

SB 371 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO REