delaware; HB 349 (Volume 68, Chapter 82, Laws of Delaware; HB 383 w/HA 1 (Volume 68, Chapter 83, Laws of Delaware; HJR 13; HJR 14; HB 350 (Volume 68, Chapter 84, Laws of Delaware; HB 380 (Volume 68, Chapter 85, Laws of Delaware; HB 360 w/ HA 1 - Volume 68, Chapter 86, Laws of Delaware.

LEGISLATIVE ADVISORY #24, dated July 8, 1991. The following legislation was signed by the Governor on the date indicated. On July 3, 1991 - SB 132 w/SA 1, HA 1 - Volume 68, Chapter 87, Laws of Delaware; SB 87 (Volume 68, Chapter 88, Laws of Delaware; HB 245 - Volume 68, Chapter 89, Laws of Delaware; HB 267 - Volume 68, Chapter 90, Laws of Delaware; HB 202 - Volume 68, Chapter 91, Laws of Delaware; HB 79 w/HA 1,2,3 - Volume 68, Chapter 92, Laws of Delaware; HB 207 w/HA 1 - Volume 68, Chapter 93, Laws of Delaware; HB 176 w/HA 1,2 - Volume 68, Chapter 94, Laws of Delaware; HJR 8; SB 137 - Volume 68, Chapter 95, Laws of Delaware; SB 149 w/SA 2 - Volume 68, Chapter 96, Laws of Delaware; SB 196 - Volume 68, Chapter 97, Laws of Delaware; SB 67 w/SA 1 - Volume 68, Chapter 98, Laws of Delaware; SB 66 - Volume 68, Chapter 99, Laws of Delaware; SB 95 - Volume 68, Chapter 100, Laws of Delaware; SB 139 w/SA 1 - Volume 68, Chapter 101, Laws of Delaware; SB 124 - Volume 68, Chapter 102, Laws of Delaware; SB 148 w/SA 1 - Volume 68, Chapter 103, Laws of Delaware; SJR 6; HB 273 w/HA 1 - Volume 68, Chapter 104, Laws of Delaware; SB 198 w/ SA 1 - Volume 68, Chapter 105, Laws of Delaware; SB 202 - Volume 68, Chapter 106, Laws of Delaware.

LEGISLATIVE ADVISORY #25, dated July 9, 1991. The following legislation was signed by the Governor on the date indicated. On July 5, 1991 - HS 1 for HB 211 w/HA 1,2, HA 1 to HA 2, SA 1, 2 - Volume 68, Chapter 107, Laws of Delaware; HJR 7 w/HA 1; HB 98 - Volume 68, Chapter 108, Laws of Delaware; HB 335 - Volume 68, Chapter 109, Laws of Delaware; HB 97 - Volume 68, Chapter 110, Laws of Delaware; HB 214 w/HA 3,4, SA 1 - Volume 68, Chapter 111, Laws of Delaware; HS 1 to HB 140 w/ HA 3 - Volume 68, Chapter 112, Laws of Delaware; HB 5 - Volume 68, Chapter 113, Laws of Delaware; HB 355 - Volume 68, Chapter 114, Laws of Delaware; HB 37 w/SA 1 - Volume 68, Chapter 115, Laws of Delaware; HB 261 w/HA 1 - Volume 68, Chapter 116, Laws of Delaware; HB 232 - Volume 68, Chapter 117, Laws of Delaware; On July 8, 1991 - HB 200 w/ HA 1, 2, 4, 5 - Volume 68, Chapter 118, Laws of Delaware; HB 116 w/HA 1 - Volume 68, Chapter 119, Laws of Delaware; HB 351 - Volume 68, Chapter 120, Laws of Delaware; HB 226 - Volume 68, Chapter 121, Laws of Delaware; HB 346 - Volume 68, Chapter 122, Laws of Delaware.

HB 290 w/HA 1 was vetoed by the Governor on July 9, 1991.

LEGISLATIVE ADVISORY #26, dated July 15, 1991. The following legislation was signed by the Governor on the date indicated. On July 9, 1991 - HB 330 - Volume 68, Chapter 123, Laws of Delaware; SB 144 w/ SA 1, 2, HA 1 - Volume 68, Chapter 124, Laws of Delaware; SB 26 w/SA 1 - Volume 68, Chapter 125, Laws of Delaware; SB 45 w/SA 1, 2 - Volume 68, Chapter 126, Laws of Delaware; SB 69 - Volume 68, Chapter 127, Laws of Delaware; SB 72 w/SA 1 - Volume 68, Chapter 128, Laws of Delaware; SB 71 w/SA 1, HA 1 - Volume 68, Chapter 129, Laws of Delaware; SB 89 - Volume 68, Chapter 130, Laws of Delaware; SB 126 - Volume 68, Chapter 131, Laws of Delaware; SB 152 - Volume 68, Chapter 132, Laws of Delaware; SB 163 w/SA 1 - Volume 68, Chapter 133, Laws of Delaware; SB 164 w/SA 1 - Volume 68, Chapter 134, Laws of Delaware; SB 175 - Volume 68, Chapter 135, Laws of Delaware.

The following legislation is the second leg of a constitutional amendment and does not require the Governor's signature. SB 179 - Volume 68, Chapter 136, Laws of Delaware.

SB 182 - Volume 68, Chapter 137, Laws of Delaware; SB 184 - Volume 68, Chapter 138, Laws of Delaware; SB 186 - Volume 68, Chapter 139, Laws of Delaware; SB 187 w/SA 2 - Volume 68, Chapter 140, Laws of Delaware; SB 189 w/SA 1 - Volume 68, Chapter 141, Laws of Delaware; HB 143 - Volume 68, Chapter 142, Laws of Delaware; HB 231 - Volume 68, Chapter 143, Laws of Delaware; SB 24 w/SA 1, HA 1 - Volume 68, Chapter 144, Laws of Delaware; On July 10, 1991 - SB 23 w/SA 1 - Volume 68, Chapter 145, Laws of Delaware; SB 147 w/SA 1 - Volume 68, Chapter 146, Laws of Delaware; SB 162 w/SA 1, HA 1, 3 - Volume 68, Chapter 147, Laws of Delaware; SB 195 w/SA 1, 2 - Volume 68, Chapter 148, Laws of Delaware; SB 197 w/SA 1 - Volume 68, Chapter 149, Laws of Delaware; SB 203 - Volume 68, Chapter 150, Laws of Delaware; On July 11, 1991 - HB 165 w/HA 2 - Volume 68, Chapter 151, Laws of Delaware; SB 125 - Volume 68, Chapter 152, Laws of Delaware; HB 136 w/HA 1 - Volume 68, Chapter 153, Laws of Delaware; SB 225 - Volume 68, Chapter 154, Laws of Delaware; HB 392 - Volume 68, Chapter 155, Laws of Delaware; HB 390 - Volume 68, Chapter 156, Laws of Delaware; HB 395 - Volume 68, Chapter 157, Laws of Delaware; SB 223 - Volume 68, Chapter 158, Laws of Delaware; SB 220 - Volume 68, Chapter 159, Laws of Delaware; SB 156 w/SA 1 - Volume 68, Chapter 160, Laws of Delaware; SB 218 w/SA 1 - Volume 68, Chapter 161, Laws of Delaware; HB 301 - Volume 68, Chapter 162, Laws of Delaware; SB 141 - Volume 68, Chapter 163, Laws of Delaware; SB 174 w/HA 1 - Volume 68, Chapter 164, Laws of Delaware.

The following bills were vetoed by the Governor on the dates indicated:

SB 160 w/HA 1 - July 11, 1991; HB 312 - July 11, 1991; SB 209 - July 15, 1991.

LEGISLATIVE ADVISORY #27, dated July 19, 1991. The following legislation was signed by the Governor on the date indicated. On July 15, 1991 - SB 59 - Volume 68, Chapter 165, Laws of Delaware; SB 226 - Volume 68, Chapter 166, Laws of Delaware; HB 11 w/HA 1 - Volume 68, Chapter 167, Laws of Delaware; HB 65 w/HA 1, 2 - Volume 68, Chapter 168, Laws of Delaware; HB 113 w/SA 1 - Volume 68, Chapter 169, Laws of Delaware; HB 166 w/HA 1 - Volume 68, Chapter 170, Laws of Delaware; HB 171 w/HA 1 - Volume 68, Chapter 171, Laws of Delaware; HB 244 - Volume 68, Chapter 172, Laws of Delaware; On July 16, 1991 - SB 107 w/SA 1, 2, HA 1 - Volume 68, Chapter 173, Laws of Delaware; HB 247 w/HA 1 - Volume 68, Chapter 174, Laws of Delaware; HB 288 w/HA 3 - Volume 68, Chapter 175, Laws of Delaware; HS 1 for HB 307 - Volume 68, Chapter 176, Laws of Delaware; HB 345 w/HA 1 - Volume 68, Chapter 177, Laws of Delaware; HB 358 - Volume 68, Chapter 178, Laws of Delaware; HB 120 - Volume 68, Chapter 179, Laws of Delaware; HS 1 for HB 295 - Volume 68, Chapter 180, Laws of Delaware. On July 17, 1991 - HB 361 - Volume 68, Chapter 181, Laws of Delaware; HB 369 (7/17/91) - Volume 68, Chapter 182, Laws of Delaware; HB 378 - Volume 68, Chapter 183, Laws of Delaware; On July 18, 1991 - HJR 11; HJR 12; HJR 15; HJR 9; HS 1 to HB 250 w/HA 1 - Volume 68, Chapter 184, Laws of Delaware; HB 272 w/HA 1, SA 1 - Volume 68, Chapter 185, Laws of Delaware.

The following legislation was vetoed by the Governor on the dates indicated.

SB 75 - 7/17/91; SB 166 - 7/17/91; HB 370 - 7/18/91.

LEGISLATIVE ADVISORY #28, dated July 21, 1991. The following legislation was vetoed by the Governor on the date indicated: HB 103 w/HA 1 (7/11/91).

LEGISLATIVE ADVISORY #29, dated August 30, 1991. The following legislation was signed by the Governor on the date indicated: On July 9, 1991 - SB 115 (8/9/91) - Volume 68, Chapter 186, Laws of Delaware; HB 281 w/HA 1, SA 1, 2 (8/9/91) - Volume 68, Chapter 187, Laws of Delaware; HB 398 w/HA 1, 2 (8/29/91) - Volume 68, Chapter 188, Laws of Delaware.

LEGISLATIVE ADVISORY #30, dated November 5, 1991, the Governor signed the following legislation: SS 1 for SB 79 (11/4/91) - Volume 68, Chapter 189, Laws of Delaware; HB 402 w/HA 1 (11/4/91) - Volume 68, Chapter 190, Laws of Delaware.

Lt. Governor Wolf presided at 3:02 p.m.

A thank you note was read from Senator Minner and is included in the legislative file for the day.

Communications from U. S. Senator Joseph R. Biden, Jr. were read in part, and on motion of Senator Sharp. Copies were made available upon request. The letters are included in the legislative file for the day.

Veto messages for SB 75, SB 160, SB 166, and SB 209 were read in and copies made available upon request.

STATE OF DELAWARE
Office of the Governor

July 17, 1991

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

On July 5, 1991, I received Senate Bill No. 75 which is entitled:

"AN ACT TO AMEND CHAPTER 23, TITLE 18, DELAWARE CODE, RELATING TO UNFAIR PRACTICES IN INSURANCE."

This legislation seeks to mandate that health insurers, health service corporations and health maintenance organizations provide reimbursement for eligible services rendered by podiatrists acting within the scope of their statutory authority. It also requires that all health insurance contracts issued in Delaware include podiatrists as covered providers. Because I am opposed to mandating legislatively reimbursement by health insurance organizations for services rendered by specifically named health care providers, I am returning Senate Bill No. 75 without my signature.

While I fully support efforts to increase access to health care, I also believe that the proper role of government is to provide the necessary incentives and to encourage health care providers to be more creative in their efforts to offer their services. I worry that merely mandating such access will have unintended consequences. For example, it is likely there are insurance contracts currently in effect which could be effectively superceded by this legislation.

A concern equal to that of access to health care is the question of health care cost containment. As I travel around the state, small business owners and individual citizens tell me about the effect rising health care costs are having on their businesses and their families. I have not been provided with any information indicating what impact this legislation would have on health care costs. I think we must move slowly and deliberately to understand fully the cost implications of such legislation.

While it is true that last year I signed a similiar bill relating to services provided by advanced registered nurse practitioners, unlike the present legislation, that bill clearly had the effect of increasing access to quality health care in Delaware, especially among the needy. It was also consistent with the efforts and recommendations being made in this area by the Indigent Health Care Commission. Even so, it was only after long deliberations and careful scrutiny that I decided to sign that piece of legislation into law. I am not convinced that mandating reimbursement for services provided by podiatrists would have the same beneficial effects regarding access to quality health care in Delaware.

For the reasons stated herein, I am returning Senate Bill No. 75 without my signature.

Sincerely,
(Signed) Michael N. Castle

STATE OF DELAWARE
Office of the Governor

July 11, 1991

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

On July 1, 1991, I received Senate Bill No. 160 as amended by House Amendment No 1 which is entitled:

"AN ACT TO AMEND CHAPTER 92, TITLE 11 OF THE DELAWARE CODE RELATING TO LAW-ENFORCEMENT OFFICERS' BILL OF RIGHTS."

This legislation prohibits the disclosure of information compiled by a police department in the context of an internal investigation. Its apparent purpose is to guarantee the confidentiality of such internal investigatory files in all instances and from all inquiries.

The Attorney General has drawn my attention to what may be an unintended consequence of this legislation. He points out that its adoption would preclude the Department of Justice from examining witness statements contained in internal affairs files even in the course of an active investigation or during the pendency of a criminal prosecution. As the legal representative of the State, the Department of Justice would then be placed in the anomalous position of representing the State's interests without access to all information compiled by the investigating police agency. The identical situation would pertain to the legal representatives of political subdivisions employing police officers.

The Attorney General further contends that the privilege apparently created by this legislation would quickly evaporate before a court order issued to protect a defendant's constitutional right to due process of law. Witnesses cannot be permitted to give inconsistent statements to separate divisions of a police agency without fear of discovery or risk of disbelief. Nor should a citizen be subjected to the processes of the criminal law by an accuser whose credibility has not been thoroughly investigated by the prosecuting arm of the government. The duty of the State is to render justice to those accused of criminal acts. Prohibiting the disclosure of pertinent facts obtained by and known to certain of its agents does not assist the State in meeting this responsibility.

To the extent that this bill seeks to protect internal files from those who would use them to harass a law enforcement officer or to bolster a criminal defense, it is an acceptable piece of legislation. The shield it offers may even be appropriate in those situations where a civil suit has been filed against the State alleging improper police conduct. Nevertheless, I have serious reservations about prohibiting either the state's chief law enforcement officer - or the legal authorities of political subdivisions employing police officers - from access to witnesses' statements contained in internal investigatory files. Nor do I think the interests of the State would be served by creating a situation where the Attorney General is required to petition the Superior Court to order a police agency to disclose the contents of certain files. This legislation would have just such an unseemly effect. Both the courts and the citizenry rightfully view the State as one entity, especially in the area of law enforcement. We do not need legislation which could diminish the public's confidence in the criminal justice system by creating an adversarial relationship between two governmental agencies dedicated to law enforcement.

For these reasons, I am returning Senate Bill No. 160 as amended by House Amendment No. 1 without my signature.

Sincerely,
(Signed) Michael N. Castle

STATE OF DELAWARE
Office of the Governor

July 17, 1991

TO THE MEMBERS OF THE DELAWARE STATE SENATE OF THE 136TH GENERAL ASSEMBLY

On July 5, 1991, I received Senate Bill No. 166 which is entitled:

"AN ACT TO AMEND SUBCHAPTER III, CHAPTER 35, TITLE 11, DELAWARE CODE, RELATING TO ORDERS TO PROTECT VICTIMS AND WITNESSES."

This legislation would allow any court of competent jurisdiction in a criminal matter to issue a protective order withholding the names of victims or witnesses from the media prior to trial if good cause exists to justify the non-disclosure. Under the Act, "good cause" may be established based solely upon the declarations of a prosecutor or defense attorney that intimidation of a witness has occurred or is reasonably likely to occur. Because I believe it is unnecessary, represents unsound public policy, is overly broad and raises substantial questions regarding its constitutionality, I am returning Senate Bill No. 166 without my signature.

Under present law, criminal courts are already authorized to issue protective orders to prevent the intimidation of witnesses. Specifically, six different orders are statutorily enumerated. These six orders, which are non-exclusive, establish a comprehensive statutory scheme under which the courts can provide protection against harassment of victims and witnesses. Moreover, because the statute specifically provides that courts are not limited to issuing one of the six protective orders set forth, they are already empowered to issue an order restricting media access to witnesses' names provided such an order is justified under the particular facts and that the issuance of the order otherwise satisfies constitutional requirements. Thus, Senate Bill No. 166 is not essential in order to provide adequate protection to victims and witnesses.

I also believe that as a matter of sound public policy this bill should not be enacted into law. Under its terms, a court could prohibit disclosure of the names of

witnesses at preliminary hearings and suppression hearings. It would also be authorized to strike the names of witnesses from probable cause affidavits filed in support of the issuance of search and arrest warrants based, for example, solely on hearsay or the statements of a prosecutor. To foreclose access by the media to these aspects of criminal proceedings based upon such a minimal showing would conflict with the important objectives of accurate fact finding, the prevention of abuse of the judicial process, and the maintenance of public confidence in the integrity of the system, all of which are fostered by open, public criminal proceedings. Since Senate Bill No. 166 fails to strike the proper balance between the value of an open criminal process and the need to restrict access to certain information in deference to other compelling interests, I am unwilling to allow this legislation to become law.

It must also be noted that the Delaware Supreme Court, by a bare majority, has recently held that there is no First Amendment right of public access to the names of jurors serving in a highly publicized murder trial. Many of the constitutional issues relating to this bill are arguably analogous to those discussed by the Supreme Court in that case. Nevertheless, I believe that the provisions contained in this legislation raise significant constitutional questions and may well constitute an infringement of the First Amendment right of access to criminal proceedings.

Senate Bill No. 166 would allow a court to withhold witnesses' names without a determination that such a restriction is necessitated by any compelling interest, or that no less restrictive measure is available to accomplish the same purpose. There is also no requirement that an order be narrowly tailored to serve the stated interest while not burdening legitimate First Amendment rights. As a result, I believe that the provisions of Senate Bill 166 constitute a denial of public access which is overly broad and subject to constitutional challenge.

Finally, I feel compelled to add, however, that the media shoulder an obligation to act in a professional and responsible manner when reporting on matters involving criminal proceedings. This is essential so as to protect the individual rights of the persons involved in the judicial process while still ensuring that the public is informed. To the extent that the media fail to live up to their obligation, they invite the type of legislation presently before me.

For the reasons stated herein, I am returning Senate Bill No. 166 without my signature.

Sincerely,
(Signed) Michael N. Castle

STATE OF DELAWARE
Office of the Governor

July 11, 1991

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

On July 3, 1991, I received Senate No. 209 which is entitled:

"AN ACT TO AMEND CHAPTER 29, TITLE 24, DELAWARE CODE RELATING TO REAL ESTATE BROKERS AND SALES PERSONS."

This bill is the result of recommendations provided by the Joint Sunset Committee following its review of the Real Estate Commission and its procedures and operations. Specifically, it rewrites current law pertaining to the composition of the Commission, the geographic representation of its members, and provides other general requirements regarding the operations of the Commission. While I endorse the recommendations of the Sunset Committee which have been incorporated into this legislation, because it would have some inadvertent, adverse effects, I am returning Senate Bill No. 209 without my signature.

There are three specific concerns with the wording of the bill which prevent me from signing it into law. Initially, unlike most legislation which reestablishes boards or commissions, this bill makes no provision allowing the current members of the Real Estate Commission to continue to serve the remainder of their existing terms following its enactment. As a result, the Commission would lose all of its current members. While they could, of course, be reappointed, potentially this could conflict with

another provision in this legislation which limits board members' service to two three-year terms. For example, if a current member of the Commission is already serving in his or her second term, upon enactment of this bill, if reappointed, that member would legally be entitled to serve two more full terms thereby defeating the intent of the term-limitation language.

Secondly, Senate Bill No. 209 makes no provision for staggered terms for the Commission members. As a result, were this bill to be enacted and nine new Commission members appointed, all of their terms would expire at the same time. The Commission would then be left with no experienced members, a situation which should not be permitted to occur.

Thirdly, last year I signed into law legislation requiring that at least one-third of the members of our professional and occupational boards and commissions be public members with no ties to the particular occupation or profession being regulated. While this bill would not run afoul of that legislation, it would reduce the current public membership on the Board from four to three. I believe that such a change is inappropriate.

In closing, I hasten to add that it is my understanding that both the Chairman of the Sunset Committee and other proponents of Senate Bill No. 209 are in agreement with the concerns I have raised regarding this legislation. As a result, I will be happy to work with them to develop a new bill to accomplish the Sunset Committee's objectives.

For the reasons stated herein, I am returning Senate Bill No. 209 without my signature.

Sincerely,
(Signed) Michael N. Castle

The following committee report was announced: From Administrative Services: SS 1 for SB 183 - 3 Merits.

The following legislation was introduced and assigned to Committee:

SB 232 - AN ACT TO AMEND CHAPTER 138, VOLUME 68, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO", AS AMENDED, TO REVISE THE PROCEDURES FOR THE FIRST ANNUAL MUNICIPAL ELECTIONS. (2/3 vote). Sponsors: Senator Cordrey; Representative West. To Insurance/Elections.

SB 233 - AN ACT TO AMEND CHAPTER 48, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OCCUPANT PROTECTION SYSTEM SAFETY ACT; AND PROVIDING EXEMPTIONS FOR CERTAIN MOTOR VEHICLES. Sponsor: Senator McBride. To Public Safety.

SB 234 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN THE CITY OF WILMINGTON, KNOWN AS THE BRIDGE HOUSE. Sponsors: Senator Marshall; Representative Jonkiert. Laid on the Table.

SB 236 - AN ACT TO AMEND CHAPTER 216, VOLUME 27, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE MAYOR AND COUNCIL OF NEW CASTLE AND THE ANNUAL STATEMENT OF THE CITY'S FINANCES AND FISCAL YEAR OF THE CITY. (2/3 vote) Sponsors: Senator Connor; Representative Mack. To Community/County Affairs

SB 237 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO RECEIVING STOLEN PROPERTY; PRESUMPTION OF KNOWLEDGE. Sponsors: Senator Vaughn; Representative Ewing. To Judiciary.

SB 238 - AN ACT TO AMEND TITLE 5, DELAWARE CODE RELATING TO THE AMOUNT OF INSURANCE COVERAGE THAT A LENDER MAY REQUIRE ON REAL PROPERTY SECURED BY A MORTGAGE. Sponsor: Senator Cordrey. To Banking.

SB 239 - AN ACT TO AMEND TITLE 5 DELAWARE CODE RELATING TO PROOF OF INSURANCE COVERAGE WHICH MAY BE REQUIRED BY A LENDER. Sponsor: Senator Cordrey. To Banking.

SB 240 - AN ACT TO AMEND CHAPTER 1, TITLE 16; CHAPTER 7, TITLE 19; AND CHAPTER 11, TITLE 30, DELAWARE CODE, TO PROVIDE PROGRAMS AND INCENTIVES FOR PERSONS TO VOLUNTEER AS BONE MARROW DONORS; REQUIRING THE STATE BOARD OF HEALTH TO EDUCATE RESIDENTS ABOUT THE NEED FOR VOLUNTEER BONE MARROW DONORS; REQUIRING PAID LEAVE FOR EMPLOYEES TO DONATE BONE MARROW; REQUIRING A BONE MARROW DONOR DRIVE TO ENCOURAGE STATE EMPLOYEES TO VOLUNTEER AS BONE MARROW DONORS; TRANSFERRING MONIES IN THE GENERAL FUND; AND PROVIDING A TAX CREDIT FOR EMPLOYERS WHO GRANT LEAVE TO BONE MARROW DONORS. Sponsors: Senators Torbert, Sokola, Knox; Representatives B. Ennis, Carey. To Health/Social Services.

SB 241 - AN ACT TO AMEND CHAPTER 10, TITLE 14 OF THE DELAWARE CODE RELATING TO THE LENGTH OF TERMS OF OFFICE OF SCHOOL BOARD AND VOCATIONAL - TECHNICAL SCHOOL BOARD MEMBERS. Sponsor: Senator Still. To Education.

The following amendments were introduced and placed with the Bill:

SA 1 to HB 253 - Sponsor: Senator Cook

SA 2 to HB 268 - Sponsor: Senator Holloway

SA 3 to HB 268 - Sponsor: Senator Holloway

SA 4 to HB 268 - Sponsor: Senator Holloway
SA 2 to HB 283 - Sponsor: Senator Still
SA 1 to HB 381 - Sponsor: Senator Cook

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

STATE OF DELAWARE
Office of the Governor
June 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:
Wilmer C. Cason, 625 McKean Street, Seaford, DE 19973, to be reappointed to the State Personnel Commission to serve a three year term.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
August 1, 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:
Edward G. Davis, 205 8th Street, Laurel, DE 19956, 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 will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
August 1, 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 H. Draper, 15 Coventry Road, Rehoboth Beach, DE 19971, to be reappointed as a Commissioner of the Delaware River and Bay Authority to serve a five year term.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
August 1, 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:
Howard W. Mulvaney, III, 740 Rosetree Lane, Seaford, DE 19973, 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 will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
August 1, 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:

Agnes E. Pennella, 101 Candlewicke Drive, Dover,, DE 19901, to be reappointed as a Justice of the Peace, in and for Kent County to serve a four year term.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
October 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:

Charles H. Peterson, 3002 Ridgevale Road, Wilmington, DE 19808, to be reappointed as a member of the Industrial Accident Board to serve for a term expiring June 27, 1994 to succeed Robert S. Powell, resigned.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
October 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:

Patricia A. Stowell, 58 West Park Place, Newark, DE 19711, to be appointed Public Advocate of the State of Delaware to serve a term during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
August 1, 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:

Rosalind L. Toulson, 2503 Washington Street, Wilmington, DE 19802, 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 will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
August 1, 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:
Abigayle Truitt, 24 Clayton Street, Dewey Beach, DE 19971, 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 will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
August 1, 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:
Sheila B. Wilkins, 301 Kings Highway, Milford, DE 19963, 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 will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
August 1, 1991

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

The following nomination, submitted to the Senate on March 21, 1991, is hereby withdrawn:

Thomas Orr, 2502 Bayview Boulevard, 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 will be appreciated.

(Signed) Michael N. Castle
Governor

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:24 p.m. and returned at 4:29 p.m. with Lt. Governor Wolf presiding.

A messenger from the Governor was announced and admitted.

A communication was read from Senator Adams requesting that Senator Minner be added as a co-sponsor to SR 39.

The following legislation was introduced and adopted in lieu of the original:
SS 1 to 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.

SS 1 to 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.

On motion of Senator Vaughn, SB 208 was lifted from the table and assigned to the Banking Committee.

On motion of Senator Marshall, SB 234 was lifted from the table and assigned to Community/County Affairs.

On motion of Senator Vaughn, SB 208 was reassigned to the Insurance & Elections Committee from the Banking Committee. No objection.

On motion of Senator Venables, HB 354 was lifted from the table and assigned to the Sunset Committee. No objection.

On motion of Senator Minner, SCR 72 was introduced.

SCR 72 - EXTENDING THE LIFE OF THE WELLHEAD PROTECTION PROGRAM DEVELOPMENT COMMITTEE. Sponsors: Senator Minner; Representative Carey.

Roll call vote on SCR 72 was taken and tabled before the tabulation was announced. However, the roll call was lifted and announced with 19 Senators voting YES; 1 (Neal) NO; and 1 (Hauge) ABSENT. Senator Minner requested that the roll call be rescinded and SCR 72 was stricken.

SCR 73 was read in and immediately stricken on motion of sponsor, Senator Minner.

SCR 73 - EXTENDING THE LIFE OF THE FRESHWATER WETLANDS PROGRAM DEVELOPMENT AND IMPLEMENTATION COMMITTEE THROUGH JUNE 30, 1992. Sponsors: Senator Minner; Representative Carey.

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

STATE OF DELAWARE
Office of the Governor
January 14, 1992

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:

Watson Kennedy Ayers, 1322 Walnut Street, Wilmington, DE 19801, to be reappointed as a member of the Delaware Alcoholic Beverage Control Commission to serve a three year term. Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
January 14, 1992

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. Maiorano, 32 S. Cliffe Drive, Wilmington, DE 19809, to be reappointed as a member of the Delaware Technical and Community College Board of Trustees to serve a three year term.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
January 14, 1992

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 F. Marvin, 8 Carriage Road, Wilmington, DE 19807, to be reappointed as a member of the Cash Management Policy Board to serve a three year term.
Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
January 14, 1992

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:
Ronald G. McCabe, Route 1, Box 429, Millville, DE 19970, to be reappointed as a member of the Delaware Solid Waste Authority to serve a three year term.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
January 14, 1992

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 Ratchford, 24 The Strand, New Castle, DE 19720, to be appointed Secretary of State of the State of Delaware to serve a term during the pleasure of the Governor.
Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
February 5, 1992

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:
Wilbur S. Shockley, 504 New Street, Millsboro, DE 19966, to be reappointed as a member of the Delaware Technical and Community College Board of Trustees to serve a three year term.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

On motion of Senator Adams, SR 39 was introduced.
SR 39 - URGING THE GENERAL ASSEMBLY TO ALLOCATE THE FUNDS NECESSARY TO FILL THE POSITION OF STATE SUPERVISOR OF AGRICULTURE EDUCATION/STATE FUTURE FARMERS OF AMERICA ADVISOR WITHIN THE DEPARTMENT OF PUBLIC INSTRUCTION. Sponsors: Senators Adams, Cook, Cordrey, Vaughn, Venables, Still.

Roll call vote on the Resolution was taken and revealed 19 Senators voting YES; and 2 (Hauge, Neal) voting NO; therefore, SR 39 was declared adopted by the Senate.

At 4:45 p.m. on motion of Senator Sharp, the Senate recessed until January 15, 1992 at 3:30 p.m.

The Senate reconvened at 3:52 p.m. with Lt. Governor Wolf presiding.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 292 and HB 223.

The following Committee reports were announced: SB 233 - 7 Merits; HB 316 - 7 Merits; HB 352 - 7 Merits; HB 260 w/HA 1 - 4 Merits; HB 287 w/HA 1 - 4 Merits; HB 371 - 4 Merits; HB 286 - 4 Merits; HB 304 w/HA 1 - 4 Merits; HB 372 - 4 Merits; SB 235 - 4 Merits; SB 237 - 4 Merits; SB 118 - 4 Merits.

The following legislation was introduced and assigned to Committee:

SB 242 - AN ACT TO AMEND CHAPTER 90, CHAPTER 11, DELAWARE CODE, RELATING TO COMPENSATION FOR VICTIMS OF CRIME. Sponsor: Senator Vaughn. To Judiciary.

SB 243 - AN ACT TO AMEND CHAPTER 39, TITLE 18 OF THE DELAWARE CODE RELATING TO CERTAIN CASUALTY INSURANCE CONTRACTS. Sponsor: Senator Hauge. To Insurance/Elections.

SB 244 - AN ACT TO AMEND CHAPTER 10, TITLE 14, OF THE DELAWARE CODE, RELATING TO QUALIFIED VOTERS. Sponsors: Senator McBride; Representative Fallon. To Insurance/Elections.

SB 245 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE, RELATING TO MOTORCYCLES; AND PROVIDING FOR CERTAIN PASSENGER RESTRICTIONS. Sponsor: Senator McBride. To Public Safety.

SB 246 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON THE TIMES CERTAIN ESTABLISHMENTS ARE PERMITTED TO BE OPEN TO THE PUBLIC. Sponsor: Senator McBride. Laid on the Table.

SB 247 - AN ACT TO AMEND CHAPTER 48, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OCCUPANT PROTECTION SYSTEM SAFETY ACT; AND PROVIDING EXEMPTIONS FOR CERTAIN MOTOR VEHICLES. Sponsor: Senator McBride. To Public Safety.

SB 248 - AN ACT TO AMEND CHAPTER 48, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE LOTTERY; AND PROVIDING THAT A PERCENTAGE OF CERTAIN PRIZE MONEY BE PAID AS A FIRST INSTALLMENT. Sponsor: Senator McBride. To Finance.

HB 223 - AN ACT TO AMEND SUBCHAPTER IV, TITLE 31 OF THE DELAWARE CODE RELATING TO PRIVATE CHILD WELFARE AGENCIES. Sponsors: Representatives Moore, Brady, Houghton, Outten, Schroeder, Sills, Soles. To Health/Social Services.

On motion of Senator Sharp, the Senate adjourned at 4:01 p.m. to immediately convene for the 2nd legislative day.

2ND LEGISLATIVE DAY
136th GENERAL ASSEMBLY
Second Session
January 15, 1992

The Senate convened at 4:01 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.

Senator Sharp commented on HB 287, relative to coin-operated lotteries at racetracks within the State.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 4:03 p.m. and returned at 5:22 p.m. with Lt. Governor Wolf presiding.

SS 1 for SB 63 which had been laid on the table, was lifted under suspension of rules, on motion of Senator Vaughn, sponsor of the Bill.

SS 1 for 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.

SA 1 to the Bill sponsored by Senator Vaughn was introduced and considered for adoption.

Senator Still marked present.

Roll call vote on the amendment was taken and revealed 20 Senators voting YES; and 1 (Cordrey) ABSENT. The amendment was declared adopted.

Senators Torbert and Marshall marked PRESENT during the roll call.

Senator Venables commented on the legislation. The privilege of the floor was extended to William Wagner, Division of Fish and Wildlife, DNREC. He responded to queries from several senators. Roll Call Vote on SS 1 for SB 63 w/SA 1 was taken and revealed 19 senators voting YES, 1 (McBride) voting NO; and 1 (Cordrey) ABSENT; therefore, the Bill as amended was declared adopted by the Senate and sent to the House from consideration.

SCR 74 was taken up for consideration on motion of Senator Minner.

SCR 74 - EXTENDING THE LIFE OF THE WELLHEAD PROTECTION PROGRAM DEVELOPMENT COMMITTEE. Roll call vote on the Resolution was taken and revealed 20 Senators voting YES; and 1 (Cordrey) ABSENT; therefore, SCR 74 was declared adopted and sent to the House for consideration.

SCR 75 was taken up for consideration on motion of Senator Minner.

SCR 75 - EXTENDING THE LIFE OF THE FRESHWATER WETLANDS PROGRAM DEVELOPMENT AND IMPLEMENTATION COMMITTEE THROUGH MARCH 1ST, 1992.

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

SCR 76 was taken up for consideration on motion of Senator McBride. Senator Torbert requested that his name be added as co-sponsor; also Senators Sokola, Vaughn, Venables, and Minner requested the same.

Senator Cordrey marked present.

SCR 76 - URGING THE UNIVERSITY OF DELAWARE TO RECONSIDER ITS PROPOSAL TO ELIMINATE THE MEDICAL TECHNOLOGY PROGRAM.

Roll call vote on the Resolution was taken and revealed 19 Senators voting YES; 1 (Hauge) voting NO; and 1 (Still) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

Senator Hauge requested that SR 45 be brought before the Senate for consideration. However, Senator Sharp moved to have the Resolution assigned to the Rules Committee. Senator Hauge objected. Senator Sharp and Senator Minner commented on the issue. Roll Call Vote on the assignment was taken and revealed 16 Senators voting YES; 5 NO (Bair, Connor, Hauge, Knox, Still); therefore, SR 45 was assigned to the Rules Committee.

SB 246 was read in and assigned to Judiciary:

SB 246 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON THE TIMES CERTAIN ESTABLISHMENTS ARE PERMITTED TO BE OPEN TO THE PUBLIC. Sponsor - Senator McBride.

On motion of Senator Sharp at 6:02 p.m. the Senate recessed until Thursday, January 16, 1992 at 2 p.m.

The Senate reconvened January 16, 1992 at 2:25 p.m. with Senator Cordrey presiding.

The committee report on SB 178, which had been erroneously read in as SB 118 on January 15, 1992, was corrected to reflect a report of 4 Merits.

The following Committee reports were announced: HB 223 - 5 Merits; HB 368 - 5 Merits; SB 240 - 5 Merits; SB 208 - 5 Merits; SB 232 - 5 Merits.

Lt. Gov. Wolf presided at 2:27 p.m.

Continuation of Committee Reports: SB 244 - 5 Merits; SB 246 - 4 Merits.

The following legislation was introduced and assigned to Committee:

SB 249 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO COMPENSATION FOR VICTIMS OF CRIME. Sponsors: Senators Vaughn, Connor; Representative Hebner. To Judiciary.

SB 250 - AN ACT TO AMEND CHAPTER 1, TITLE 25, DELAWARE CODE; RELATING TO DEEDS. Sponsors: Senator Vaughn; Representative Ewing. To Administrative Services.

SB 251 - AN ACT TO AMEND CHAPTER 3, TITLE 25, DELAWARE CODE, RELATING TO TITLES AND CONVEYANCES. Sponsors: Senator Vaughn; Representative Ewing. To Administrative Services.

SB 252 - AN ACT TO AMEND CHAPTER 68, TITLE 16, DELAWARE CODE, RELATING TO NON-PROFIT SPORTS LIABILITY LIMITATION. Sponsors: Senator Sokola; Representative Roy. To Insurance and Elections.

HB 292 - AN ACT TO AMEND CHAPTER 47, TITLE 6 OF THE DELAWARE CODE RELATING TO TRANSIENT RETAILERS. Sponsor: Representative Oberle. To Finance.

SB 229 was released from the Administrative Services - 3 Merits.

At 2:30 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 3rd Legislative Day.

3RD LEGISLATIVE DAY
136th GENERAL ASSEMBLY
Second Session
January 16, 1992

The Senate convened at 2:30 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, Sokola, Torbert, Vaughn, Venables - 20; ABSENT: Still.

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

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HCR 64 and HCR 65.

Senator Neal requested a communication to be read in and part of the journal. He then requested that so much be considered the reading of the communication. The Interim Report from the Newark Transportation Management Committee is in the file for the legislative day.

SB 233 was stricken on motion from Senator McBride.

SB 130 w/HA 1 was taken up for consideration on motion of Senator Adams.

SB 130 w/HA 1 - 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. Roll call vote on SB 130 w/HA 1 was taken and revealed 20 Senators voting YES; 1 (Still) ABSENT; therefore, the bill was declared adopted by the Senate and sent to the House for consideration. Senator Hauge marked present during the above roll call.

HB 316 was taken up for consideration on motion of Senator Blevins.

HB 316 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO QUALIFICATIONS FOR SCHOOL BUS DRIVERS. Roll call vote on the bill was taken and revealed 20 Senators voting YES; and 1 (Still) ABSENT.

The Bill was declared adopted by the Senate and returned to the House.

HB 286 was taken up for consideration on motion of Senator Sharp.

HB 286 - AN ACT TO AMEND CHAPTER 9, TITLE 10, OF THE DELAWARE CODE RELATING TO FAMILY COURT MASTERS.

Roll Call Vote on HB 286 was taken and revealed 20 Senators voting YES; and 1 (Still) ABSENT; therefore, the Bill was declared adopted by the Senate and returned to the House.

HB 304 w/HA 1 was taken up for consideration on motion of Senator Sharp.

HB 304 w/HA 1 - AN ACT TO AMEND CHAPTER 81, PART V, TITLE 10 OF THE DELAWARE CODE RELATING TO LIMITATION FROM CIVIL LIABILITY FOR CERTAIN VOLUNTEERS.

Senator McDowell commented.

Roll call vote on the Bill was taken and revealed 20 Senators voting YES; and 1 (Still) ABSENT; therefore, HB 304 was declared adopted by the Senate and returned to the House.

SCR 78 was taken up for consideration on motion of Senator Connor.

SCR 78 - CONGRATULATING THE WILLIAM PENN HIGH COLONIALS IN THEIR VICTORY OVER CHRISTIANA HIGH SCHOOL VIKINGS FOR THE DIVISION I DELAWARE HIGH SCHOOL FOOTBALL TOURNAMENT CHAMPIONSHIP HELD AT BAYNARD STADIUM ON SATURDAY, DECEMBER 7, 1991, AND FURTHER EXTENDING CONGRATULATIONS TO THE COLONIAL COACHING STAFF HEADED BY REPRESENTATIVE BRUCE REYNOLDS. Sponsors: Senators Connor, McBride; Representative Houghton, Mack, Spence.

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

On motion of Senator Sharp, the Senate recessed for Party Caucus at 2:47 p.m. and reconvened at 4:06 p.m. with Lt. Governor Wolf presiding.

The following legislation was introduced and assigned to Committee:

SB 253 - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO RACING DAYS. Sponsors: Senators Sharp, Knox, Bair; Representatives Spence, Gilligan, Corrozi, Petrilli. To Judiciary.

SB 254 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO COMPENSATION FOR VICTIMS OF CRIME. Sponsor: Senator Vaughn. To Judiciary.

SA 1 to HB 260 - Placed with the bill.

The following Committee report was announced:

From Highways and Transportation: HB 340 - 6 Merits

HB 260 w/HA 1 was taken up for consideration on motion of Senator Sharp.

HB 260 w/HA 1 - AN ACT TO AMEND SUBPART 1, SUBCHAPTER III, CHAPTER 5, TITLE 11, OF THE DELAWARE ESTABLISHING THE OFFENSE OF CRIMINAL IMPERSONATION, ACCIDENT RELATED.

Senate Amendment #1 to the bill was taken up for consideration on motion of Senator Sharp.

Roll call vote on the amendment was taken and revealed 20 Senators voting YES; and 1 (Still) ABSENT; therefore, the amendment was adopted by the Senate.

Roll call vote on HB 260 w/HA 1, SA 1 was taken and revealed 20 Senators voting YES; 1 (Still) ABSENT; therefore, the Bill as further amended was declared adopted by the Senate and returned to the House for consideration.

SB 178 was taken up for consideration on motion of Senator Holloway.

SB 178 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 5, TITLE 13, DELAWARE CODE, RELATING TO CRIMINAL ENFORCEMENT OF FAILURE TO SUPPORT SPOUSE OR CHILD.

Senators Sokola and Venables commented.

Roll call vote on the Bill was taken and revealed that 18 Senators voting YES; 2 (McBride, Minner) voting NO; 1 (Still) ABSENT; therefore, SB 178 was declared adopted by the Senate and sent to the House for consideration.

HB 223 was taken up for consideration on motion of Senator Holloway.
HB 223 - AN ACT TO AMEND SUBCHAPTER IV, TITLE 31 OF THE DELAWARE CODE RELATING TO PRIVATE CHILD WELFARE AGENCIES.

Roll call vote on the bill was taken and revealed 20 Senators voting YES; 1 (Still) ABSENT; therefore, HB 223 was declared adopted by the Senate and returned to the House.

SB 246 was taken up for consideration on motion of Senator McBride.

SB 246 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO LIMITATIONS UPON THE TIMES CERTAIN ESTABLISHMENTS ARE PERMITTED TO BE OPEN TO THE PUBLIC.

Several senators engaged in a discussion of the Bill. Roll call vote on the bill was taken and revealed 15 Senators voting YES; 3 (Bair, Minner, Neal) voting NO; 2 (Holloway, Venables) NOT VOTING; and 1 (Still) ABSENT; therefore, SB 246 was declared adopted by the Senate and sent to the House for consideration.

At 4:29 p.m. on motion of Senator Sharp, the Senate recessed until Tuesday, January 21, 1992 at 2:00 p.m.

The Senate reconvened at 2:35 p.m. with Senator Cordrey presiding.
The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 376; HB 310 and HB 317; HJR 17 w/HA 1; and SCR 78.

The following legislation was introduced and assigned to Committee:

HB 310 - AN ACT TO AMEND CHAPTER 3, TITLE 21 OF THE DELAWARE CODE RELATING TO PENALTY FEES FOR UNCOLLECTIBLE CHECKS ISSUED TO THE DIVISION OF MOTOR VEHICLES. (3/5 vote). Sponsors: Representative Ewing. To Public Safety.

HB 317 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE RELATING TO REGISTRATION OF VEHICLES. (3/5 vote). Sponsors: Representatives Ewing, Carey, Lee, Maroney, Smith, Clark. To Public Safety.

HB 376 - AN ACT TO AMEND CHAPTER 27, TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGULATION OF PROFESSIONAL LAND SURVEYORS. Sponsors: Representative Amick. To Administrative Services.

HJR 17 w/HA 1 - ESTABLISHING A GEOGRAPHIC INFORMATION SYSTEMS (GIS) OVERSIGHT COMMITTEE TO PROVIDE COORDINATION OF THE STATE OF DELAWARE'S RESOURCES IN THE MOST ECONOMICAL USE OF THIS FAST GROWING TECHNOLOGY. Sponsors: Representative Roy; Senator McBride. To Administrative Services.

The following Committee reports were announced: HB 268 w/HA 1,3 - 4 Merits; SB 238 - 2 Favorable, 1 Merit; SB 239 - 2 Favorable, 1 Merit; SB 242 - 3 Merits; SB 249 - 3 Merits; SB 254 - 3 Merits.

SB 255 - 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 INCREASE THE AMOUNT PERMITTED TO BE RAISED FROM THE TAXATION OF REAL ESTATE AND TO PERMIT QUARTERLY ASSESSMENTS OF REAL ESTATE. (2/3 vote). Sponsors: Cordrey; Rep. West. To Community/County Affairs.

Lt. Governor Wolf presided at 2:39 p.m.

At 2:40 p.m. on motion of Senator Sharp, the Senate adjourned to immediately for the 4th Legislative Day.

4TH LEGISLATIVE DAY
136th GENERAL ASSEMBLY
Second Session
January 21, 1992

The Senate convened at 2:40 p.m. with 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. No objection.

HB 268 w/HA 1, 3 was taken up for consideration on motion of Senator Holloway.

HB 268 - AN ACT TO AMEND CHAPTER 31, TITLE 16, RELATING TO VITAL STATISTICS. (3/5 vote) SA 1 to the bill, which had been previously placed with the bill, was read in and was immediately stricken on the motion of sponsor, Senator Holloway.

SA 2 to the Bill was introduced on motion of Senator Holloway.

The privilege of the floor was extended to Mr. Donald Lee Berry, representing the Department of Health and Social Services. Senator Venables questioned the witness. Roll Call Vote on the amendment was taken and revealed 19 Senators voting YES; and 2 (Martin, Still) ABSENT; therefore, SA 2 was adopted.

Senators Blevins and McDowell marked PRESENT during the above roll call.

SA 3 to the Bill was introduced on motion of Senator Holloway. Mr. Donald Berry was again granted the personal privilege of the floor. Several senators engaged in a discussion. Senator Holloway requested that Mr. Theodore W. Jarrell of the Department of Health and Social Services join Mr. Berry to speak to the Bill; they were then excused. Senator Holloway made a motion to lay the amendment and the bill on the table and to be placed on Thursday agenda. No objection.

HB 368 was taken up for consideration on motion of Senator Adams.

HB 368 - AN ACT TO AMEND CHAPTER 9, TITLE 29 DELAWARE CODE RELATING TO THE LEGISLATIVE PROCESS.

SA 1 to the bill was introduced by Senator Adams and considered for adoption.

Senator Martin was marked PRESENT during the above roll call.

Roll call vote on the amendment was taken and revealed 20 Senators voting YES; and 1 (Still) ABSENT; therefore, the amendment was declared adopted by the Senate.

HB 368 w/SA 1 was now before the Senate. Several senators engaged in a discussion. On motion of Senator Adams, the Bill was laid on the table.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:21 p.m. and reconvened at 5:02 p.m. with Lt. Governor Wolf presiding.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 152; SB 192, and SB 193 w/HA 1.

The following legislation was introduced and assigned to Committee:

HB 152 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE, RELATING TO PREFERENCE FOR DELAWARE BUSINESSES AND DELAWARE LABOR IN THE AWARD OF CONTRACTS FOR MATERIAL AND WORK. Sponsor: Representatives Oberle, Mack, Davis, Spence. To Executive.

The following Committee reports were announced: SB 234 - 3 Merits; HB 246 - 5 Merits; HB 253 - 5 Merits.

On motion of Senator Adams, SB 242 was stricken.

On motion of Senator Venables, HB 376 was reassigned to Sunset.

On motion of Senator McBride, SB 244, was stricken.

SENATE CONSENT CALENDAR #21 was introduced and considered for adoption on motion of Senator Minner. The calendar included the following Resolutions:

SR 44 - ENCOURAGING DELAWARE PUBLIC SCHOOL DISTRICTS TO HIRE QUALIFIED DELAWARE RESIDENTS TO FILL AVAILABLE TEACHING POSITIONS WHENEVER POSSIBLE. Sponsor: Senator Marshall.

SCR 77 - MOURNING THE DEATH OF E. MELVIN JEWETT OF WILMINGTON, DELAWARE WHO DIED ON SATURDAY, DECEMBER 7, 1991 AT THE AGE OF 72. Sponsors. Senators Bair, McDowell, Holloway, Soles, Moore, Neal, Maroney, Sills, Hauge.

SCR 79 - URGING THE GOVERNORS OF THE STATE OF DELAWARE AND THE STATE OF NEW JERSEY AND MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO MAKE DILIGENT EFFORTS TO ENCOURAGE A COMPACT BETWEEN SAID STATES GOVERNING A UNIFORM MANAGEMENT POLICY REGARDING FISHERIES IN THE DELAWARE BAY. Sponsors: Senator Torbert; Representative Caulk.

SCR 80 - CONGRATULATING LESLIE ANN BENMARK UPON HER DESIGNATION AS THE DELAWARE ENGINEERING SOCIETY, INC.'S "1992 ENGINEER OF THE YEAR". Sponsors: Senators Neal; Bair, McBride, Hauge, Sokola; Representatives Amick, Petrilli.

SCR 81 - MOURNING THE UNTIMELY DEATH OF MRS. JAN LICHTENBERGER ARMITAGE WHO PASSED AWAY TUESDAY, DECEMBER 31, 1991 AT THE AGE OF FORTY, THE WIFE OF J. RICHARD ARMITAGE, DIRECTOR OF STATE AND LOCAL GOVERNMENT RELATIONS AT THE UNIVERSITY OF DELAWARE. Sponsors: Senators Bair; Neal, Adams, Martin; Representatives Soles; Sills, Petrilli, Spence, Davis, Di Pinto, Brady, Maroney, Ewing, Bennett, Corrozi, Amick, Gilligan, Boykin, Fallon, Smith, Lofink.

SCR 82 - EXTENDING THE DATE BY WHICH THE DELAWARE HEALTH CARE COMMISSION MUST SUBMIT ITS FINDINGS ON THE REGULATORY FRAMEWORK FOR HEALTH CARE COVERAGE IN DELAWARE. Sponsors: Senator Cordrey; Representative D. Ennis.

HCR 64 - EXTENDING BEST WISHES, DEEP APPRECIATION AND CONGRATULATIONS TO DR. JOHN R. "JACK" KOTULA, PRESIDENT OF DELAWARE TECHNICAL & COMMUNITY COLLEGE FOR HIS MANY YEARS OF INVALUABLE SERVICE AND COUNTLESS CONTRIBUTIONS TO THE CITIZENS OF DELAWARE AS HE RETIRES FROM DELAWARE TECH. Sponsors: Representatives George, Amick, Boykin, Buckworth, Bennett, Brady, Bunting, Campanelli, Carey, Clark, Caulk, Corrozi, Davis, Di Pinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Lee, Lofink, Jonkiert, Mack, Maroney, Moore, Oberle, Outten, Petrilli, Quillen, Reynolds, Roy, Schroeder, Soles, Spence, Soles, Van Sant, Taylor, West; Senators Adams, Bair, Blevins, Cook, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables.

HCR 65 - COMMENDING DELAWARE TECHNICAL AND COMMUNITY COLLEGE ON ITS UPCOMING TWENTY-FIFTH SILVER ANNIVERSARY (1967-1992) AND EXTENDING MANY THANKS FOR THE OUTSTANDING EDUCATIONAL SERVICES PROVIDED BY THE BOARD OF TRUSTEES AND EMPLOYEES OF THE COLLEGE, AND FURTHER WISHING DELAWARE TECH CONTINUED SUCCESS IN THE FUTURE. Sponsors: Representatives Corrozi, Bennett; Senator Cook.

Senator Hauge requested to be added as co-sponsor to SCR 77. Senator Martin requested to be added as co-sponsor to SCR 81.

Roll call vote on Consent Calendar #21 was taken and revealed 19 Senators voting YES; and 2 (Holloway, Still) ABSENT; therefore, the Consent Calendar was declared adopted by the Senate.

On motion of Senator Sharp, the Senate recessed at 5:13 p.m. until January 22, 1992 at 3:00 p.m.

The Senate reconvened at 4:06 p.m. with Lt. Gov. Wolf presiding.

The Secretary announced a correction to Consent Calendar #21. HCR 64 and HCR 65, being part of the package, were inadvertently not announced and not included when the Roll call vote was announced.

The Secretary announced a corrected Committee Report to SB 234 - should have read 4 Merits and not 3 Merits as previously announced.

The following legislation was introduced and assigned to Committee:

SB 256 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO CHARITABLE GAMBLING. (2/3 vote). Sponsors: Senator Torbert; Representative Buckworth. To Finance.

SB 257 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 11, TITLE 28, DELAWARE CODE, RELATING TO ELIGIBILITY FOR CHARITABLE GAMBLING PERMITS. Sponsors: Senator Torbert; Representative Buckworth. To Finance.

SB 258 - AN ACT TO AMEND CHAPTERS 33 AND 35, TITLE 18, DELAWARE CODE TO CLARIFY COVERAGE OF INSURED DURING A PERIOD OF HOSPITALIZATION WHEN INSURERS CHANGE OR TERMINATE. Sponsors: Senators Sharp and Representative D. Ennis; Senators Holloway, Venables, Vaughn, Martin, Adams; Representative Brady, Van Sant, Boykin, Jonkier, Sills, Smith, Di Pinto. To Insurance/Elections.

SB 259 - AN ACT TO AMEND CHAPTER 72, TITLE 7, DELAWARE CODE RELATING TO SUBAQUEOUS LANDS. Sponsor: Senator Sharp. To Natural Resources & Environmental Control.

SB 260 - AN ACT TO AMEND TITLE 30, 5, 8, AND 18 OF THE DELAWARE CODE RELATING TO TAX PREFERENCES. Sponsors: Senators Cordrey, Bair; Representatives George, Petrilli. To Finance.

SB 261 - AN ACT TO AMEND CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC WORK CONTRACTS. Sponsor: Senator Martin. To Community/County Affairs.

SA 2 to HB 368 - Sponsor: Senator Adams; Placed with the bill.

SA 1 to SB 239 - Sponsor: Senator Cordrey; Placed with the bill.

SA 1 to SB 249 - Sponsor: Senator Connor; Placed with the bill.

Senator Still marked PRESENT during the reading of the Committee Assignments.

At 4:12 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for 5th Legislative Day.

5th LEGISLATIVE DAY
136th GENERAL ASSEMBLY
Second Session
January 22, 1992

The Senate convened at 4:12 p.m. with Lt. Governor Wolf 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 Sharp. No objection.

On motion of Senator Cook, SCR 83 was brought before the Senate for adoption.

SCR 83 - MOURNING THE DEATH OF MISS MAXINE D. SCHULZ, OF HARTLY, DELAWARE WHO PASSED AWAY ON SUNDAY, JANUARY 19, 1992 AT THE AGE OF 72. Sponsors: Senators Cook, Still; Representatives Quillen, Clark.

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.

Senator Sharp commented on HB 287 which related to coin operated slot machines at the racetracks. It is being recalled by the sponsor, Rep. Oberle, and was returned to the House.

On motion of Senator Martin, floor manager for HB 340, was brought before the Senate for consideration.

HB 340 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS. Several senators commented on the legislation.

Senators Bair, Sharp, Still commented.

Roll Call Vote on the Bill was taken and revealed 17 Senators voting YES; and 4 (Hauge, Neal, Still, Venables) voting NO. Having received the required number of votes,

HB 340 was adopted and returned to the House.

SB 193 w/HA 1, which was returned from the House was brought up for consideration on motion of Senator Cordrey.

SB 193 w/HA 1 - AN ACT TO AMEND DELAWARE CODE, TITLE 29, CHAPTER 58, REGARDING THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE.

Roll Call vote on the amended bill was taken and revealed 21 Senators voting YES; therefore, the legislation was declared adopted by the Senate and sent to the Governor.

On the motion of Senator Vaughn, SB 249 was brought before the Senate for consideration and given its third and final reading.

SB 249 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO COMPENSATION FOR VICTIMS OF CRIME.

SA 1 to the Bill was introduced by Senator Connor and considered for adoption. Roll Call vote on the amendment was taken and revealed 18 Senators voting YES; 1 (McDowell) voting NO; and 2 (Blevins, Sharp) NOT VOTING; therefore, the amendment was declared adopted by the Senate.

SB 249 w/SA 1 was before the Senate. Senator Vaughn requested personal privilege of the floor for Mr. Edward Stansky, member of the Violent Crimes Compensation Board, who addressed the concerns of several senators. After the witness was excused, roll call vote on the legislation was taken and revealed 21 Senators voting YES; therefore, SB 249 w/SA 1 was declared adopted by the Senate and sent to the House for consideration.

HB 368 w/SA 1, which had been laid on the table, was lifted on motion of Senator Adams, who floor managed the bill.

HB 368 w/SA 1 - AN ACT TO AMEND CHAPTER 9, TITLE 29 DELAWARE CODE RELATING TO THE LEGISLATIVE PROCESS.

SA 2 to the Bill, which had been previously placed with the bill, was taken up for consideration on motion of Senator Adams.

Roll Call Vote on the amendment was taken and revealed 21 Senators voting YES; therefore, the amendment was declared adopted by the Senate.

HB 368 w/SA 1, 2 was now before the Senate for consideration. Several senators engaged in a discussion. Roll Call vote on the Bill was taken and revealed 15 Senators voting YES; 5 (Cordrey, Knox, McDowell, Sharp, Still) voting NO; 1 (Holloway) NOT VOTING. Having received the required number of votes, the Bill was declared passed and returned to the House.

SB 254 was brought up for consideration on motion of sponsor, Senator Vaughn.

SB 254 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO COMPENSATION FOR VICTIMS OF CRIME.

SA 1 to the Bill was introduced on motion of Senator Vaughn. Roll Call Vote on the amendment was taken and revealed 21 Senators voting YES; therefore, the amendment was made part of the bill.

Senators McDowell and Torbert had questions regarding the legislation, to which Senator Vaughn asked for the personal privilege of the floor for Mr. Edward Stansky to explain the legislation. After the discussion, Senator Vaughn moved to lay the Bill on the table.

The following legislation was introduced and assigned to Committee:

SB 262 - AN ACT TO AMEND CHAPTER 1, TITLE 13, DELAWARE CODE, BY ADDING A NEW SUBCHAPTER REQUIRING PREMARITAL PHYSICAL EXAMINATIONS AND SEROLOGICAL TESTING FOR CERTAIN COMMUNICABLE DISEASES. Sponsor: Senator Holloway. To Health & Social Services.

At 5:06 p.m. on motion of Senator Sharp, the Senate recessed until January 22, 1992 at 2:00 p.m.

The Senate reconvened January 22, 1992 at 2:28 p.m. with Senator Cordrey presiding.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HCR 62, HCR 66, SCR 77, SCR 80, SCR 81, SCR 83 and SCR 82.

The Secretary of the Senate read the certified copy of the HR 89.

STATE OF DELAWARE
HOUSE RESOLUTION NO. 89

I hereby certify that the enclosed is the same act that was passed by the House of Representatives of the 136th General Assembly.

(Signed) JoAnn M. Hedrick, Chief Clerk of the House

Certified With:

(Signed) Donna A. Snell, Bill Clerk of the House

HOUSE OF REPRESENTATIVES
136TH GENERAL ASSEMBLY
HOUSE RESOLUTION NO. 89

(dated) Jan 22 1992

Sponsor: Representative Oberle

REQUESTING THE SENATE OF THE STATE OF DELAWARE RETURN HOUSE BILL NUMBER 287 TO THE HOUSE OF REPRESENTATIVES OF THE STATE OF DELAWARE FOR RECONSIDERATION.

WHEREAS, THE House of Representatives approved House Bill No.287 on June 20, 1991; and

WHEREAS, a majority of the members of the House of Representatives desire to reconsider their action.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 136th General Assembly of the State of Delaware that the House of Representative requests of the Senate that it return House Bill No. 287 to the House for reconsideration.

In response to the aforementioned Resolution, Senator Sharp, floor manager of HB 287, commented and noted that the Senate offered no objection to the request. The following memo was read in and sent to the Chief Clerk of the House.

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 1993

January 23, 1992

TO: The Honorable JoAnn P. Hedrick
Chief Clerk, House of Representatives
136th General Assembly

FROM: Bernard J. Brady
Secretary of the Senate

SUBJECT: House Bill 287

A certified copy of House Resolution No. 89 has been received and read in to the Senate Record.

Pursuant to the said resolution of request, and with the approval of the Senate, please find attached Bill No 287 as amended by House Amendment No. 1, which is herewith returned to your office.

At 2:30 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 6th Legislative Day.

6TH LEGISLATIVE DAY
136th GENERAL ASSEMBLY
Second Session
January 23, 1992

The Senate convened at 2:30 p.m. with Senator Cordrey presiding.

A prayer was offered by Senator Adams.

Pledge of allegiance to the Flag.

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

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

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

Senator Minner marked PRESENT.

On motion of Senator Sharp, SCR 85 was introduced and considered for adoption.

SCR 85 - 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 AND THE ANNUAL BUDGET MESSAGE BY GOVERNOR MICHAEL N. CASTLE, GOVERNOR OF THE STATE OF DELAWARE. Sponsors: Senators Cordrey, Sharp, McDowell.

Roll Call vote on Resolution was taken and revealed 19 Senators voting YES; and 2 (Marshall, Martin) ABSENT; therefore, the Resolution was adopted and sent to the House

for consideration.

On motion of Senator Holloway, HB 268 w/HA 1, 3, SA 2 was brought before the Senate for consideration.

HB 268 - AN ACT TO AMEND CHAPTER 31, TITLE 16, RELATING TO VITAL STATISTICS.

SA 3 to the bill, which had been laid on the table, was lifted on motion of Senator Holloway. He then requested personal privilege of the floor for Mr. Donald Berry of the Department of Health and Social Services to address the issues of the legislation. Senators McDowell and McBride questioned the witness. After the witness was excused, roll call vote was taken on SA 3 with 20 Senators voting YES and 1 (Martin) ABSENT; therefore, the amendment was adopted.

Senator Marshall was marked PRESENT during the above roll call.

SA 4 to the Bill which had been previously placed with the Bill was taken up for consideration on motion of Senator Holloway. Mr. Donald Berry, DHSS, was again asked by Senator Holloway to address the merits of the Amendment to which several senators commented. After the witness was excused, the roll call vote was taken and revealed 11 Senators voting YES (Adams, Bair, Cook, Cordrey, Hauge, Holloway, Marshall, Minner, Neal, Sokola, Torbert); 2 (McBride, Still) voting NO; 7 (Blevins, Connor, Martin, McDowell, Sharp, Vaughn, Venables) NOT VOTING; 1 (Knox) ABSENT; therefore, the Amendment was declared adopted by the Senate.

Senator Martin marked PRESENT during the above roll call.

SA 5 to the Bill was introduced by sponsor Senator Holloway. Mr. Berry again discussed the merits of the Amendment. After being excused, roll call vote was taken on the Amendment and revealed 18 Senators voting YES; 2 (McBride, McDowell) voting NO; and 1 (Knox) ABSENT; therefore, the Amendment was declared adopted by the Senate.

HB 268 w/ HA 1, 3, SA 2 and further amended by SA 3, 4, 5 was before the Senate. Senator Holloway requested personal privilege of the floor for Mr. Donald Berry, DHSS. Several Senators engaged in a discussion of the Bill which proved quite lengthy. The witness was excused. Senator Holloway made a motion to lay HB 268 as amended on the table.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:40 p.m. and returned at 4:17 p.m. with Senator Cordrey presiding.

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

WATSON KENNEDY AYERS - 19 Senators voting YES; 2 (Holloway, Minner) ABSENT; Confirmed.

WILBUR S. SHOCKLEY - 20 Senators voting YES; 1 (Holloway) ABSENT; Confirmed.

A messenger from the Governor was announced and admitted.

Voting on the appointments continued:

GERARD A. CAIN - 21 Senators voting YES; Confirmed.

SAXTON C. LAMBERTSON - 21 Senators voting YES; Confirmed.

JOHN MAIORANO - 21 Senators voting YES; Confirmed.

Senator Sharp addressed concerns of the Solid Waste Authority. He requested personal privilege of the floor for Mr. N. C. Vasuki of the Solid Waste Authority to speak to the concerns. Senator Sharp yielded to Senator Blevins, who also viewed her concerns. Senator Sharp requested personal privilege of the floor for Mr. Pasquale S. Canzano of the Solid Waste Authority. Several Senators engaged in a lengthy discussion of the issues. Senator Sharp requested that Mr. Vasuki return to the Senate on Tuesday, January 28, 1992 at 2:00 when the Assembly reconvenes. Representatives from the Maryland Solid Waste Association will be present to testify as well.

At 5:32 p.m. on motion of Senator Sharp, the Senate recessed until Tuesday, January 28, 1992 at 2:00 p.m.

The Senate reconvened January 28, 1992 at 2:00 p.m. with Lt. Governor Wolf presiding.

The following Committee reports were announced:

SB 236 - 5 Merits; SB 253 - 3 Merits; SB 255 - 4 Merits; SB 260 - 5 Merits; HB 144 w/HA 1 - 3 Merits; HB 302 - 3 Merits; HB 354 w/HA 1 - 3 Merits; and HB 30 - 5 Merits.

At 2:05 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 7th Legislative Day.

7TH LEGISLATIVE DAY
136th GENERAL ASSEMBLY
Second Session
January 28, 1992

The Senate convened at 2:05 p.m. with 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. No objection.

Senator Sharp requested personal privilege of floor for Mr. N. C. Vasuki and Mr. Pasquale Canzano, of the Solid Waste Authority to continue testimony for 30 minutes relative to issues and public concerns regarding the Department. Mr. N. C. Vasuki submitted a report regarding landfill options and said report is on file for the legislative day.

After several senators commented on the issue, the witnesses were excused.

Senator Hauge marked PRESENT.

Senator Sharp requested personal privilege of the floor for Mr. William Davidson, representing Maryland-Delaware Solid Waste Association, AllRite, Metclafs, and Able Recycling. Senators Sharp, McDowell and Knox questioned the witness, who were then excused.

Mr. Robert Tunnell, Jr. was granted the privilege of the floor on motion of Senator Sharp. Mr. Tunnell read from a prepared statement and after some senators asked questions of the witness, Senator Sharp requested a copy of his remarks be made available for those interested legislators, which are on file for the legislative day.

Personal Privilege of the floor was granted to Mrs. Colia Simmons, owner of White Line Recycling, Inc. on the motion of Senator Sharp. Senator Bair commented to the witness's remarks, after which the witness was excused.

With no further testimony, Senator Sharp requested that the issue be handled by the Senate's Committee of Natural Resources & Environmental Control, chaired by Senator Minner. The Committee is asked to report their findings on the situation.

Senator Adams requested that HCR 67 be brought before the Senate for consideration.

HCR 67 - PROCLAIMING MARCH 15-21, 1992 AS AGRICULTURE WEEK AND RECOGNIZING AGRICULTURE AS DELAWARE'S NUMBER ONE INDUSTRY. Sponsors: Representative Caulk & Senator Adams; Representatives Fallon, Lofink, Carey, Quillen, Bunting, Clark, Schroeder; Senators Cook, Holloway, Sharp, Torbert, Hauge.

Roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, HCR 67 was declared adopted by the Senate and returned to the House.

Senators Martin and Marshall were marked PRESENT during the above roll call. On motion of Senator Sharp, the Senate recessed for Party Caucus at 3:21 p.m., returning at 3:34 p.m. with Lt. Governor Wolf presiding.

SENATE CONSENT CALENDAR #22 was introduced and considered for adoption on motion of Senator Minner. The calendar included the following Resolutions:

SR 46 - COMMENDING KATHRYN SHINN BAKER ON HER RETIREMENT AFTER 10 YEARS OF SERVICE IN THE OFFICE OF SENATOR WILLIAM V. ROTH, JR. ON BEHALF OF THE CITIZENS OF DELAWARE. Sponsor: Senators Bair, Connor, Hauge, Knox, Neal, Still.

SR 47 - MOURNING THE DEATH AND MEMORIALIZING THE LIFE OF FREDERICK N. VANSANT OF DOVER, A FORMER LEGISLATIVE AND FISCAL ANALYST FOR LEGISLATIVE COUNCIL AND A 'TROUBLE-SHOOTER' IN THE ADMINISTRATIONS OF FOUR DELAWARE GOVERNORS. Sponsors: Senator Torbert and all senators.

SCR 84 - CONGRATULATING THE COMMUNITY LEGAL AID SOCIETY ON ITS 45 YEARS OF PROVIDING QUALITY LEGAL SERVICES TO THE LESS FORTUNATE AND WISHING IT SUCCESS IN ITS 'DOORWAY TO JUSTICE' FUND-RAISING DRIVE TO IMPROVE ITS FACILITIES THROUGHOUT THE STATE OF DELAWARE. Sponsors: Senator Cook, Representative Outten; Senators Adams, Cordrey, Holloway, Minner, Torbert, Vaughn, Knox, Still; Representatives Bennett, Clark, Schroeder, Buckworth, Caulk, B. Ennis, Quillen.

HCR 66 - HONORING DELAWARE BUSINESSMAN FRANK MARX ON HIS INNOVATIVE BUY AMERICAN POLICY. Sponsor: Representative Petrilli; Senator Neal.

NOTE: HCR 28 was placed on the Calendar in error.

Roll call vote on the Consent Calendar was taken and revealed 21 Senators voting YES; therefore, the Resolutions was declared adopted by the Senate. Senator Sokola requested to be a co-sponsor of HCR 66. The Concurrent Resolution was sent to the House for consideration. The House Concurrent Resolution was returned.

Senator Cordrey requested that SB 260 be read in for third and final time.

SB 260 - AN ACT TO AMEND TITLE 30, 5, 8, AND 18 OF THE DELAWARE CODE RELATING TO TAX PREFERENCES.

Senator Cordrey asked for personal privilege of the floor for Mr. Scott Douglass, Secretary of Finance for the State of Delaware who explained the intent of the legislation. Several Senators commented on the Bill. After the witness was excused, Senator McDowell requested the privilege of the floor for Mr. Ted Keller. However, before the privilege was granted, Senator Cordrey laid the bill on the table.

On motion of Senator Sharp, the Senate recessed at 4:03 p.m. until January 29, 1992 at 3:30 p.m.

The Senate reconvened January 29, 1992 at 4:10 p.m. with Lt. Governor Wolf presiding.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 416, HB 415 w/HA 1, 5, HB 417, SCR 85, SS 1 to SB 63 w/SA 1; and HCR 67. On January 29, 1992, the House returned SCR 54 as requested.

LEGISLATIVE ADVISORY #31, dated January 24, 1992 from the Office of Counsel to the Governor was read. Senator Sharp moved that so much be considered the reading of the Legislative Advisory. Copies were made available to the Senators.

LEGISLATIVE ADVISORY #31 - The following legislation was signed by the Governor on the date indicated:

SB 130 w/HA 1 - Volume 68, Chapter 191, Laws of Delaware. HB 316 - Volume 68, Chapter 192; HB 223 - Volume 68, Chapter 193, Laws of Delaware; HB 286 - Volume 68, Chapter 194, Laws of Delaware; HB 260 - Volume 68, Chapter 195, Laws of Delaware; HB 304 w/HA 1 - Volume 68, Chapter 196, Laws of Delaware; and SB 192 - Volume 68, Chapter 197.

Communications from Senator Minner, Secretary of the Senate, and the Chief Clerk of the House were read in concerning the return of SCR 54. Copies are included in the file for the legislative day.

The following legislation was introduced and assigned to Committee:

SB 263 - AN ACT TO AMEND CHAPTER 43, TITLE 11, DELAWARE CODE, RELATING TO PROBATION AND PAROLE SERVICES. Sponsor: Senator Holloway. To Judiciary.

SB 264 - AN ACT TO AMEND CHAPTER 93, TITLE 29 OF THE DELAWARE CODE RELATING TO MOVING AND RELATED EXPENSES. Sponsor: Senator Martin; Rep. Roy. To Finance.

SB 267 - AN ACT TO AMEND LAWS OF DELAWARE, VOLUME 66, CHAPTER 291, AS AMENDED, THE CHARTER OF THE TOWN OF CLAYTON, TO ESTABLISH THE POSITION VICE-PRESIDENT OF THE TOWN COUNCIL OF THE TOWN OF CLAYTON. (2/3 vote). Sponsor: Senator Vaughn; Representative B. Ennis. To Community/County Affairs.

SB 268 - AN ACT TO AMEND PART 1, TITLE 2 AND CHAPTER 51, TITLE 30 OF THE DELAWARE CODE RELATING TO AERONAUTICS. Sponsors; Senator Martin; Representative Roy. To Highway & Transportation.

SB 269 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION. Sponsors: Senator Sokola; Representative Oberle; Senators Still; Representatives Mack, Reynolds, Campanelli, Houghton, Lofink, Davis, B. Ennis. Laid on the table on motion of Senator Sokola.

SB 270 - AN ACT TO AMEND CHAPTER 90 OF TITLE 11, DELAWARE CODE, RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. Sponsors: Senators Vaughn, Connor. To Judiciary.

SB 271 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, COLUMN 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO INCREASE THE AMOUNT PERMITTED TO BE RAISED FROM THE TAXATION OF REAL ESTATE AND TO PERMIT QUARTERLY ASSESSMENTS OF REAL ESTATE. (2/3 vote) Sponsors: Senator Minner; Representative Schroeder. To Community/County Affairs.

SB 273 - AN ACT TO AMEND CHAPTER 31, TITLE 16, RELATING TO VITAL STATISTICS. (2/3 vote) Sponsor: Senator Holloway. To Health & Social Services.

SB 275 - AN ACT TO AMEND TITLES 16 AND 24 OF THE DELAWARE CODE RELATING TO INFECTED HEALTH CARE PROVIDERS AND UNIVERSAL PRECAUTIONS. Sponsor: Senator Holloway. To Health/Social Services.

SJR 9 - ESTABLISHING A COMMITTEE TO REVIEW THE CLASSIFICATION MAINTENANCE REVIEW WRITTEN APPEAL PROCEDURE AND TO RECOMMEND AN APPEAL PROCEDURE TO INCLUDE EMPLOYEES IN MERIT COMPARABLE POSITIONS. Sponsors: Senator Sokola and Representative Oberle; Senator Still; Representatives Mack, Reynolds, Campanelli, Houghton, Lofink, Davis, B. Ennis. Laid on the table on motion of Senator Sokola.

The following amendments were introduced and placed with the bill:

SA 2 to HB 253 - Sponsor: Senator Still.

SA 1 to SB 260 - Sponsor: Senator Hauge.

The following legislation was introduced and assigned to Committee:

HB 415 w/HA 1, 5 - AN ACT TO AMEND CHAPTER 11 OF TITLE 30 AND CHAPTER 50 OF TITLE 29 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX CREDITS FOR CERTAIN QUALIFIED INVESTMENTS. Sponsors: Representatives Oberle, DiPinto, D. Ennis, Smith, Hebner, Maroney, Boykin, Corrozi, Reynolds, Mack, Spence, Roy, Taylor, Petrilli, Amick, Davis, Lofink, Quillen, Caulk, Buckworth, Ewing, Carey, Fallon, Lee, Bennett, Soles, Moore, Gilligan, Schroeder, Bunting, Outten, George, VanSant; Senators Bair, Connor, Neal, Still, Hauge, Knox, Martin, Venables, Sokola. To Small Business.

Senator Marshall objected to the committee assignment of HB 415 and requested it be reassigned to either Revenue and Taxation or to the Labor Committee. HB 415, as amended, was assigned to the Finance Committee.

HB 416 - AN ACT TO AMEND CHAPTER 11 OF TITLE 30 AND CHAPTER 50 OF TITLE 29 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX CREDITS FOR CERTAIN QUALIFIED INVESTMENTS. Sponsors: Representatives Petrilli, DiPinto, Smith, Hebner, Maroney, Boykin, Corrozi, Reynolds, Mack, Spence, Roy, Taylor, Oberle, Amick, Davis, Lofink, Quillen, Caulk, Buckworth, Ewing, Carey, Fallon, Lee, D. Ennis, Bennett, Soles, Moore, Gilligan, B. Ennis, Schroeder, Bunting, Outten, George, VanSant; Senators Bair, Connor, Knox, Hauge, Still, Neal, Martin, Venables, Sokola. To Small Business.

HB 417 - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES DEAUTHORIZING FROM THE DEPARTMENT OF CORRECTION AND THE DEPARTMENT OF

NATURAL RESOURCES AND ENVIRONMENTAL CONTROL PRIOR GENERAL OBLIGATION BOND AUTHORIZATIONS AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. (3/4 vote) Sponsors: Representative Roy & Senator Martin; Representatives Boykin, Carey, Taylor, B. Ennis, Jonkier; Senators Hauge, Knox, Cook, Minner. To Finance.

SB 261 - reassigned to Highways & Transportation.

SB 276 - AN ACT WAIVING ANY STATUTORY REQUIREMENTS AND/OR MERIT SYSTEM REGULATIONS THAT MAY INTERFERE WITH THE EXPEDITIOUS EMPLOYMENT OF A DETENTION CENTER ADMINISTRATOR FOR THE NEW CASTLE COUNTY DETENTION CENTER. Sponsor: Senator McDowell. Laid on the table on motion of Senator McDowell.

Senator Marshall requested that HB 415 be reassigned from the Revenue and Taxation Committee to the Finance Committee. No objection.

HB 353 - AN ACT TO AMEND CHAPTER 11, TITLE 19, DELAWARE CODE RELATING TO WAGE PAYMENT AND COLLECTION. Sponsors: Representatives Smith, Petrilli, Bennett, B. Ennis; Senators Cordrey, Adams. To Labor/Industrial Relations.

HB 415 was reassigned to the Labor/Industrial Relations Committee.

At 4:30 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 8th Legislative Day.

8TH LEGISLATIVE DAY
136th GENERAL ASSEMBLY
Second Session
January 29, 1992

The Senate convened at 4:30 p.m. with 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. No objection.

On motion of Senator Cordrey, SB 260 was lifted from the table.

SB 260 - AN ACT TO AMEND TITLE 30, 5, 8, AND 18, OF THE DELAWARE CODE RELATING TO TAX PREFERENCES.

Senator McDowell requested personal privilege of the floor for Mr. Ted Keller, Chairman, Citizens Coalition for Tax Reform. Senators McBride and Connor questioned the witness, who was then excused. Senator Connor asked privilege of the floor for Ms. Jan Konesy of Common Cause. Senators McDowell and Marshall also had questions for the witness who was then dismissed.

Senator Hauge requested that SA 1 to the bill be stricken.

Roll call vote on SB 260 was taken and revealed 19 Senators voting YES; and 2 (McBride and McDowell) voting NO; therefore, the Bill was declared adopted by the Senate and sent to the House for consideration.

Senator Holloway marked PRESENT during the roll call.

On motion of Senator Holloway, HB 246 was brought before the Senate for consideration.

HB 246 - AN ACT TO AMEND CHAPTER 1, TITLE 16 OF THE DELAWARE CODE RELATING TO THE STATE BOARD OF HEALTH.

Many senators engaged in a discussion concerning the issues of the Bill.

Roll call vote on HB 246 was taken and revealed 13 Senators voting YES; 4 (Adams, Cook, Cordrey, Venables) voting NO; 4 (McBride, McDowell, Torbert, Vaughn) NOT VOTING; therefore, the Bill was declared adopted by the Senate and returned to the House.

On motion of Senator Cordrey, SB 255 was brought before the Senate for consideration.

SB 255 - 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 INCREASE THE AMOUNT PERMITTED TO BE RAISED FROM THE TAXATION OF REAL ESTATE AND TO PERMIT QUARTERLY ASSESSMENTS OF REAL ESTATE. 2/3 vote.

Roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, SB 255 was declared adopted by the Senate and sent to the House for consideration.

On motion of Senator Sharp, SB 253 was laid on the table and immediately lifted from the table.

SB 253 - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO RACING DAYS.

Senator Cook requested for privilege of the floor for Mr. Denis McGlynn, representing Dover Downs, Inc. Senator Bair questioned Mr. McGlynn and asked that Mr. H. Terry Johnson join Mr. McGlynn as a witness. Senator Cook objected. Mr. McGlynn answered

queries from Senators Torbert, Still, Marshall and Adams. Witness excused.

Senator Bair requested personal privilege of the floor for Mr. H. Terry Johnson who responded to her questions and excused.

Senator Bair, as co-sponsor, requested that the sponsor of the bill lay it on the table. Senators Vaughn, Still and Adams commented on the Bill. Senator Adams requested the personal privilege of the floor be granted to Mr. Charles B. Lockhart who was in the chamber on behalf of the Cloverleaf Standardbred Owners Association. Senators Marshall and Bair questioned Mr. Lockhart.

Roll call vote on SB 253 was taken and revealed 6 Senators voting YES (Blevins, Hauge, Marshall, McBride, Sharp, Sokola); 8 (Adams, Cook, Cordrey, Holloway, Minner, Still, Torbert, Venables voting NO; 5 (Bair, Martin, McDowell, Neal, Vaughn) NOT VOTING; 2 (Connor, Knox) ABSENT; therefore, the Bill was defeated by the Senate.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 6:07 p.m. and returned at 6:25 p.m. with Senator Cordrey presiding.

The following legislation was introduced and assigned to Committee:

SB 274 - AN ACT TO AMEND CHAPTER 27, TITLE 29, DELAWARE CODE RELATING TO THE CASH MANAGEMENT POLICY BOARD AND INVESTMENT POOLS. Sponsors: Senator Blevins & Representative Oberle; Senator Neal; Representatives Bennett, Bunting, Clark, B. Ennis, Houghton, Jonkiert, Moore, Schroeder, Sills, Soles, VanSant, West. To Revenue/Taxation. Lt. Governor Wolf presided at 6:26 p.m.

On motion of Senator Minner, SB 271 was brought before the Senate for consideration under suspension of rules.

SB 271 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, COLUMN 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO INCREASE THE AMOUNT PERMITTED TO BE RAISED FROM THE TAXATION OF REAL ESTATE AND TO PERMIT QUARTERLY ASSESSMENTS OF REAL ESTATE. (2/3 vote)

Roll call vote on SB 271 was taken and revealed 20 Senators voting YES; and 1 (Knox) ABSENT; therefore, the Bill was declared adopted by the Senate and sent to the House.

Under suspension of rules, Senator Sokola requested that SJR 9 be lifted from the table and brought before the Senate for consideration.

SJR 9 - ESTABLISHING A COMMITTEE TO REVIEW THE CLASSIFICATION MAINTENANCE REVIEW WRITTEN APPEAL PROCEDURE AND TO RECOMMEND AN APPEAL PROCEDURE TO INCLUDE EMPLOYEES IN MERIT COMPARABLE POSITIONS. Sponsors: Senators Sokola, Still; Representatives Oberle, Mack, Campanelli, Lofink, B. Ennis, Reynolds, Houghton, Davis.

Senators McBride and Still had questions for the sponsor. Roll call vote on the Resolution was taken and revealed 20 Senators voting YES; and 1 (Knox) ABSENT; therefore, SJR 9 was declared adopted by the Senate and sent to the House for consideration.

Under suspension of rules, Senator Sokola requested that SB 269 be lifted from the table and brought before the Senate for consideration.

SB 269 - AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION.

Roll call vote on the Bill was taken and revealed 20 Senators voting YES; and 1 (Knox) ABSENT; therefore, SB 269 was declared adopted by the Senate and sent to the House.

The following legislation was introduced and assigned to Committee:

SB 277 - AN ACT TO AMEND TITLE 9, TITLE 22 OF THE DELAWARE CODE RELATING TO STATE MANDATES TO LOCAL GOVERNMENTS. Sponsor: Senator Venables. To Community/County Affairs.

SB 278 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES. Sponsors: Senator Adams, Senator Minner; Representatives Carey and Caulk. To Agriculture.

SB 279 - AN ACT TO AMEND CHAPTER 1, TITLE 8 OF THE DELAWARE CODE RELATING TO RECORDING OF CORPORATE FILINGS AND RELATED FEES. Sponsors: Senator Sharp; Representative Hebner. To Judiciary.

On motion of Senator Adams and without objection, the necessary rules were suspended to consider the following nominations of Mr. Michael Ratchford for appointment as Secretary of State.

Roll call vote on the nomination was taken and revealed 20 Senators voting YES; and 1 (Knox) ABSENT; therefore, Mr. Ratchford was confirmed.

Senator Sharp requested personal privilege of the floor for the purpose of introducing the new Secretary of the State. Mr. Ratchford then introduced his family who were guests in the chamber.

At 6:46 p.m., on motion of Senator Sharp, the Senate recessed until January 30, 1992 at 1:30 p.m.

The Senate reconvened January 30, 1992 at 1:37 p.m. with Lt. Governor Wolf presiding and immediately adjourned to convene for the 9th Legislative Day.

9TH LEGISLATIVE DAY
136TH GENERAL ASSEMBLY
Second Session
January 30, 1992

The Senate convened at 1:37 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, 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. No objection.

On motion of Senator Sharp, the Senate took a standing recess to await the arrival of the House members in order to convene the Joint Session for the purpose of hearing the combined State of the State and Budget Address by Governor Michael N. Castle.

The Majority Leader moved to recess for the Joint Session at 1:43 p.m.

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

The members of the House of Representatives were admitted and welcomed by the Lt. Governor. At the invitation of the Lt. Governor, Representative Spence and Senator Cordrey joined him on the podium.

The Sergeant-at-Arms announced the arrival of the Chief Justice of the Supreme Court and other members of the Judiciary. They were admitted and seated.

The Sergeant-at-Arms announced the arrival of the State and County elected officials. They were admitted and seated.

The Sergeant-at-Arms announced the arrival of the members of the Governor's Cabinet. They were admitted and seated.

At 2:08 p.m. Senator Sharp moved that the House and Senate meet in Joint Session for the purpose of hearing the State of the State and Budget address. There was no objection.

Senator Sharp moved that the Lt. Governor, as President of the Senate, preside over the Joint Session. There was no objection.

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

Senator Sharp moved that the Lt. Governor appoint a committee of four to escort the Governor to the Chamber. There was no objection and the Lt. Governor appointed Senator Robert T. Connor (spokesperson) and Senator Hermam M. Holloway, Sr., Representative Edward J. Bennett and Representative Roger Roy to escort the Governor.

The President then called a standing recess until the arrival of the Governor.

The Joint Session reconvened.

The Sergeant-at-Arms announced the arrival of the escort party with Governor Castle. They were admitted.

Senator Connor introduced the Governor to the Joint Session.

The President welcomed the Governor to the Joint Session and the Governor addressed the assembly as follows:

STATE OF THE STATE / BUDGET ADDRESS
Governor Michael N. Castle
Legislative Hall
Dover, Delaware
January 30, 1992

Thank you. 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.

Traditionally Delaware's Governor delivers two speeches each January but at this year's first leadership lunch I said I wanted to combine the State of the State and budget addresses to maximize use of everyone's time. Senator Cordrey spoke for everyone here today when he pulled me aside and told me that was the best decision I had ever made as governor. Well hopefully today we can present a few other candidates for best decision runner-ups.

Seven years ago, I stood outside this building on a cold January day, and for the first time addressed the citizens of Delaware as their Governor. If I had declared in that address that in just 2,571 days --

- the greatest public health threat to Delawareans and the world would be AIDS;
- that the Soviet Union and Communism would collapse without one missile launched between the U.S. and what used to be the USSR;
- that every Delawarean would be paying hundreds of dollars to help bail out Savings and Loans in California and Texas;
- that a skyrocketing number of babies would be born addicted to crack and cocaine;

- or, that the DuPont Company would dramatically reduce its Delaware work force; the voters would have demanded a recount.

Yet, the guiding principles I outlined seven years ago in my first speech delivered in good times, still apply today in uncertain conditions.

"For as long as one child is in danger or neglected, as long as one senior citizen is denied benefits of modern medical technology, as long as one community must endure the threat posed by hazardous wastes and 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."

Times, ladies and gentlemen, have certainly changed, but Delaware's difference is that our commitment and optimism remain despite the adversity surrounding us. As Ralph Waldo Emerson once wrote: "This time, like all times, is a very good one, if we but know what to do with it."

Like the lighthouse at Cape Henlopen that in the past guided thousands of sailors through rising and falling tides, so has Delaware government steered its people through dramatic changes and transitions -- anchored by our commitment to fiscal integrity and our unique quality of life.

We have done more than just balance columns of numbers and figures. We have balanced our resources with the needs of our people.

We have done more than cut personal income taxes three times. We have removed more than 40,000 low-income people from the tax rolls completely.

Our high bond rating stands intact while the ratings of our sister states are in free-fall.

We have substantially reduced budget expenditures over the last three years; yet, despite these reductions, have minimized their effects on direct state services.

What we have accomplished is far more than bean counting -- what we have done is made every single tax dollar count toward today's needs and tomorrow's dreams.

But as we work on both the Fiscal Year '92 and '93 budgets, one set of stark figures jumps off the pages -- state revenue growth has decreased significantly in the last two years, and is continuing to retreat as the national recession lingers.

While some may argue that this is the time to take the easy course and enact a general tax increase to meet these shortfalls, I will not support that action.

It is the wrong answer -- in the wrong place -- at the wrong time.

Today, when every working family in Delaware must make hard decisions and cut discretionary spending to make ends meet, this government must do no less.

Every tough decision we made last year is helping us with this year's budget. For example, facing tough times last year we implemented a successful Early Retirement Option, which will save approximately \$15 million in the coming fiscal year. Many of you had doubts. You were rightly concerned that if those positions reappeared in this budget, there would be no real savings. That has not happened.

Long-term employees received an excellent financial opportunity. New spirit and talent was infused into our schools. Once again we demonstrated that we can make good things happen in bad times.

In this budget you will find the same type of tough choices. This budget is not balanced with smoke and mirrors. Next January, I will leave my successor, whoever he or she may be, with a solid and sustainable budget. Further, should economic conditions continue to deteriorate during the course of your budget deliberations, I will recommend appropriate actions.

I am presenting a \$1.223 billion budget today, which has just 1.7 percent adjusted growth over last year.

Although we all understand revenues are down, and cuts have been made, we must also recognize that we had no choice but to increase certain sections of this budget because of significant federal mandates and state formulas over which we have little control. Fortunately, these increases are in areas that also represent important needs such as Medicaid services, public education, and adult and youth correction programs.

In addition, this budget includes funds for a modest State employee salary increase, a plan to reallocate education money to make school funding more flexible and an administrative cost savings program.

The Bond Bill will also feel revenue pressures.

First, the amount of funds available for non-transportation capital expenditures is \$63.2 million -- about 30 percent less than the amount available last year.

And second, the total need for education-related projects has sharply risen -- requiring nearly 55 percent of these funds.

Also included in this bill are the necessary funds to complete the New Castle County Detention Center, Adult Correction projects and begin the Ferris School restructuring. In just four years we will have substantially expanded our correction facilities expending over \$55 million on adult corrections, and almost 15 million on juvenile facilities.

This expansion of our secure facilities has been driven by the increase in serious crime primarily related to drugs and drug abuse. But, beyond just building jail cells, the operating budget continues our efforts to find alternatives to incarceration both at the

juvenile and adults levels. These alternative programs, combined with our overhaul of the parole and work release systems, better prepare prisoners to return to be productive members of society.

During the past fiscal year, adverse economic conditions also affected Transportation Trust Fund revenues. The capital budget for transportation is down 17.2 percent from last year. To complete the shift of transportation costs begun last year, I am proposing the Division of Motor Fuel Tax and all remaining Department of Transportation General Fund costs be moved to the Trust Fund.

If we are to meet the needs for a new transportation system for the year 2000 and beyond, we must fund projects that will not come on line for years.

Consider that just 10 years ago people traveling in or through Delaware drove 4.4 billion miles annually. Today that number has jumped to more than 6.4 billion miles, and by the year 2010 that number will be almost 9 billion miles.

We will continue to move ahead with essential transportation projects such as the Route 1 Relief Route project, including the new six-lane bridge over the C&D Canal. The Grant-in-Aid set-aside of \$19.0 million includes \$1.1 million for the critical statewide paramedic program, although the overall increase is just \$100,000.

The struggle to build these budgets has not been easy and won't get easier before June 30. The task of the Joint Finance and Bond Bill Committee chairpersons -- Senator Cook, Representative Corrozi, Senator Martin and Representative Roy -- as well as the rest of the members, will not be easy. Many advocacy groups will legitimately demand more. But we must keep in mind the complete picture. To satisfy the needs of one segment of society at the price of the whole is wrong.

Establishing a fair system of compensation for State employees has been one of the top priorities throughout my Administration, not only because I feel they deserve it, but because they have truly earned it.

By making significant cuts in administrative and overhead spending, this budget allows us to set aside approximately \$12 million that will fund a pay increase of 2.0 percent for non-educational employees, excluding cabinet members, elected officials and judges.

As you know, teachers received steps and local supplements last year, but like State employees, they received no general increase.

The \$12 million set aside this year for salary increases will provide sufficient funds to continue steps plus an additional 1.0 percent. And, assuming similar local raises for teachers in the coming year as in this current year, the average teacher increase will be at least 2.0 percent.

There has been much talk lately of states "re-inventing" government, and perhaps in states with tremendous problems that is the right solution. In Delaware, we basically have a good product. You don't need to re-invent it, you only need to improve it and enhance it. After all, look what happened when someone tried to re-invent Coca-Cola.

In this budget there are a number of cuts and consolidations made through the MAX program -- a program that Senator Venables and Representative Petrilli helped make possible. This effort will maximize the quality and efficiency of State Government services by restructuring, improving services and developing cost savings over \$5 million in Fiscal Year 93.

This program, combined with other efforts, will eliminate approximately 225 positions, of which approximately 100 are currently filled. Through attrition and reallocation of positions in various departments, we will offer these people continued employment.

What Delaware needs to do, unlike crisis-ridden states, is take the good government we have and make it better. Our's is a good government for many reasons, but particularly because of the hard work of our outstanding Cabinet members and the extraordinary commitment and dedication of the General Assembly members.

I would like to take a moment to recognize one of my former cabinet members, Mike Harkins. But what can I say about a man who is truly larger than life and who has so greatly helped improve others lives with his work in this administration. I can say, however, that I deeply appreciate his commitment.

I would also like to recognize my new Secretary of State, Michael Ratchford, who has stood by my side even when it was not a very fun place to be. Although I note he was not there during the bomb scare today.

The cabinet's achievements and the legislators' achievements in economic development, environmental protection, education, health care and many other important areas, are a result of their cooperation and belief in helping the people of Delaware. Their achievements represent opportunities for all our people, and for that you have my appreciation.

* * *

Perhaps the most important opportunity we must create today is job opportunities for every Delawarean able to work.

While job growth and economic development have become buzz words recently, they have been principles to which we have always been strongly committed.

During the decade of the 80s, we took significant steps to change and strengthen our historic employment base.

The initial banking legislation and the subsequent actions taken by this Legislature and this Administration have broadened our employment base. Those direct jobs and the spin-off services they created, have given Delaware the 12th highest job growth rate in the Nation. Since 1985 alone, we have created 63,000 new jobs which represent 18 percent of our total workforce.

While we understand that corporate America must restructure to remain competitive in the world market, the employment loss this entails on a short-term basis is devastating to the economy and to the employees affected. Depending merely on historic employers for job growth will not work. Delaware, in both the public and private sectors, must do no less than continue to be the First State in adapting to those changes by providing new business and personal employment opportunities.

The cooperation among the public, private and educational sectors in Delaware to help our economy is second to none. It has led to significant social improvements, to unprecedented growth in the poultry industry, to unrivaled opportunity for the financial industry, to a world-class High Technology Park being created in partnership with the University of Delaware and the State; and to a heightened realization of the absolute advantage of being a Delaware corporation.

We cannot fully insulate our citizens or our state revenues from a national recession. But, the answer to the question that many of you have asked: why are we better off than many of our surrounding states is rooted in those decisions we made together and a decade-long plan that pursued every new job opportunity.

This state government believes that every new job counts. Every new job in Delaware counts because these jobs are just not numbers, they are real people -- your neighbors and friends. They represent car payments, tuitions, and mortgages.

And that is just one more reason I am particularly pleased to be able to share some new job announcements with you today -- announcements I see as opportunities and hopes for the future.

- Salga Products, a plastic molding company located in New Castle County, is hiring 50 new employees, in part because of an incentive program the State offered them.
- Citibank has now finalized and confirmed its plans to establish its national insurance headquarters in the Dover area. Nearly 100 employees will be hired by the end of this year, and another 150 jobs will be created in the next 18 months.
- And, Townsends is expanding its Millsboro facility. The project should be complete by this summer, and is expected to create 200 new jobs in our important poultry industry.

I have no doubt many more jobs will be created this year -- some as a direct result of the economic development package now before the General Assembly, which is targeted to help small businesses, the core of our job growth success and those hardest hit by shrinking financial resources.

We will also redouble our efforts to expand the base of our financial industry not only in banking but in other financial products and services -- industries that at least in Delaware have continued to grow substantially even in these tough times.

We must turn our energies anew to convince world-class corporations like Hewlett Packard that Delaware's advantages as a legal resident are equally beneficial for operations and headquarters.

We will continue to target high tech industries through the Delaware Technology Park that are natural partners to be located in the first class environment of our University and we will work closely with companies such as Swearingen -- the airplane manufacturer which is bringing new jobs to Kent County.

None of these solutions alone is the answer. There is no quick fix to the current economic problems. The combination of fiscal restraint, sound public policy, outstanding public/private cooperation, our special quality of life and these initiatives, will lead us through this difficult period. Rather than wringing our hands over our present adversity, it is time to join hands and reinforce our economic development efforts.

What truly makes Delaware different is not programs or tax cuts, it is the unique quality of life. One short story illustrates this point.

Last week, on the spur of the moment, Senator Cook and Development Office Director John Casey brought a consultant from Nebraska into my office who was eagerly looking for an east coast location for one of his clients. He had been to other states in the area already, and was taken aback by the problems he saw -- so much so, that when he came to Delaware, he was shocked to see how different our quality of life was, and noted:

- * How friendly our people are;
- * How accessible and cooperative our public officials are;
- * How easy it is to travel around the State; and,
- * How clean our environment is.

Indeed, while economics and jobs play a significant role in our quality of life -- our environment is also an essential element. Because of the General Assembly's willingness to

balance the needs of our environment with the needs for a thriving economy, we have a quality environment.

We began seven years ago by making environmental protection a priority, and through regulations and clean-up programs, improved our land, water and air.

With this foundation in place, we shifted our attention to environmental preservation and we launched the extremely successful land acquisition and Greenways programs, which many here in the Legislature helped to fund, to guarantee that important natural areas are preserved. And, with more than 20 percent of Delawareans participating in the RECYCLE DELAWARE program, we are protecting the natural resources and land that otherwise would be wasted -- buried in landfill mounds that someday would have become trash mountains.

Our commitment to environmental quality and protection, as well as economic development, will continue lighting our path to prosperity, but prosperity for today's young people will only be possible if we have programs in place to help them achieve it.

* * *

In seven years, I've learned that there are no quick fixes in education. You don't solve educational problems with slogans or rhetoric. Educational solutions require good plans and tenacity.

We began by focusing on what we put into education by making our average teacher salary 13th highest in the nation; by making operating and capital funding between rich and poor districts more equitable; by restructuring 21 of our schools through Re:Learning; and by creating alternative programs for dropouts.

To not only be the best, but to be better, will require change like letting teachers design some of their own curriculum and developing the first-ever National Principals' Leadership Academy. We have already made one great change in bringing Pat Forgione -- a nationally known educator -- here as our new State Superintendent, and will look for him to lead us toward other changes.

I believe strongly that commitment to the principles of DELAWARE 2000 and AMERICA 2000 are essential to our success. We must not only care about how we teach and what we are paying our teachers -- we also must care what our children learn!

We stand at a crossroads today -- looking back we see modest returns on our investments -- looking ahead we see endless opportunities to break down barriers and move ahead. Our children have the ability to learn what they need to be successful; they have the desire, and we have our commitment to them. Now we must fulfill that commitment.

I am proposing in this budget the third year of full funding for equalization, and responding to the Districts' top request for more flexible funding by increasing the Academic Excellence Block Grant by \$2.3 million. This will allow districts to use all of their grant money for hiring new teachers, or if they prefer, using half of the funds for new teachers and the other half for programs or services of their choice.

But to fund these programs within severe financial restraints, it is necessary to shift some funding within education. To that end -- I am recommending a change in the way vocational students are counted. This revision will result in a substantial savings, a portion of which will be reallocated to fund mandated new growth and other education programs.

In addition, I am making reductions in other administrative and overhead costs to provide greater flexibility and to redirect these to the classrooms, but I am recommending an increase in overall education funding.

If you are like me, and sometimes feel yourself losing sight of what education really means to our kids because of the hundreds of reports, studies, opinions, and theories inundating us each day by education experts, than perhaps we ought to spend a moment hearing from two "true" experts.

A November issue of the Sussex Countian printed opinions from school children about what education meant to them. In each of their words is a lesson for every one of us.

Frankford Elementary fifth grader Gabrielle Purnell said, "Education is something very important because if you don't have education, you can't have many things in life. It is very important for you." Mark Phillips, a fifth grader at Georgetown Elementary explained, "Education will help me get a good job in the future. It can help me make something of myself."

Ladies and gentlemen, Gabrielle and Mark are here today and I would ask them to stand so that each and every one of us can pledge to them that we will have an education system that not only can help them, but does help them and every other Delaware child make something of themselves and make their dreams come true. Thank you Gabrielle and Mark.

* * *

Unfortunately, though, the American Dream is being threatened by a new American nightmare -- 36 million people are receiving inadequate health care. In Delaware, 72,000 of these people, one-third of whom are children -- are getting little care beyond emergency room visits -- the most expensive and ineffective way to deliver health care. In addition, these services come too late. It is to those children in need, and to all children, that we must turn our full attention today.

We cannot end our commitment just by giving children a good education or the promise of good job opportunities. We must give them good health care. "If you have your health, you

have everything," is more than a saying -- it is part of the American Dream.

Over the last seven years we have improved access to health care through the outstanding work of the Health Care Cost Management Commission, the Indigent Health Care Task Force, the current Delaware Health Care Commission, and through programs such as SMART START, Diamond Deliveries and Medicaid expansions. In addition, we have helped make people's lifestyles healthier through efforts by the Council on Lifestyle and Fitness and will continue trying to do so as we push hard this session for anti-smoking legislation.

But now in a time when the demands on our children are greater than ever, we are taking what I consider to be the most significant steps possible toward helping them have happy and healthy lives.

Today we are launching a plan that will give all poor Delaware children up to age 18 the type of health care your children receive today.

If they have a high fever in the middle of the night, there will be a doctor to contact for help. If they need a regular check-up, they will have a doctor to see. If they require emergency or hospital care, they will receive that also.

And in all these cases, the health care services will be offered as close to their homes as possible -- and much closer than is available now in our underserved areas.

In addition to helping our poor children, we will also help children who are insured, or whose parents can afford to pay for some portion of the care, by making sure they have doctors and care when and where they need it.

In part, the plan for poor children will be managed through Medicaid expansions, but in putting this together we quickly realized that would not be enough.

In contemplating how to best address both the problem of access and affordability for our children's medical care, I could think of no better partner than the Nemours Foundation with its historic commitment to Delaware and to children. As a result of discussions with the Foundation, it has committed to building and operating children's health care centers in all three counties.

The trustees expect to open centers later this year and have all centers open by the end of 1993. I have asked the Department of Health and Social Services and the Delaware Health Care Commission to work closely with them in support of this extraordinary effort, so that in just two years Delaware will have a network of children's health care clinics statewide, built and operated by the Nemours Foundation, and offering the high quality of care the Alfred I. duPont Institute is known for worldwide.

I would like to take this opportunity to thank the Nemours Foundation for its generosity and willingness to be our partners in this fight for our children's futures.

In combination with our priority of giving health care to children, I am also proposing an action plan today that includes new State initiatives, stronger public/private partnerships, and actions to encourage wide participation in the overall effort to provide health care to others in need.

To accomplish these objectives, we will undertake four initiatives.

- * One, reallocate current funds within the Delaware Institute for Medical Education and Research, known as DIMER, for recruiting physicians to Delaware in specialties such as family medicine, and in locations with doctor shortages. In addition, students receiving DIMER scholarships who do not return to practice in Delaware will have to pay back their scholarship money.
- * Two, implement a pilot project through the Health Care Commission and Department of Health and Social Services to develop a system for meeting the needs of poor or uninsured adults who are now forced through our expensive emergency room doors to receive care that could have been prevented, or been less expensive, through early intervention.
- * Three, adopt insurance reform measures that will be presented to the General Assembly in March by the Commission. These measures will assist employers who would like to provide health care benefits for their employees but cannot because of practices by the insurance industry.
- * And, four, re-establish hospitalization coverage to general assistance recipients -- truly our most needy adults.

The programs I have just described, including medical care for our children, are based on prevention and early intervention, and in the long run save money. But the initiation of these programs will require funds. And so to that end, I am also recommending a plan for generating resources to be used for the sole purpose of funding health care services and programs.

I am proposing adoption of a 1.0 percent provider based assessment on all Delaware hospitals and health care facilities on their net proceeds, and a surcharge on physicians' licensing fees.

This is NOT your typical tax. The funds it raises will actually generate additional revenues from the Federal Government in matching funds.

All this additional money will directly support the new health care efforts I have outlined today. The use of these dedicated funds for health care services and programs only, will be guaranteed by creating the Delaware Health Care Trust Fund, which will include the proceeds from the provider-based assessment and physician surcharge, the

cigarette tax increase implemented in Fiscal Year 91, and other non-state revenue sources the Commission may develop.

Everything I have proposed has been directly aimed at making health care available to those who need it most. But this is only one area of emphasis if we are to end the health care crisis.

I have a simple message for anyone involved in health care, whether it is pharmaceutical manufacturers, insurance companies, medical equipment providers, nursing home providers, doctors, or hospital administrators -- health care costs are out of control, and your efforts have had little positive impact on controlling these costs.

Government has been left no choice but to help bring medical costs under control -- including lowering prescription drug prices, reforming medical malpractice and preventing duplicative and unnecessary procedures -- and it would serve those involved with those issues to make improvements on their own so that government does not have to create any new regulatory systems.

Delaware is taking an important step today towards cost containment by launching plans that will help reduce the amount of uncompensated care health care professionals and facilities provide, and the amount of costly emergency procedures that could have been stopped by preventive care.

Likewise, the pilot project by the Delaware Health Care Commission to provide early treatment to the poor, and its insurance reforms to be presented to the General Assembly in March, will further help contain costs.

Another step I am calling for is to have the Health Care Commission thoroughly review our current Certificate of Need program and make recommendations for dramatically improving it. The program's intent is correct -- to eliminate unnecessary purchases of expensive equipment and unneeded increases in health care facility capacities. Yet I am concerned that it is not making the impact we need to keep costs down.

A true partnership between my Administration, the General Assembly, the Delaware Health Care Commission, the Department of Health and Social Services, the Nemours Foundation, and most importantly, health care providers, employers and children's advocates, is necessary to achieve appropriate care for all our children.

We can meet the objective of providing health care opportunities for all our children, and others in great need, but the State cannot, and should not, accomplish this alone. I would like to take a moment now and thank Steve Golding, the chairman of the Health Care Commission, and its members for all their assistance with this plan. Thank you.

Affordable and accessible health care should not be society's "Impossible Dream." This is an achievable part of the American Dream.

* * *

Commitment to making change -- change for the better within a framework of prudent fiscal policies -- is the core of Delaware's success.

Every financial decision we have made -- every law we have passed -- every program we have created, and every person we have helped, reflects this commitment.

Every dollar we have invested -- every tax we have shifted or reduced -- every right we have expanded and every wrong we have corrected, has been a commitment to change for the better.

As we prepare to move ahead in 1992 with health care reform and commit ourselves to battle with the budget, let me leave you with some reflection on what that commitment means.

There is no one in this Chamber who does not know of my enthusiasm for sports. While my skills may lack some talent, they are always used with intensity and competitiveness. Of all the sporting events I have witnessed, perhaps none stands out more in my mind with such intensity as the last few minutes of that 1980 Olympic hockey game in Lake Placid when an underdog and scrappy United States team stood on the brink of beating the number one ranked team in the world.

The chant of "USA, USA -- " thundered through that arena -- drawn to the passionate height that only the dream of Olympic Gold inspires.

In 1989, a world-class training center for figure skaters opened at the University of Delaware under the leadership of Olympic medalist Ron Ludington who is here with us today. Ron's leadership and vision have made countless dreams come true in Delaware, and so I would like us to recognize him for his extraordinary achievements. Ron, would you please rise.

Two of Ron's students, Calla Urbanski and Rocky Marval, recently won the United States National Pairs Figure Skating Championship -- realizing a dream against tremendous financial, competitive, and physical odds.

In 48 hours they leave for Albertville, France, on a quest for the gold -- a quest that is far more than just a medal. It is a quest that is a lesson in true commitment.

They have taught us that commitment -- skating endless hours each day, and working to pay the bills, in Calla's case waitressing in a Wilmington restaurant, and in Rocky's running a trucking operation -- and they've shown it can sustain you even in the most challenging times.

Since none of us I presume will have the opportunity to be in France and give Calla and Rocky a standing ovation after their Olympic performances in person, I would like to ask

Calla and Rocky to come forward today so we can stand and recognize them and their commitment. Would you please come forward. These two fine Olympians.

Calla and Rocky:

We wish you luck.

We salute your dedication and commitment.

And we offer you our prayers for success.

But most importantly, we thank you. We thank you for taking to France your pride in Delaware -- which will flash from your blades for a few fleeting moments as the world sees your personal commitment to excellence. Thank you very much for all you've done.

For seven years, I've had the unique privilege of standing before you and presenting my plans and ideas for our people. Together, we have molded those ideas and forged a commitment to all Delawareans.

That is public service.

And as we face the difficult task of 1992 -- I am strengthened by the knowledge that we will meet these difficult challenges with the same commitment as Calla and Rocky.

Two hundred and four years ago, when our predecessors gathered across The Green in Mrs. Battle's Tavern to act on the United States Constitution -- they had never heard of AIDS -- or savings & loans -- or missiles -- or the Soviet Union -- or crack or cocaine -- or even the DuPont Company -- but they did know that the document they were ratifying was a commitment to the people of Delaware.

That commitment remains as strong and as enduring in this Chamber today as it did then. And it is that commitment that inspired Jefferson so correctly to pen Delaware -- a jewel among the states.

Thank you very much and God bless you.

Finis

* * *

The President thanked the Governor for his address and asked the previously named 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 informed the Joint Session that he and the Chief Clerk of the House had compared their Journals and found that they agreed.

At 2:38 p.m. Senator Sharp moved that the Joint session adjourn and the two Houses separate to reconvene in their respective Chambers. There was no objection and the Lt. Governor declared the Joint Session adjourned.

The Senate reconvened at 4:23 p.m. with Senator Cordrey presiding.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HCR 68 and SCR 74, SCR 75, and SCR 84.

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

STATE OF DELAWARE
Office of the Governor
January 30, 1992

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:
Jean A. Crompton, 910 Wawaset Street, Wilmington, DE 19806, to be appointed Associate Judge of the Family Court, in and for New Castle County, State of Delaware, to serve a twelve year term to succeed John T. Gallagher.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

The following legislation was introduced and assigned to Committee:

SB 265 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1993; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Senators Bair, Connor; Representatives Spence, Petrilli, Buckworth. To Finance.

SB 266 - AN ACT PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 1993 TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SOCIAL SERVICES FOR THE PURPOSE OF AN EMERGENCY CONCERNING MEDICAID FUNDS FOR NON-STATE INSTITUTIONS. (3/5 vote) Sponsors: Senators Bair, Connor; Representatives Spence, Petrilli, Buckworth. To Finance.

SB 272 - AN ACT TO TRANSFER FUNDS FROM THE HEALTH FACILITIES SUBSIDY FUND TO THE GENERAL FUND. Sponsors: Senators Bair, Connor; Representatives Spence, Petrilli, Buckworth. To Finance.

SB 280 - AN ACT TO AMEND CHAPTER 80, TITLE 15 OF THE DELAWARE CODE RELATING TO CAMPAIGN CONTRIBUTIONS. Sponsors: Senator Sharp, Representative Oberle. To Insurance/Elections.

Lt. Governor Wolf presided at 4:27 p.m.

SB 281 - AN ACT TO PROVIDE SALARY INCREASES FOR CERTAIN STATE EMPLOYEES. Sponsors: Senators Martin, Holloway, McBride, Marshall, McDowell; Representatives Davis, Mack, Reynolds; Schroeder, Outten, Campanelli, VanSant, Houghton, Oberle, Brady, Spence. To Finance.

SB 282 - AN ACT TO AMEND TITLE 1 OF THE DELAWARE CODE TO CREATE A NEW CHAPTER 8, RELATING TO LEGAL NOTICE AND ADVERTISEMENTS. Sponsor: Senator McDowell. To Judiciary.

SB 283 - AN ACT TO AMEND TITLE 5, DELAWARE CODE TO ADD A NEW CHAPTER 21 RELATING TO MORTGAGE LOAN BROKERS. Sponsor: Senator Cordrey. To Banking.

SB 284 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ESTIMATION AND REPORTING OF TAX PREFERENCES. Sponsors: Senator Marshall; Representative D. Ennis. Laid on the Table.

SB 285 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO ELSIE EVERETT, TRANSFERRING MONIES INTO THE STATE EMPLOYEES' PENSION FUND, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT PROVIDED BY THIS ACT AS IF THE PAYMENT WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsor: Senator Vaughn. To Finance.

SB 286 - AN ACT TO AMEND CHAPTER 2, SECTION 205 OF TITLE 11 OF THE DELAWARE CODE RELATING TO TIME LIMITATIONS WITHIN WHICH PROSECUTIONS MUST BE COMMENCED. Sponsors: Senator Sokola and Representative Petrilli; Senator Blevins, Representative D. Ennis. To Judiciary.

The following amendments were read in and placed with the bill:

SA 1 to SB 234 - Sponsor: Senator Marshall

SA 2 to SB 234 - Sponsor: Senator Marshall

SA 1 to HB 354 - Sponsor: Senator Venables

SA 1 to HB 302 - Sponsor: Senator Venables

SA 1 to HB 415 - Sponsor: Senator Sharp

Senators Marshall, Martin, and McBride were marked present.

SENATE CONSENT CALENDAR #23 was introduced and considered for adoption on motion of Senator Minner. The calendar included the following Resolutions:

SR 48 - RESPECTFULLY URGING MEMBERS OF THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT THE CABLE TELEVISION CONSUMER PROTECTION ACT OF 1991 OR SIMILAR LEGISLATION TO RESTORE THE RIGHT OF LOCAL REGULATORY AGENCIES TO REGULATE CABLE TELEVISION RATES AND PROMOTE GREATER COMPETITION WITHIN THE CABLE TELEVISION INDUSTRY. Sponsor: Senator Holloway.

Senator Still requested to be added as a co-sponsor of SR 48.

SR 49 - ESTABLISHING A TASK FORCE ON FARM TRUCK REGULATIONS TO STUDY THE PROPOSED CHANGES IN STATE AND FEDERAL MOTOR VEHICLE LAWS. Sponsors: Senators Adams, Cook, Cordrey, Minner, Venables.

SCR 86 - EXTENDING THE DATE BY WHICH THE TASK FORCE ON ENVIRONMENTAL EDUCATIONS IMPLEMENTATION IS TO REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY TO OCTOBER 1992. Sponsors: Senator Minner; Representative Carey.

SCR 87 - EXTENDING THE DATE BY WHICH THE DELAWARE RIVER AND BAY OVERSIGHT COMMITTEE SHALL REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY. Sponsors: Senator Minner; Representative Carey.

SCR 88 - COMMENDING AND THANKING ROBERT "BOBBY" H. BRYAN ON HIS IMPENDING RETIREMENT AS PAYROLL SUPERVISOR IN THE CHRISTINA SCHOOL DISTRICT, HAVING COMPLETED TWENTY-SIX YEARS OF EXCITING AND DEDICATED STATE SERVICE. Sponsors: Senator Cook; Representative Gilligan.

HCR 62 - THANKING ERNEST J. CAMOIRANO FOR HIS YEARS OF DEVOTION TO REPUBLICAN POLITICS AND HONORING HIM AFTER EIGHT YEARS AS NEWARK REGIONAL CHAIRMAN. Sponsor: Representative Petrilli on behalf of all House and Senate Republicans

HCR 68 - CONGRATULATING THE ST. MARK'S SOCCER TEAM ON THEIR FOURTH STATE TITLE IN SIX YEARS. Sponsors: Representative Roy; Senator Sharp; Representative Taylor.

Roll call vote on the Consent Calendar was taken and revealed 21 Senators voting YES; therefore, the Resolutions was declared adopted by the Senate.

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

PHYLLIS M. MCKINLEY - 21 Senators voting YES. Confirmed.

VINCENT J. POPPITI - 20 Senators voting YES; 1 (Adams) NO. Confirmed.

Comments regarding the confirmation of Judge Poppiti were offered by Senators Adams, Marshall, McDowell and Bair.

Under suspension of rules, Senator Sharp requested SB 279 be brought before the Senate for consideration.

SB 279 - AN ACT TO AMEND CHAPTER 1, TITLE 8 OF THE DELAWARE CODE RELATING TO RECORDING OF CORPORATE FILINGS AND RELATED FEES.

On motion of Senator Sharp, the privilege of the floor was extended to Mr. Jeffrey Lewis, Assistant Secretary of the State.

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

Under suspension of rules, HB 415 w/HA 1, 5 was taken up for consideration on motion of Senator Marshall.

HB 415 w/HA 1, 5 - AN ACT TO AMEND CHAPTERS 11 AND 20 OF TITLE 30 AND CHAPTER 11 OF TITLE 5 OF THE DELAWARE CODE AND 64 DELAWARE LAWS CHAPTER 460 AS AMENDED BY 67 DELAWARE LAWS CHAPTER 120 AND 68 DELAWARE LAWS CHAPTER 6 RELATING TO TAX CREDITS.

SA 1, which had been previously placed with the Bill was taken for consideration on motion of Senator Sharp.

Senator Bair requested personal privilege of floor for Mr. John Casey of the Delaware Development Office to address the issues of various senators. The witness was excused.

Roll Call vote on the amendment revealed 8 Senators voting YES (Blevins, Holloway, Marshall, Martin, McBride, McDowell, Sharp, Vaughn); 12 (Adams, Bair, Connor, Cook, Cordrey, Hauge, Knox, Neal, Sokola, Still, Torbert, Venables) voting NO; and 1 (Minner) ABSENT; therefore, SA 1 was defeated.

HB 415 w/HA 1, 5 was before the Senate. Roll call vote on the Bill was taken and revealed 18 Senators voting YES; 1 (Sharp) voting NO; and 2 (Holloway, Vaughn) NOT VOTING. The Bill was declared adopted by the Senate and returned to the House.

On motion of floor manager Senator Venables, HB 416 was read in for third and final time and brought before the Senate under suspension of rules.

HB 416 - AN ACT TO AMEND CHAPTER 11 OF TITLE 30 AND CHAPTER 50 OF TITLE 29 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX CREDITS FOR CERTAIN QUALIFIED INVESTMENTS.

Roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, HB 416 was declared adopted by the Senate and returned to the House.

Senator Cook yielded to Senator Martin for the purpose of working on HB 417, under suspension of rules.

HB 417 - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES DEAUTHORIZING FROM THE DEPARTMENT OF CORRECTION AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL PRIOR GENERAL OBLIGATION BOND AUTHORIZATIONS AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; REVERTING AND REPROGRAMING CERTAIN FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. (3/4 vote)

Senator Sharp requested personal privilege of the floor for Mr. John Casey of the Delaware Development Office. Senators Holloway, Bair, Vaughn and Minner asked questions of the witness, who was then excused.

Senator Cordrey presided at 5:34 p.m.

Roll Call Vote on HB 417 was taken and revealed 19 Senators voting YES; and 2 (McDowell, Sharp) NOT VOTING; therefore the Bill was adopted and returned to the House.

HB 302, on motion of the floor manager, Senator Venables, was brought before the Senate for consideration.

HB 302 - AN ACT TO AMEND CHAPTER 5, TITLE 4, OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS. (2/3 vote).

SA 1, which had been previously placed with the bill was considered on motion Senator Venables. Roll call vote on the amendment was taken and revealed 21 Senators voting YES; therefore the amendment was declared adopted by the Senate.

Roll call vote on HB 302 w/SA 1 was taken and revealed 21 Senators voting YES; therefore, the Bill as amended was declared adopted by the Senate and returned to the House.

On motion of Senator Marshall, HB 353 was brought before the Senate for consideration.

HB 353 - AN ACT TO AMEND CHAPTER 11, TITLE 19, DELAWARE CODE RELATING TO WAGE PAYMENT AND COLLECTION.

Senators Holloway and McBride questioned the floor manager of the Bill. Senator Marshall requested personal privilege of the floor for Andrew Stayton, representing the Delaware State Chamber of Commerce to speak to the Bill.

Roll call vote on HB 353 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared adopted by the Senate and returned to the House.

On motion of Senator Cook, SCR 89 was introduced and read in its entirety.

SCR 89 - FAREWELL AND BEST WISHES TO WILLIAM D. ZAFEROS OF THE NEWS JOURNAL PAPERS AS HE DEPARTS THE STATE TO ASSUME NEW RESPONSIBILITIES AS PRESS DIRECTOR FOR U. S. SENATE CANDIDATE, JOSEPH CHECOTA FROM MILWAUKEE, WISCONSIN. Sponsors: Senator Cook & Representative Corrozi; All Senators, All Representatives.

Senators Bair, McBride and McDowell offered parting remarks to Mr. Zaferos.

Senator Sharp presided at 5:59 p.m.

Roll call vote on SCR 89 was taken and revealed 20 Senators voting YES; and 1 (Holloway) ABSENT; therefore, the Resolution was declared adopted by the Senate with its

best wishes to Mr. William Zaferos.

HB 354 w/HA 1 was brought before the Senate on the motion of floor manager, Senator Venables.

HB 354 w/HA 1 - AN ACT TO AMEND CHAPTER 25, TITLE 24, DELAWARE CODE RELATING TO PHARMACY. (2/3 vote).

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

Roll call vote on the amendment was taken and revealed 20 Senators voting YES; and 1 (Cordrey) ABSENT; therefore, the amendment was adopted.

Senator McDowell inquired of the Bill. Senator Venables asked for the personal privilege of the floor for Robert L. Snively, representing the Delaware State Board of Pharmacy to speak to the Bill.

Senator Cordrey presided at 6:21 p.m.

After the witness was excused, roll call vote on HB 354 w/HA 1 and further amended by SA 1 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared adopted by the Senate and returned to the House.

On motion of Senator Connor, SB 236 was brought before the Senate for consideration. SB 236 - AN ACT TO AMEND CHAPTER 216, VOLUME 27, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CHARTER OF THE MAYOR AND COUNCIL OF NEW CASTLE AND THE ANNUAL STATEMENT OF THE CITY'S FINANCES AND FISCAL YEAR OF THE CITY. (2/3 vote).

Roll call vote on the bill was taken and revealed 21 Senators voting YES; therefore, SB 236 was declared adopted by the Senate and sent to the House.

SB 284 which was previously introduced and immediately laid on the table, was taken up for consideration on motion of Senator Marshall under suspension of rules.

SB 284 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO ESTIMATION AND REPORTING OF TAX PREFERENCES.

Roll call vote on Bill was taken and revealed 21 Senators voting YES; therefore, the Bill was declared adopted and sent to the House.

HB 151 was brought before the Senate for consideration. 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).

Roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, HB 151 was declared adopted by the Senate and returned to the House.

HB 280 was brought before the Senate for consideration. HB 280 - AN ACT TO AMEND AN ACT BEING CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" TO PERMIT QUARTERLY SUPPLEMENTAL ASSESSMENTS OF REAL ESTATE. (2/3 vote).

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

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 364, SB 269, SJR 9, HB 429, and HJR 18 w/HA 1.

Under suspension of rules, HJR 18 w/HA 1 was brought before the Senate for consideration.

HJR 18 w/HA 1 - REQUIRING THE STATE PERSONNEL COMMISSION TO AMEND THE MERIT RULES AND DESIGNATING THE COVERAGE OF THOSE RULES. Sponsors: Representative Oberle, Senator Sokola; Representatives Mack, Reynolds, Campanelli, Houghton, Lofink, Davis, B. Ennis, Outten; Senator Still.

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.

Under suspension of rules and on the motion of Senator Blevins, HB 429 was introduced to be considered for adoption.

HB 429 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES. Sponsor: Representative Amick.

Roll call vote on the Bill was taken and revealed 21 Senators voting YES; therefore, HB 429 was declared adopted by the Senate and returned the same to the House.

Under suspension of all necessary rules and on the motion of Senator Vaughn, HB 364 was introduced to the Senate for consideration of adoption.

HB 364 - AN ACT TO AMEND CHAPTER 17, TITLE 18, DELAWARE CODE, RELATING TO AGENTS, BROKERS, SOLICITORS AND ADJUSTERS. Sponsors: Representative Buckworth; Senator Vaughn.

Senators Torbert and Still commented. Roll call vote on the bill was taken and revealed 20 Senators voting YES; and 1 (Torbert) NOT VOTING; therefore HB 364 was adopted and returned to the House.

At 6:45 p.m., the Senate recessed until Tuesday, March 24, 1992 at 2:00 p.m.

The Senate reconvened at 2:30 p.m. on March 24, 1992 with Lt. Governor Wolf presiding. A memorandum, dated January 28, 1992 from JoAnn M. Hedrick, Chief Clerk of the House of Representatives, was read in relative to SCR 54 being returned to the Senate pursuant to its request of January 23, 1992.

A memorandum, dated January 29, 1992 from Senator Cook, was read in, adding Senators Adams and Cordrey as co-sponsors of SCR 88.

A memorandum from Senator Sokola was read in, adding Rep. Amick as a co-sponsor of SB 286.

A memorandum, dated January 23, 1992 from Senator Torbert was read in, adding Rep. Moore as a sponsor of SB 240.

A memorandum, dated January 28, 1992 from Senator Still, was read in, requesting that his name be removed as a co-sponsor of SB 157.

A memorandum, dated January 23, 1992 from JoAnn M. Hedrick, Chief Clerk of the House of Representatives, was read in, adding Rep. Lofink as a sponsor to SCR 74. The following Representatives have been added as co-sponsors of SCR 81: Representatives Spence, Davis, DiPinto, Brady, Maroney, Ewing, Bennett, Corrozi, Amick, Gilligan, Boykin, Fallon, Smith, and Lofink.

A memorandum, dated January 30, 1992 from Senator Sokola, was read in, adding Rep. Taylor as a sponsor to SB 235.

A note of appreciation was read in from Mrs. Frederick Van Sant relative to SCR 47, presented to the memory of her late husband.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 161 w/HA 1, SA 2, HA 2, HA 4, SB 271, SB 255, SB 260, SCR 89, SCR 88, SB 221, SB 249 w/SA 1, and SB 279.

A message from the Office of the Governor was read in announcing his intention to submit the name of E. Norman Veasey to the office of Chief Justice of the Supreme Court.

STATE OF DELAWARE
Office of the Governor

March 11, 1992

The Honorable Dale E. Wolf
President of the Senate
136th General Assembly
State of Delaware
Legislative Hall
Dover, DE 19901

The Honorable Richard S. Cordrey
President Pro Tempore of the Senate
136th General Assembly
State of Delaware
Legislative Hall
Dover, DE 19901

Dear Mr. President and Mr. President Pro Tempore:

Pursuant to the provisions of Article IV, Section 3 of the Delaware Constitution of 1897, this is to notify you of my intention to submit to the Senate for confirmation the appointment of Norman E. Veasey to the office of Chief Justice of the Supreme Court of the State of Delaware.

As the Constitution requires that this notification to you be a public communication, I believe it would be appropriate for this communication to be read to the Senate and entered in the Journal.

Sincerely,
(Signed) Michael N. Castle

EDITOR'S NOTE: A CORRECTED COMMUNICATION RELATIVE TO THE ABOVE WAS READ IN LATER IN THIS LEGISLATIVE DAY.

LEGISLATIVE ADVISORIES #32, #33, and #34 from the Office of Counsel to the Governor were read. Copies were made available to the Senators on motion of Senator Cordrey.

LEGISLATIVE ADVISORY #32, dated February 6, 1992, the Governor signed the following legislation: SB 193 w/HA 1 - Volume 68, Chapter 198, Laws of Delaware; SS 1 to SB 63 w/SA 1 - Volume 68, Chapter 199, Laws of Delaware; HB 246 - Volume 68, Chapter 200, Laws of Delaware; SB 260 - Volume 68, Chapter 201, Laws of Delaware; HB 415 w/HA 1, 5 - Volume 68, Chapter 202, Laws of Delaware; HB 416 - Volume 68, Chapter 203, Laws of Delaware; HB 417 - Volume 68, Chapter 204, Laws of Delaware.

HB 340 was vetoed by the Governor on February 5, 1992.

LEGISLATIVE ADVISORY #33, dated February 14, 1992, the Governor signed the following legislation: HB 302 w/SA 1 - Volume 68, Chapter 205, Laws of Delaware; HB 354 w/HA 1, SA 1 - Volume 68, Chapter 206, Laws of Delaware; HB 280 - Volume 68, Chapter 207, Laws of Delaware; HB 364 - Volume 68, Chapter 208, Laws of Delaware; HB 151 - Volume 68, Chapter 209, Laws of Delaware; HB 429 - Volume 68, Chapter 210, Laws of Delaware; SB 279 - Volume 68, Chapter 211, Laws of Delaware; SB 255 - Volume 68, Chapter 212, Laws of Delaware; SB 249 w/SA 1 - Volume 68, Chapter 213, Laws of Delaware; SB 221 - Volume 68, Chapter 214, Laws of Delaware; HJR 18 w/HA 1; SJR 9; SB 269 - Volume 68, Chapter 215, Laws of Delaware; HB 368 w/SA 1, 2 - Volume 68, Chapter 216, Laws of Delaware; HB 353 - Volume 68, Chapter 217, Laws of Delaware.

LEGISLATIVE ADVISORY #34, dated March 15, 1992. The following legislation was vetoed by the Governor on the date indicated. SB 271 - (2/14/92 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, COLUMN 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO INCREASE THE AMOUNT PERMITTED TO BE RAISED FROM THE TAXATION OF REAL ESTATE AND TO PERMIT QUARTERLY ASSESSMENTS OF REAL ESTATE. (Sen. Minner and Rep. Schroeder).

The following Committee report was announced: From Community/County Affairs - SB 261 - 5 Merits.

Senator Cordrey requested that a corrected communication from the Office of the Governor be read in relative to appointment of Mr. E. Norman Veasey to the Supreme Court.

STATE OF DELAWARE
Office of the Governor

March 11, 1992

The Honorable Dale E. Wolf
President of the Senate
136th General Assembly
State of Delaware
Legislative Hall
Dover, De 19901

The Honorable Richard S. Cordrey
President Pro Tempore of the Senate
136th General Assembly
State of Delaware
Legislative Hall
Dover, DE 19901

Dear Mr. President and Mr. President Pro Tempore:

Pursuant to the provisions of Article IV, Section 3 of the Delaware Constitution of 1897, this is to notify you of my intention to submit to the Senate for confirmation the appointment of E. Norman Veasey to the office of Chief Justice of the Supreme Court of the State of Delaware.

As the Constitution requires that this notification to you be a public communication, I believe it would be appropriate for this communication to be read to the Senate and entered in the Journal.

Sincerely,

(Signed) Michael N. Castle

* * *

The Governor's veto message on SB 271 was read in. Senator Sharp moved that so much be considered the reading of the veto message. Copies made available to each Senator.

STATE OF DELAWARE
Office of the Governor

February 14, 1992

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

On February 4, 1992, I received Senate Bill No. 271 entitled:

"AN ACT TO AMEND TO AN ACT BEING CHAPTER 170, COLUMN 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED 'AN ACT TO REINCORPORATE THE CITY OF LEWES' TO INCREASE THE AMOUNT PERMITTED TO BE RAISED FROM THE TAXATION OF REAL ESTATE AND TO PERMIT QUARTERLY ASSESSMENTS OF THE REAL ESTATE."

This legislation seeks to amend the charter of the City of Lewes as follows: to increase the amount of money which can be raised through taxation from \$750,000 to \$4,500,000; to allow the City to assess property during any part of the year should the property be improved or expanded; to allow the assessment of interest on the late payment of taxes; and to prohibit the abatement of taxes and interest. While I support the intent of this bill, unfortunately, it contains a fatal title defect in that it fails to identify property that portion of the Delaware Laws which it seeks to amend. Therefore, I have no alternative but to return Senate Bill No. 271 without my signature. Let me hasten to add that I encourage the sponsor to introduce a corrected version of the bill as soon as the General Assembly reconvenes so as to provide for its prompt passage.

Sincerely,

(Signed)

Michael N. Castle

* * *

Representative Buckworth requested that his name be removed as a co-sponsor of SB 169. The following legislation was introduced and assigned to Committee:

SB 288 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, RELATING TO MEDICARE SUPPLEMENT INSURANCE STANDARDS. Sponsor: Senator Holloway. Laid on the Table.

SB 289 - AN ACT TO AMEND CHAPTER 3, TITLE 25, OF THE DELAWARE CODE RELATING TO DISCLOSURES REQUIRED FOR RESIDENTIAL REAL ESTATE. Sponsors: Senators Vaughn, McBride. To Administrative Services.

SB 290 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE RELATING TO MENHADEN FISHING. Sponsor: Senator Cordrey. To Natural Resources & Environmental Control.

SB 291 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE SUBDIVISION OF REAL PROPERTY; AND REQUIRING THAT AN ENTIRE SUBDIVISION SHALL BE WITHIN ONE LOCAL SCHOOL DISTRICT. Sponsors: Senators McBride, Vaughn; Representative Davis. To Community/County Affairs. Senator McBride requested that the Bill be reassigned to Education. No objection.

SB 292 - AN ACT TO AMEND CHAPTER 33, TITLE 19, DELAWARE CODE, RELATING TO WORK SEARCH VERIFICATION. Sponsor: Senator Torbert. To Labor.

SB 293 - AN ACT TO AMEND CHAPTER 10, TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION; AND PROVIDING A PROCEDURE FOR THE CHANGING OF SCHOOL DISTRICT BOUNDARIES. Sponsors: Senators McBride, Vaughn; Representative Davis. To Education.

SB 294 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO INCREASE THE AMOUNT PERMITTED TO BE RAISED FROM THE TAXATION OF REAL ESTATE AND TO PERMIT QUARTERLY ASSESSMENTS OF REAL ESTATE. (2/3 vote) Sponsors: Senator Minner; Representative Schroeder. Laid on table.

SA 4 to SB 40 - Sponsor: Senator Holloway - placed with the bill.

HB 161 - 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, Lee; Senator Vaughn; Representatives Boykin, Bunting, Caulk, Corrozi, D. Ennis, Houghton, Lofink, Oberle, Quillen, Roy, Sills, West, B. Ennis, Brady, Campanelli, Clark, DiPinto, Gilligan, Jonkiert, Moore, Outten, Reynolds, Schroeder, VanSant, Carey; Senators Blevins, McBride, Minner, Torbert, Vaughn, Bair, Holloway, Marshall, Still. To Public Safety.

At 2:45 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 10th Legislative Day.

10th LEGISLATIVE DAY
SECOND SESSION
136th GENERAL ASSEMBLY
March 24, 1992

The Senate convened at 2:45 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. No objection.

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

STATE OF DELAWARE
Office of the Governor
January 30, 1992

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:
Harold M. Schneikert, Jr., 724 Greenhill Avenue, Wilmington, DE 19805, to be appointed as a member of the Unemployment Insurance Appeal Board to serve a term expiring May 1, 1994, to succeed Frank A. Carello, Jr., who has resigned.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

The following legislation was introduced:

SB 295 - AN ACT WAIVING THE STATUTORY PROVISIONS OF SUBCHAPTER 107(a) OF CHAPTER 1, TITLE 13, DELAWARE CODE, AS IT RELATES TO LEE ROY TIBBETT, IV OF NEWARK, DELAWARE AND AMELIA DAWN LUTZ OF NEW CASTLE, DELAWARE, BOTH RESIDENTS OF THE STATE OF DELAWARE.
Sponsor: Senator Connor. Laid on the table.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 2:47 p.m. and returned at 4:03. p.m. with Senator Cordrey presiding.

SA 2 to HB 30 - Sponsor: Senator Neal - placed with the Bill.

Lt. Gov. Wolf presided at 4:04 p.m.

Senator Holloway requested that HB 253 be brought before the Senate for adoption.

HB 253 - AN ACT TO AMEND CHAPTER 7, TITLE 24, RELATING TO CHIROPRACTIC PHYSICIAN COMPENSATION AND CONTRACTS ISSUED BY HEALTH SERVICE CORPORATIONS AND HEALTH MAINTENANCE ORGANIZATIONS.

SA 1, which had been previously placed with the bill, was brought up on motion of Senator Still.

Senator Holloway requested the privilege of the floor be extended to Dr. Hal Bowen of the Delaware Chiropractic Society. Several senators engaged in a discussion on the merits of the amendment.

Senator Martin marked PRESENT.

Roll call vote on SA 1 was taken and revealed 7 Senators voting YES (Bair, Connor, Hauge, Knox, Neal, Still, Venables); 14 Senators voting NO; therefore, the amendment was defeated.

SA 2, which had been placed with the bill, was taken up for consideration on motion of Senator Still.

Senator Holloway requested personal privilege of the floor for Dr. Hal Bowen of the Delaware Chiropractic Society to address the amendment. Several senators commented on the issue. Witness was excused and roll call vote taken on the amendment revealed that 7 Senators (Bair, Connor, Hauge, Knox, Neal, Still, Venables) voting YES; 14 senators voting NO; therefore, the amendment was defeated.

Senator Holloway again requested the personal privilege of the floor for Dr. Bowen to speak to the bill. Witness excused. Senator Still asked for the privilege of the floor Mr. William Kirk, Blue Cross/Blue Shield of Delaware. Senators Bair, Connor, and Torbert asked questions of the witness and then excused.

Roll call vote on HB 253 was taken and revealed 13 senators voting YES; 8 senators voting NO (Adams, Bair, Connor, Hauge, Knox, Neal, Still, Venables); therefore, HB 253 was adopted by the Senate and returned to the House.

SB 294 which was previously introduced and laid on the table was lifted from the table on motion of Senator Minner under suspension of rules.

SB 294 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES" TO INCREASE THE AMOUNT P

PERMITTED TO BE RAISED FROM THE TAXATION OF REAL ESTATE AND TO PERMIT QUARTERLY ASSESSMENTS OF REAL ESTATE. (2/3 vote)

Roll call vote on SB 294 was taken and revealed 20 senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was adopted and sent to the House for consideration.

Senator Adams requested personal privilege of the floor. He commented on the state bidding process with regards to rules and regulations.

SB 295 which was previously introduced and laid on the table was lifted on motion of sponsor, Senator Connor under suspension of rules.

Senators McBride and McDowell offered a few remarks. Roll call vote on the Bill was taken and revealed 21 senators voting YES; therefore, SB 295 was adopted and sent to the House.

Senator McBride commented on the new women's prison which is located in his district in New Castle County.

At 5:14, p.m., on motion of Senator Sharp, the Senate recessed until March 25, 1992 at 4:30 p.m.

The Senate reconvened at 4:31 p.m. on March 25, 1992 with Lt. Governor Wolf presiding. The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 318 w/HA 1, HB 412 and SB 102.

The following legislation was introduced and assigned to committee:

SB 287 - AN ACT TO AMEND CHAPTER 4, TITLE 11 OF THE DELAWARE CODE RELATING TO USE OF FORCE BY PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE OR SAFETY OF OTHERS. Sponsors: Senator Blevins; Representative Amick. To Judiciary.

SB 296 - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO RACING DAYS. Sponsors: Senator Sharp; Representative Spence; Senator Bair, Representatives Gilligan, Corrozi, Petrilli. To Judiciary.

SB 297 - AN ACT TO AMEND CHAPTER 21, TITLE 9, DELAWARE CODE, RELATING TO STREET AND HIGHWAY LIGHTING IN UNINCORPORATED COMMUNITIES AND VILLAGES. Sponsors: Senator McBride; Representative Spence. To Community/County Affairs.

HB 318 w/HA 1 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO THE FORWARDING OF TRAFFIC CONVICTIONS TO THE DIVISION OF MOTOR VEHICLES. Sponsors: Representatives Ewing, Carey, Lee, Maroney, Smith, Clark. To Public Safety.

HB 412 - AN ACT TO AMEND CHAPTER 3, TITLE 25, DELAWARE CODE RELATING TO CONTRACTS FOR THE SALE OF REAL ESTATE. Sponsors: Representatives Clark, Bunting, DiPinto, George, Houghton, Jonkiert, Maroney, Quillen, Smith, Spence, VanSant, West; Senators Hauge, Torbert. To Administrative Services.

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

STATE OF DELAWARE
Office of the Governor
March 24, 1992

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: Sharon J. Rothwell, 5475 Doral Drive, Wilmington, DE 19808, to be Director of the State Personnel Office to serve a term during the pleasure of the Governor.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
March 24, 1992

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: E. Norman Veasey, 316 Center Hill Road, Wilmington, DE 19807, to be Chief Justice of the Supreme Court of the State of Delaware to serve a twelve year term to succeed Andrew D. Christie.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

At 4:36 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 11th Legislative Day.

11TH LEGISLATIVE DAY
SECOND SESSION
136TH GENERAL ASSEMBLY
Second Session
March 25, 1992

The Senate convened at 4:36 p.m. with Lt. Governor Wolf 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 Sharp. No objection.
On motion of Senator Sharp, the Senate recessed for Party Caucus at 4:38 p.m. and returned at 5:25 p.m. with Lt. Governor Wolf presiding.
The following legislation was introduced and assigned to committee.
SB 298 - AN ACT TO AMEND CHAPTER 28, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL ENGINEERS. Sponsor: Senator Venables. To Sunset.
Senator McBride marked PRESENT.
At 5:27 p.m. on motion of Senator Sharp, the Senate recessed until March 26, 1992 at 2:00 p.m.

The Senate reconvened at 2:35 p.m. with Lt. Governor Wolf presiding.
The following Committee reports were announced:
SB 270 - 4 Merits; SB 40 - 4 Merits; SB 258 - 4 Merits; SB 280 - 4 Merits.
The following legislation was introduced and assigned to committee:
SB 299 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO SUSSEX COUNTY COUNCILMANIC DISTRICT BOUNDARIES. Sponsors: Senators Cordrey, Adams, Minner, Venables; Representatives Bunting, Carey, Ewing, Fallon, Lee, Schroeder, West. To Community and County Affairs
At 2:37 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 12th Legislative Day.

12TH LEGISLATIVE DAY
136TH GENERAL ASSEMBLY
Second Session
March 26, 1992

The Senate convened at 2:37 p.m. with 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. No objection.
The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HCR 69, HCR 70, HCR 71.
On motion of Senator Sharp, the Senate recessed for Party Caucus at 2:41 p.m. and returned at 3:42 p.m. with Lt. Governor Wolf presiding.
The following Committee report was announced:
From Judiciary: SB 296 - 3 Merits.
The following legislation was introduced and assigned:
SB 300 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 41, TITLE 9 OF THE DELAWARE CODE RELATING TO REDISTRICTING BY THE KENT COUNTY LEVY COURT. Sponsors: Senator Cook,

Representative Buckworth; Senators Adams, Minner, Still, Torbert, Vaughn; Representatives Bennett, Caulk, Clark, Ennis, Ewing, Outten, Quillen. To Insurance/Elections.

Senators Hauge and Minner marked PRESENT.

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

Several senators remarked on the nomination.

Senators Bair and McBride marked PRESENT.

Roll call vote taken on the nomination of Mr. Veasey revealed 21 senators voting YES; therefore, the appointment was confirmed.

Senators Martin and Neal marked PRESENT during the roll call.

Senator Adams requested that Chief Justice Elect and Mrs. Veasey come to the Senate floor for a introduction. Senator Adams requested personal privilege of the floor for Mr. Veasey who then made a few remarks upon his confirmation.

On motion of Senator Vaughn, SB 254 w/SA 1 was lifted from the table and brought before the Senate for consideration.

Senator Bair requested personal privilege of the floor for Mr. Edward Stansky, representing the Violent Crimes Compensation Board to address the bill. Several senators commented on the bill. Witness was excused.

Senator Cordrey presiding at 4:08 p.m.

Roll call vote on SB 254 w/SA 1 was taken and revealed 14 Senators voting YES; 6 (Holloway, Knox, Marshall, McDowell, Torbert, Venables) voting NO; 1 (Still) NOT VOTING; therefore, the Bill was declared adopted by the Senate.

On motion of Senator Venables, HB 144 w/HA 1 was brought up for consideration.

Senator Sharp had a question of the floor manager. Senator Venables asked for the privilege of the floor for Mr. John Cordrey, Senate Attorney to speak to the Bill. Witness excused.

Several senators commented.

After considerable debate, HB 144 w/HA 1 was laid on the table.

On motion of Senator Adams, HB 30 was brought before the Senate for consideration.

SA 1 which had been previously placed with the bill was considered on motion of Senator Blevins.

Roll call vote on the Amendment revealed 18 Senators voting YES; 1 (Venables) voting NO; 1 (McDowell) NOT VOTING; and 1 (Hauge) ABSENT. SA 1 was adopted.

SA 2 which has been placed with the bill, was considered on motion of Senator Neal. Roll call vote on the Amendment revealed 20 Senators voting YES; and 1 (Hauge) ABSENT; therefore, the Amendment was adopted.

Senator Venables commented on the Bill. Senator Bair asked for the privilege of the floor for Lorraine Sitler representing the Delaware Council on Crime and Justice who addressed his concerns regarding the intent of the legislation. Several other senators commented on the bill. After the witness was excused, Senators Holloway, Bair and McBride also commented about the Bill.

Roll call vote on HB 30 w/SA 1, SA 2 was taken and revealed 14 Senators voting YES; 7 Senators (Bair, Connor, Hauge, Sharp, Still, Vaughn, Venables) voting NO; therefore, the Bill was adopted and returned to the House.

SENATE CONSENT CALENDAR #24 was introduced and considered for adoption on motion of Senator Minner. The calendar included the following Resolutions:

SR 50 - URGING STATE AGENCIES TO LIMIT THEIR COSTLY MAILINGS TO LEGISLATORS' RESIDENCES ONLY TO THOSE ITEMS REQUIRING LEGISLATOR'S IMMEDIATE ATTENTION. Sponsors: Senator Sokola; Senators Blevins, Torbert.

SR 51 - RESPECTFULLY URGING THE DELAWARE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO EXAMINE THE FEASIBILITY OF ALLOWING AND ENCOURAGING GROUP WHOLESALE PURCHASES BY SMALL PACKAGE STORE RETAILERS AND CONSIDER PROPOSING LEGISLATION TO AWARD PACKAGE STORE LICENSES SOLELY ON THE BASIS OF PUBLIC CONVENIENCE WITHOUT REGARD TO DISTANCE BETWEEN SUCH LICENSEES. Sponsor: Senator Holloway.

SCR 90 - MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE HONORABLE GEORGE W. BUSH, TO ENDORSE THE GOALS AND OBJECTIVES OF EARTH SUMMIT SCHEDULED TO TAKE PLACE IN JUNE 1992 IN RIO DE JANEIRO, BRAZIL. Sponsors: Senators Bair, Knox, Minner; Representatives Carey, Schroeder, Bunting.

HC 69 - MOURNING THE UNTIMELY DEATH OF RICHARD "DICKY" SHORTS OF LITTLE CREEK, DELAWARE, AN AVID COMMERCIAL CRABBER, CONSERVATIONIST, AND FISHERMAN WHO PASSED AWAY ON THURSDAY, FEBRUARY 20, 1992 AT THE AGE OF SIXTY. Sponsors: Representative Bennett; B. Ennis; Senators Cook, Minner.

HC 70 - RECOGNIZING LABOR DAY 1992 AS "HELP YOURSELF, BUY AMERICAN DAY". Sponsors: Representatives Oberle, Mack, Reynolds, Houghton, Campanelli; Senators Sharp, Marshall, Holloway, Martin, McBride, Connor.

HC 71 - CONGRATULATING THE 1991-1992 UNIVERSITY OF DELAWARE "FIGHTING BLUE HENS" BASKETBALL TEAM ON THEIR OUTSTANDING SEASON. Sponsors: Representatives Moore, Soles, Roy, and all Representatives; Senator Martin and all Senators.

Senator Holloway requested that SR 51 be removed from the Consent Calendar and be laid on the table. No objection.

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

Under suspension of all necessary rules, SB 300 was brought before the Senate on motion of sponsor, Senator Cook.

SB 300 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 41, TITLE 9 OF THE DELAWARE CODE RELATING TO REDISTRICTING BY THE KENT COUNTY LEVY COURT.

Senators McBride and Minner commented on the Bill.

Roll call vote on SB 300 was taken and revealed 20 Senators voting YES; and 1 (McBride) voting NO; therefore, the Bill was adopted by the Senate and sent to the House for consideration.

The following legislation was introduced and assigned to committee:

SB 302 - AN ACT TO AMEND CHAPTER 31, TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS; AND PROVIDING FOR A PRESIDENTIAL PRIMARY ELECTION. Sponsors: Senator Marshall; Representative Oberle; Senators Adams, Blevins, Cook, Cordrey, Holloway, Martin, McBride, Minner, Sokola, Torbert, Vaughn, Venables, Neal, Knox; Representatives Buckworth, Carey, Caulk, D. Ennis, Ewing, Lee, Bennett, Bunting, Campanelli, Clark, Gilligan, Houghton, Moore, VanSant, West. To Insurance and Elections.

SS 1/SB 169 - AN ACT TO AMEND TITLE 7, DELAWARE CODE, RELATING TO FRESHWATER WETLANDS. (2/3 vote) Sponsors: Senator Sokola; Representative Taylor; Senators Bair, Blevins, Connor, Hauge, Holloway, Knox, Marshall, Martin, McDowell, Neal; Representatives Petrilli, DiPinto, Soles, Roy, Corrozi, Houghton, Hebner, Oberle, Spence. To Natural Resources & Environmental Control.

At 4:52 p.m. on motion of Senator Sharp, the Senate recessed until March 31, 1992 until 2:00 p.m.

The Senate reconvened at 3:13 p.m. with Senator Cordrey presiding.

A memorandum from Senator Sokola was read in - adding Representative David Ennis as a co-sponsor to SS 1/SB 169.

A messenger from the Governor was announced and admitted.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 438, HB 434, SB 295, and SB 294.

SENATE CITATION ANNOUNCEMENT #8 which comprised of S91:265-300 and S92:1-054 inclusive was introduced and a copy made available to each Senator.

The following legislation was introduced:

SB 301 - AN ACT TO AMEND CHAPTERS 55 AND 55A, TITLE 29, DELAWARE CODE. Sponsors: Senator Adams; Representative Ewing. To Executive.

SB 303 - AN ACT TO AMEND CHAPTER 4, TITLE 11 OF THE DELAWARE CODE, RELATING TO USE OF FORCE IN SELF-PROTECTION. Sponsors: Senator Sokola; Representative Hebner. To Judiciary.

SB 304 - AN ACT TO AMEND TITLE 25, DELAWARE CODE RELATING TO MECHANIC'S LIENS AND WAIVERS THEREOF. Sponsors: Senators Sharp, Blevins, Marshall, Martin, Minner, Vaughn; Representatives Oberle, VanSant, Campanelli, Jonkiert, Smith. To Administrative Services.

SA 1 to SB 270; Sponsor Senator Vaughn - placed with the bill.

SA 1 to SB 275; Sponsor Senator Holloway - placed with the bill.

SA 1 to SB 288; Sponsor Senator Holloway - placed with the bill.

HB 434 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO DRIVERS LICENSE REVOCATION. Sponsors: Representative Davis, Amick, Bennett, Houghton; Senator Vaughn. To Public Safety

HB 438 - AN ACT TO AMEND VOLUME 67, CHAPTER 285, LAWS OF DELAWARE AS IT RELATES TO THE F.Y. 1991 CAPITAL BOND. (3/4 vote) Sponsors: Representatives Roy; Senator Martin; Representatives Boykin, B. Ennis, Outten, Bennett, Carey, Jonkiert, Taylor; Senators Cook, Hauge, Knox, McBride, Minner, Still. To Highways & Transportation.

The following nominations were read in and assigned to the Executive Committee:

STATE OF DELAWARE
Office of the Governor
March 25, 1992

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: Lee G. Anderson, 206 Sypherd Drive, Newark, DE 19711, to be appointed Chairperson of the Advisory Council on Tidal Finfisheries to serve a five year term to succeed Franklin C. Daiber, whose term has expired.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

STATE OF DELAWARE
Office of the Governor
March 25, 1992

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 H. Cordrey, Esq., 206 Grammar Avenue, Georgetown, DE 19947, to be reappointed as a member of the Tax Appeals Board to serve a three year term.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

A memorandum from Senator Sokola was read in, adding the name of Senator Blevins a co-sponsor to SB 303.

At 3:20 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 13th Legislative Day.

13TH LEGISLATIVE DAY
136TH GENERAL ASSEMBLY
Second Session
March 31, 1992

The Senate convened at 3:20 p.m. with Senator Cordrey presiding.

A prayer was offered by Senator Holloway.

Pledge of allegiance to the Flag.

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

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

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

On motion of Senator Sharp, SB 258 was brought before the Senate for consideration. He then moved to lay the bill on the table and yielded to Senator Holloway, who in turn, yielded to Senator Hauge for the purpose of introducing Dr. Eugene Tolpin, the physician in attendance.

SB 258 was then lifted from the table on motion of Senator Sharp.

SB 258 - AN ACT TO AMEND CHAPTERS 33 AND 35, TITLE 18, DELAWARE CODE TO CLARIFY COVERAGE OF INSUREDS DURING A PERIOD OF HOSPITALIZATION WHEN INSURERS CHANGE OR TERMINATE.

Senator Still commented on the bill. Senator Sharp requested personal privilege of the floor for Cathy Mulholland, representing the Delaware Insurance Department who addressed the merits of the bill. Senator Neal also commented. The witness was excused and roll call vote taken on SB 258 revealed 20 senators voting YES; and 1 (McDowell) ABSENT; therefore the bill was passed and sent to the House for consideration.

On motion of Senator Sharp, SB 280 was brought before the Senate for consideration:

SB 280 - AN ACT TO AMEND CHAPTER 80, TITLE 15 OF THE DELAWARE CODE RELATING TO CAMPAIGN CONTRIBUTIONS.

Senators Bair, Holloway, and Hauge commented on the Bill.

Lt. Gov. Wolf presided at 3:40 p.m.

Senator Connor had several questions of the sponsor. Senator Sharp asked for the privilege of the floor for Edward Peterson, representing the AFL/CIO who spoke to the concerns expressed by Senator Connor.

Several senators engaged in a discussion of the bill while the witness was still before the Senate.

The witness was excused.

Roll call vote on SB 280 was taken and revealed 18 Senators voting YES; and 2 (Hauge, Neal) voting NO; 1 (McDowell) ABSENT; therefore the bill was declared adopted by the Senate and sent to the House for consideration.

On motion of Senator Vaughn, SB 270 was brought before the Senate for consideration: SB 270 - AN ACT TO AMEND CHAPTER 90 OF TITLE 11, DELAWARE CODE, RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME.

SA 1, which had previously been placed with the bill, was before the Senate on motion of sponsor, Senator Vaughn. Roll call vote on SA 1 was taken and revealed 20 Senators voting YES; and 1 (McDowell) ABSENT; therefore the amendment was adopted.

SB 270 w/SA 1 was now before the Senate. Senator Bair had questions of the sponsor, who in turn requested the privilege of the floor for Edward Stansky, member of the Violent Crimes Compensation Board who responded to questions. Witness excused. Roll call vote on SB 270 w/SA 1 was taken and revealed 20 Senators voting YES; and 1 (McDowell) ABSENT; therefore the bill was passed and sent to the House.

On motion of Senator Holloway, SB 288 was lifted from the table and rules were suspended for the purpose of considering the bill.

SA 1 to the bill was brought before the Senate for adoption. Roll call vote on SA 1 was taken and revealed 20 Senators voting YES; and 1 (McDowell) ABSENT; therefore, it was declared adopted by the Senate.

SB 288 w/SA 1 was now before the Senate. The sponsor of the legislation requested the privilege of the floor for Cathy Mulholland of the Delaware Insurance Department to speak to the bill. Witness was excused. Roll call vote on SB 288 w/SA 1 was taken and revealed 20 Senators voting YES; and 1 (McDowell) ABSENT; therefore, the bill as amended was declared adopted by the Senate and sent to the House for consideration.

On motion of Senator Holloway, SA 2 to SB 40 was stricken.

On motion of Senator Holloway, SR 51 was stricken.

On motion of Senator Sharp, the Senate recessed at 4:13 until April 1, 1992 at 3:30 p.m.

At 4:11 p.m. on April 1, 1992, the Senate reconvened with Senator Cordrey presiding.

Senator McDowell marked PRESENT.

The following Committee reports were announced:

SB 211 - 3 Merits; SB 274 - 3 Merits; SB 292 - 4 Merits; SB 302 - 2 Merits, 1 Unfavorable; SB 303 - 4 Merits; HB 265 w/HA 1 - 2 Merits, 1 Unfavorable; HB 412 - 3 Merits.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 393, HB 410, HB 432, SB 30, SB 38 w/SA 1, SB 93 w/SA 1, SB 146 w/SA 1, SJR 8, HCR 74 and HCR 75.

On motion of Senator Sharp, the Senate adjourned to immediately convened for the 14th Legislative Day.

14TH LEGISLATIVE DAY
136th GENERAL ASSEMBLY
Second Session
April 1, 1992

The Senate convened at 4:15 p.m. with Senator Cordrey 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. No objection.

The following legislation was introduced and assigned to Committee:

HB 393 - AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATING TO NAVIGATION AND WATERS. Sponsor: Representative Schroeder. To Natural Resources & Environmental Control.

HB 410 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO THELMA R. SAVAGE 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: Representative Buckworth; Senator Torbert. To Finance.

HB 432 - AN ACT TO AMEND CHAPTER 39, TITLE 25 DELAWARE CODE RELATING TO LIEN. Sponsor: Representative Oberle. To Public Safety.

SB 297 reported out of committee - 4 Merits.

A messenger from the Governor was announced and admitted.

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

STATE OF DELAWARE
Office of the Governor
April 1, 1992

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:
G. Holland vanValkenburgh, 101 South Front Street, Georgetown, DE 19947, to be appointed as a Justice of the Peace, in and for Sussex County to serve a four year term succeeding Thomas W. Hutson, Jr. who has retired.

Your consideration of this nomination will be appreciated.

(Signed) Michael N. Castle
Governor

Senator Sharp requested personal privilege of the floor to clarify the issue of a tax increase on cellular phones.

On motion of Senator Sharp, the Senate recessed for Party Caucus at 4:22 p.m. and returned at 5:08 p.m. with Senator Cordrey presiding.

Senator McDowell marked PRESENT.

Senators Marshall and Hauge marked PRESENT.

The following legislation was introduced and assigned to committee:

SB 305 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO RENTAL OF HOTEL OR MOTEL ROOMS TO MINORS UNDER AGE 16. Sponsors: Senator Holloway; Representative Ewing. To Judiciary.

Senator Holloway requested that Rep. Spence be added as a co-sponsor of SB 305.

At 5:12 p.m. on motion of Senator Sharp the Senate recessed until April 2, 1992 at 2:00 p.m.

The Senate reconvened April 2, 1992 at 2:32 p.m. with Lt. Governor Wolf presiding.

The following Committee reports were announced:

SB 275 - 4 Merits; SB 289 - 3 Merits.

The following legislation was introduced and assigned to committee:

SB 307 - AN ACT TO AMEND VOLUME 67, CHAPTER 220, LAWS OF DELAWARE, RELATING TO STATEWIDE AUTHORITY OF POLICE OFFICERS. Sponsors: Senators Adams, Cordrey, Vaughn, Neal, Torbert, Sharp, Venables; Representatives Bennett, Ewing, West, Spence, Oberle, VanSant, B. Ennis. To Judiciary.

SB 308 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO PROCUREMENT OF HOTEL OR MOTEL ACCOMMODATIONS FOR MINORS TO COMMIT CRIMINAL ACTIVITY. (2/3 vote) Sponsors: Senator Holloway; Representative Ewing. To Judiciary.

Senator Holloway requested that Representative Spence be added as a co-sponsor of SB 308.

At 2:35 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 15th Legislative Day.

15TH LEGISLATIVE DAY
136th GENERAL ASSEMBLY
Second Session
April 2, 1992

The Senate convened at 2:35 p.m. with 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. No objection.

On motion of Senator Holloway, SB 275 was brought before the Senate for consideration.

SB 275 - AN ACT TO AMEND TITLES 16 AND 24 OF THE DELAWARE CODE RELATING TO INFECTED HEALTH CARE PROVIDERS AND UNIVERSAL PRECAUTIONS.

SA 1, which had previously been placed with the bill was taken up for consideration on motion of Senator Holloway. He then requested that a brief history of Dr. Charles Konigsberg be read in and made part of this record.

A Brief History of Dr. Konigsberg

Dr. Konigsberg earned his MD from the University of Tennessee, and his MPH from the University of North Carolina School of Public Health. He served for 15 years as local health officer in Alabama, Tennessee and Florida. Most recently, he served as the Director of Health in Kansas. He is board certified in the specialty of Preventive Medicine and Public Health. He is a member of the National Commission on AIDS, and a former member of the Governor's (Florida) Task Force on AIDS. He remains a consultant to PHS and CDC on AIDS issues.

Senator Holloway requested the personal privilege of the floor for Dr. Konigsberg. Senators Neal and Still had questions of the witness.

Senator Holloway requested the personal privilege of the floor for Dr. Pereira-Ogan to join Dr. Konigsberg as a witness to address the bill.

Senators Cook, Knox, McBride, Neal, Blevins marked PRESENT.

Roll call vote on SA 1 to SB 275 was taken and revealed 20 Senators voting YES; and 1 (Martin) ABSENT; therefore, the Amendment was declared adopted by the Senate.

Senators Marshall and Hauge marked PRESENT during the above roll call.

SB 275 w/SA 1 was before the Senate. Personal privilege of the floor was granted again to Dr. Konigsberg and Dr. Pereira-Ogan. Senators Neal and Sharp questioned the witnesses. Senator Holloway raised a point of order on the issue.

Questions and answers to the bill continued among the Senators and the witness.

Senator Cordrey presided at 3:51 p.m.

Debate on SB 275 w/SA 1 continued.

Lt. Gov. Wolf presided at 4:17 p.m.

The witnesses were excused. Senator Holloway yielded to Senator Neal who introduced SA 2 to the bill.

Senator Martin marked PRESENT.

Roll call vote on SA 2 was taken and revealed 21 Senators voting YES; therefore, the amendment was declared adopted by the Senate.

On motion of Senator Sharp, the Senate took a brief recess at 4:26 p.m., reconvening at 4:31 with Senator Cordrey presiding.

SA 3 to the bill was introduced by sponsor, Senator Sokola and immediately laid on the table.

SA 4 to the bill was taken for consideration on motion of Senator Hauge.

Senator Holloway requested the privilege of the floor for Dr. Konigsberg and Dr. Pereira-Ogan to speak to the amendment.

Lt. Gov. Wolf presided at 4:35 p.m.

Senator Bair commented on the amendment. Senator Holloway raised a point of order. Senator Sokola also engaged in the debate. Witnesses were excused and roll call vote on SA 4 revealed 13 Senators voting YES; 7 (Adams, Bair, Cordrey, Holloway, Knox, Minner, Neal) voting NO; and 1 (Cook) ABSENT; therefore, the amendment was declared adopted by the Senate.

SA 3 to SB 275 was stricken on motion of Senator Sokola.

SB 275 w/SA 1, 2, 4 was before the Senate for consideration. Roll call vote on the Bill as amended was taken and revealed 21 Senators voting YES; therefore, the Bill was declared adopted by the Senate and sent to the House for its consideration.

On motion of Senator McBride, SB 297 was brought before the Senate for consideration.

SB 297 - AN ACT TO AMEND CHAPTER 21, TITLE 9, DELAWARE CODE, RELATING TO STREET AND HIGHWAY LIGHTING IN UNINCORPORATED COMMUNITIES AND VILLAGES.

Senator Sharp had a question of the sponsor. Senator McBride requested personal privilege of the floor for Julianne E. Hammond, representing the New Castle County Council. Several senators raised questions on the Bill. Witness excused.

Roll call vote on SB 297 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared adopted by the Senate and sent to the House for consideration.

Senator Blevins, Chairman for the Senate Subcommittee on Incarcerated Youth, offered a preliminary report on the Committee's findings. She asked that the title of the report be read in and the report be made part of the journal in its entirety:

SENATE SUBCOMMITTEE ON INCARCERATED YOUTH PRELIMINARY REPORT

In December of 1991, the Senate Subcommittee on Incarcerated Youth was established to look into serious deficiencies at Ferris School. The Subcommittee has held two public hearings and met numerous times with staff and management at Ferris. As a result of these activities and the information gathered, the Subcommittee recommends the following:

1. An Oversight Committee (similar to the Detention Planning and Oversight Committee) be created immediately through legislation.

2. The Committee would look into all aspects of the improving of Ferris School, and not limit itself only to the Administration Plan.
3. In addition, these specific concerns must be addressed by the Oversight Committee.
 - (a) Whatever decision is made regarding Ferris, it most likely will be irreversible for at least a generation, and therefore should be the best possible solution within our resources.
 - (b) No detailed information regarding programming or the implementation plan has been revealed, even though fairly detailed architectural plans have been put forward. Programming should drive construction.
 - (c) The Administration Plan does not explain the high per diem cost that currently exists at Ferris. In fact, per diem costs appear to rise. What can be expected in per diem costs for the future?
 - (d) All of the personnel issues to date have focused on staff, yet there are obviously concurrent problems with middle management. We have not seen a management improvement plan, even though this same management will have to implement the improvements.
 - (e) Other than a one time staff training program, there is not a definitive interim plan to improve the institution during the proposed two years of construction.
 - (f) Regularly scheduled training and continuing education needs to be developed as one of the components of an interim plan.
 - (g) Changes in the educational component, to make it fit into the new program, have not been presented, and education certainly is critical in terms of rehabilitation.
 - (h) More detail is needed concerning alternative placements and alternative programs during the two year interim and after the plan is implemented.
 - (i) The Family Court should be a partner in the development of plans to restructure programs for adjudicated youth.

Finis'

On motion of Senator Blevins, under suspension of rules, SJR 10 was brought before the Senate for consideration.

SJR 10 - CREATING AN OVERSIGHT COMMITTEE FOR A FERRIS RESTRUCTURING PLAN. Sponsors: Senator Blevins, Representative Corrozi; Senators McDowell, Bair; Representatives Gilligan, VanSant.

Senators Holloway, McBride and McDowell commented on the Resolution. Roll call vote on SJR 10 was taken and revealed 21 Senators voting YES. The Resolution was adopted and sent to the House for consideration.

On motion of Senator Vaughn, SB 289 was brought before the Senate for consideration.

SA 1 to the Bill was introduced by Senator Vaughn. Roll call vote on the Amendment was taken and revealed 21 Senators voting YES. The Amendment became part of the bill. Several Senators commented on the Bill. Senator Vaughn asked for personal privilege of the floor for Cheryl Gerken, representing the Concerned Residents of GrandeView Farms.

Senators Neal, Bair, and Still questioned the witness after which she was excused. Roll call vote on SB 289 w/SA 1 was taken and revealed 16 Senators voting YES; 5 (Bair, Hauge, Knox, Neal, Venables) voting NO. The Bill as amended was adopted and sent to the House for consideration.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HCR 73 and HCR 76.

On motion of Senator Minner, CONSENT CALENDAR #25 was brought before the Senate for consideration which included the following resolutions:

SCR 91 - COMMENDING CLAIRE LAMAR CAREY, LOZELLE JENKINS DELUZ, MARGARET R. MANNING AND JANE T. MITCHELL, 1992 INDUCTEES INTO THE DISTINGUISHED HALL OF FAME OF DELAWARE WOMEN. Sponsors: Senators Bair, Minner, Blevins, Cook, Adams, Connor, Cordrey, Holloway, Knox, McDowell, Neal, Sharp, Sokola; Representatives Boykin, Fallon, Maroney, Soles, Carey, Corrozi, George, Gilligan, Moore, Petrilli, Spence, Schroeder.

HCR 73 - EXTENDING HAPPY EIGHTIETH BIRTHDAY WISHES TO SISTER GERMAINE CATLIN, DIRECTOR OF THE ADULT CENTER AT THE CATHEDRAL OF ST. PETER IN WILMINGTON, DELAWARE AND CONGRATULATING HER ON HER TWENTIETH ANNIVERSARY AS THE CENTER'S DEDICATED DIRECTOR.

Sponsors: Representative Jonkiert; Senator Marshall.

HCR 74 - WELCOMING BETH ANN JONES, MISS DELAWARE 1991, TO THE DELAWARE GENERAL ASSEMBLY. Sponsors: Representative Petrilli; Senator Sokola.

HCR 75 COMMENDING THE FIFTEEN BULGARIAN BUSINESS PEOPLE WHO ARE ATTENDING THE SPRING INTERNATIONAL BUSINESS INSTITUTE AT THE UNIVERSITY OF DELAWARE, MARCH 7 THROUGH MAY 3 WHICH IS UNDER THE JOINT AUSPICES OF THE UNIVERSITY OF DELAWARE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID) AND WISHING EACH OF THEM AN EDUCATIONAL AND SUCCESSFUL STAY WHILE VISITING THE FIRST STATE OF DELAWARE AND FURTHER COMMENDING THE UNIVERSITY OF DELAWARE FOR JOINTLY SPONSORING SUCH A PROGRAM. Sponsors: Representative D. Ennis; Senator Knox.

HCR 76 - HONORING RICHARD WINCHELL AS HE WAS NAMED CAMDEN-WYOMING FIREMAN OF THE YEAR 1992. Sponsors: Representative Buckworth, Senator Torbert.

Roll call vote on Consent Calendar #25 was taken and revealed 21 Senators voting YES; therefore passing the Senate. SCR 91 was sent to the House for consideration while the House Concurrent Resolutions were returned to the House.

At 5:59 p.m. on motion of Senator Sharp, the Senate recessed until Tuesday, April 7, 1992 at 3:30 p.m.

The Senate reconvened at 4:16 p.m. with Senator Cordrey presiding.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HCR 77 and HCR 78, and SJR 10, HB 374 w/HA 1 w/HA 1, HA 2.3.

LEGISLATIVE ADVISORY #35 from the Office of Counsel to the Governor was read. Copies were made available to the Senators.

LEGISLATIVE ADVISORY #35, dated April 1, 1992, the Governor signed the following legislation:

SB 294 - 3/31/92 - Volume 68, Chapter 218, Laws of Delaware; SB 295 - 4/1/92 - Volume 68, Chapter 219, Laws of Delaware; SB 102 - 4/1/92 - Volume 68, Chapter 220, Laws of Delaware.

The following Committee reports were announced:

From Highways and Transportation: SB 212 - 1 Favorable, 4 Merits; SB 268 - 1 Favorable, 4 Merits; HB 438 - 1 Favorable, 4 Merits.

From Administrative Services: HB 205 - 3 Merits; HB 376 - 4 Merits.

From Sunset: SB 298 - 3 Merits.

The following legislation was introduced and assigned to committee:

SS 1/SB 190 - AN ACT TO AMEND CHAPTER 3, TITLE 22 AND CHAPTER 1, TITLE 25, DELAWARE CODE RELATING TO FAMILY DAY CARE FACILITIES. Sponsors: Senators Blevins, McDowell, Knox, Sokola; Representatives Maroney, Sills, Davis, Taylor, Clark, Buckworth, Soles. To Health/Social Services. Adopted in lieu of original.

SB 306 - AN ACT TO AMEND CHAPTER 20, TITLE 30 OF THE DELAWARE CODE RELATING TO TAX CREDITS FOR EMPLOYING PREVIOUSLY UNEMPLOYED PERSONS. Sponsors: Senator Marshall, Representative Oberle; Senators Holloway, Martin, McBride; Representatives Houghton, Lofink, Mack, Reynolds. To Revenue/Taxation.

SB 309 - AN ACT TO AMEND CHAPTER 39, TITLE 18 OF THE DELAWARE CODE RELATING TO CERTAIN CASUALTY INSURANCE CONTRACTS. Sponsors: Senators Venables, Adams, Cordrey, Hauge, Holloway, Knox, Sharp, Sokola, Torbert, Vaughn. To Insurance/Elections.

SB 310 - AN ACT TO AMEND CHAPTER 98, TITLE 16 OF THE DELAWARE CODE RELATING TO PARAMEDIC SERVICES; AND PROVIDING CERTAIN PROTECTIONS FOR PARAMEDIC TRAINEES. Sponsors: Senator Torbert, Representatives B. Ennis, Oberle, Outten, Bennett, Campanelli, Clark, Houghton, VanSant, West, Brady, Caulk, Spence; Senator Vaughn. To Health/Social Services.

SB 311 - AN ACT TO AMEND TITLE 3 DELAWARE CODE RELATING TO DISPARAGEMENT OF AGRICULTURAL OR AQUACULTURAL PRODUCTS. Sponsors: Senator Adams, Representative Carey; Senators Cook, Cordrey, Still, Torbert, Vaughn, Minner, Venables; Representatives Bunting, Clark, Ewing, Lofink, Quillen, Schroeder, West, Fallon, B. Ennis, Lee. To Agriculture.

SB 312 - AN ACT TO AMEND SUBCHAPTER VIII, CHAPTER 11, TITLE 30, DELAWARE CODE, RELATING TO PERSONAL INCOME TAX. Sponsor: Senator Torbert. To Finance.

SB 313 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO EXEMPTION OF MOBILE/CELLULAR TELEPHONES FROM PUBLIC UTILITIES TAXES. Sponsors: Senator Sharp and Senator Adams. To Revenue/Taxation.

SB 314 - AN ACT TO AMEND CHAPTER 295, VOLUME 65, LAWS OF DELAWARE, ENTITLED "ACT TO REINCORPORATE THE TOWN OF BETHANY BEACH" BY PERMITTING REFUNDINGS OF BOND INDEBTEDNESS WITHOUT A REFERENDUM. (2/3 vote) Sponsors: Senator Cordrey, Representative Bunting. To Community/County Affairs.

SB 315 - AN ACT TO AMEND CHAPTER 70, TITLE 9 OF THE DELAWARE CODE RELATING TO SUSSEX COUNTY PROCEDURE. Sponsor: Senator Venables. To Community/County Affairs.

HB 374 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE BY ADDING A NEW CHAPTER 53 GOVERNING THE REGULATION OF MASSAGE/BODYWORK PRACTITIONERS, FURTHER AMENDING TITLE 24 OF THE DELAWARE CODE BY EXEMPTING MASSAGE/BODYWORK PRACTITIONERS FROM CERTIFICATION BY THE COMMISSION ON ADULT ENTERTAINMENT ESTABLISHMENTS, AND AMENDING TITLE 29 OF THE DELAWARE

CODE BY ADDING THE COMMITTEE ON MASSAGE/BODYWORK PRACTITIONERS TO ORGANIZATIONS ADMINISTERED BY THE DIVISION OF PROFESSIONAL REGULATION. (2/3 vote) Sponsor: Representative Amick. To Sunset.

SS 1/SB 235 - AN ACT TO AMEND CHAPTER 85, TITLE 11 OF THE DELAWARE CODE RELATING TO CHILD SEX ABUSER REGISTRATION. Sponsors: Senators Sokola, Marshall, McBride, Hauge, Blevins; Representatives Jonkiert, Soles, Gilligan, Smith, Corrozi. Adopted in lieu of original.

SA 1 to HB 219 - Sponsor: Senator Hauge; placed with the bill.

On motion of Senator Sharp at 4:27 p.m., the Senate adjourned to immediately convene for the 16th Legislative Day.

16TH LEGISLATIVE DAY
136th GENERAL ASSEMBLY
Second Session
April 7, 1992

The Senate convened at 4:27 p.m. with Senator Cordrey 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. Senator Knox ABSENT.

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

At 4:29 p.m. on motion of Senator Sharp, the Senate recessed for party caucus and returned at 5:08 p.m. with Senator Cordrey presiding.

A communication from Mrs. John Burris (Lillian) of Milford, Delaware was read in and made part of the record.

Dear Delaware State Senate,

Thank you so much for the beautiful tribute to me for being selected "1992 Delaware Mother of the Year".

It was very nice to have it delivered in person by Senator and Mrs. Adams.

I feel very humble but will be so proud to be representing the wonderful state of Delaware in California later this month.

Gratefully,
(Signed) Lillian M. Burris

April 3, 1992

On motion of Senator Sokola, under suspension of rules, SS 1/SB 235 was brought before the Senate for consideration.

SS 1/SB 235 - AN ACT TO AMEND CHAPTER 85, TITLE 11 OF THE DELAWARE CODE RELATING TO CHILD SEX ABUSER REGISTRATION. Sponsors: Senators Sokola, Marshall, McBride, Hauge, Blevins; Representatives Jonkiert, Soles, Gilligan, Smith, Corrozi.

The privilege of the floor was extended to Mr. Tim Mullaney, representing the Fraternal Order of Police. Several senators then began to question the witness regarding the merits of the bill.

Senator Still marked PRESENT.

Witness excused.

Senator Sharp requested privilege of the floor for Lt. David E. Deputy of the Delaware State Police, SBI Section. Several senators questioned the witness regarding child sex abuse. The witness was excused.

Senator Sokola requested the floor for three spokespersons to address the assembly.

The privilege of the floor was granted to Darlece E. Sullivan, Action for Children Today; Michele A. Palmer, Action for Children Today; and Ruth Ann Mattingly, Ph.D, Action for Children Today.

Several senators had questions of the witnesses, and then they were excused.

Senator Sokola requested the privilege of the floor for Mr. Timothy H. Barron, representing the State's Department of Justice who addressed the issues raised by the Senators.

Senator Sokola requested that several letters on this subject be made part of the record; however, they were not read in.

MEDICAL SOCIETY OF DELAWARE
1925 Lovering Avenue
Wilmington, Delaware 19806

March 24, 1992

The Honorable David P. Sokola
Legislative Hall
Dover, DE 19901

Dear Senator Sokola:

At its meeting earlier this month, the Society's Public Laws Committee reviewed Senate Bill 286, the legislation you have introduced to extend the time limit for criminal offense charges relating specifically to victims of child abuse. The Synopsis notes that 34 states have enacted similar legislation.

This proposal has the support of the Medical Society of Delaware. I did, however, think I should relay a comment that was made during discussion of the bill. It was noted that SB 286 is open-ended, in that it provides that "such prosecution may be commenced within 2 years following its initial disclosure to the Delaware Division of Child Protective Services or to an appropriate law enforcement agency." A suggested alternative, if there is support for a more specific provision, would be to limit it to "two years after as an adult there was discovery."

We appreciate the opportunity to comment on this proposed legislation.

(Signed) Sincerely,
James P. Marvel, Jr., M.D.
President

MEDICAL SOCIETY OF DELAWARE
1925 Lovering Avenue
Wilmington, Delaware 19806

March 24, 1992

The Honorable David P. Sokola
Legislative Hall
Dover, DE 19901

Dear Senator Sokola:

The Medical Society of Delaware has reviewed and wishes to convey its support for Senate Bill 235, legislation you have introduced to establish a Child Sex Abuse Information Repository within the State Bureau of Identification.

When this legislation was discussed by members of the Medical Society's Public Laws Committee, the importance of protecting individuals' civil rights was emphasized. It was noted, however, that the repository created by SB 235 would include convictions under the criminal child sex abuse laws, which are already a matter of public record.

(Signed) Sincerely,
James P. Marvel, Jr., M.D.

DELAWAREANS UNITED TO PREVENT CHILD ABUSE
PARENTS ANONYMOUS OF DELAWARE

124CD Senatorial Drive
Wilmington, DE 19807
302/654-1102

P.O. Box 516
Camden, DE 19934
674-1112

10 North Bedford, #201
Georgetown, DE 19947
856-1737

March 24, 1992

David P. Sokola
Senate, State of Delaware
24 Beech Hill Drive
Newark, DE 19711

Dear Senator Sokola:

It was good speaking with you earlier today.

We want to reiterate our support for Senate Bill 235. While ours is primarily a direct service organization, we can support legislation that is consistent with the positions taken by the National Committee for Prevention of Child Abuse. The bill

which you have introduced meets this test.

Delawareans United to Prevent Child Abuse provides prevention and treatment services for children, parents and other adults affected by, or at risk of involvement in, abusive or neglectful situations. We appreciate the support which you and your colleagues in the General Assembly have given to our work and, more importantly, to these Delawareans, through the Grant-In-Aid program.

Thanks again for your interest in child protection. Please feel welcome to call upon us if you have questions or if we can be of service.

(Signed)

Sincerely yours,
Robert P. Hall
Executive Director

On motion of the sponsor, Senator Sokola, SS 1/SB 235 was laid on the table.

On motion of Senator Sharp, the Senate recessed at 6:45 p.m. until 3:30 p.m., April 8, 1992.

The Senate reconvened April 8, 1992 at 4:20 p.m. with Senator Cordrey presiding.

A memorandum was read from Representative Smith, withdrawing his name as co-sponsor of SCR 94.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that it has passed HB 409, SB 300, SB 284 w/HA 2.

The following Committee reports were released from Community/County Affairs: SB 154 - 3 Merits; SB 277 - 3 Merits; SB 299 - 3 Merits; SB 314 - 3 Merits; SB 315 - 3 Merits; HB 305 - 3 Merits.

The following legislation was introduced and assigned:

SB 316 - AN ACT TO AMEND CHAPTER 55, TITLE 15 OF THE DELAWARE CODE RELATING TO THE REQUIREMENTS FOR AND PROCEDURE APPLICABLE TO ABSENTEE VOTING. Sponsors: Senator Minner; Representative Petrilli. To Insurance/Elections.

SB 317 - AN ACT TO AMEND CHAPTER 40, TITLE 7, DELAWARE CODE, RELATING TO EROSION AND SEDIMENTATION CONTROL. (3/5 vote) Sponsors: Senator Venables, Adams, Blevins, Cook, Marshall, Martin, McDowell, Minner, Sokola, Vaughn. To Natural Resources & Environmental Control.

SB 318 - AN ACT TO AMEND CHAPTER 10, TITLE 14, DELAWARE CODE, RELATING TO CHANGING THE BOUNDARIES OF REORGANIZED SCHOOL DISTRICTS. Sponsors: Senators McBride and Vaughn; Representative Lofink. To Education.

SA 1 to SS1/SB 235 - Sponsor: Senator Sharp - placed with the bill

SA 3 to SS1/SB 235 - Sponsor: Senator Sharp - placed with the bill

SA 2 to SS1/SB 235 - Sponsor: Senator Sokola - placed with the bill

SA 1 to SB 44 - Sponsor: Senator Cordrey - placed with the bill

SA 1 to SB 212 - Sponsor: Senator Neal - placed with the bill

SA 1 to SB 268 - Sponsor: Senator Martin - placed with the bill

SA 1 to HB 27 - Sponsor: Senator Blevins - placed with the bill

SA 5 to SB 40 - Sponsor: Senator Holloway - placed with the bill

The following legislation was introduced and assigned to committee:

HB 409 - AN ACT TO AMEND TITLE 11 AND TITLE 28 OF THE DELAWARE CODE RELATING TO GAMBLING DEVICES; AND PERMITTING THE POSSESSION OF ANTIQUE SLOT MACHINES UNDER CERTAIN CIRCUMSTANCES. Sponsors: Representative B. Ennis; Senator Vaughn; Representatives Clark, Quillen; Senator Still. To Community/County Affairs.

Senator Venables requested that Senator Sokola be added as a co-sponsor of SB 277.

At 4:31 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 17th Legislative Day.

17TH LEGISLATIVE DAY
136th GENERAL ASSEMBLY
Second Session
April 8, 1992

The Senate convened at 4:31 p.m. with 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, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Sokola, Still, Torbert, Vaughn, Venables - 20; ABSENT: Knox - 1.

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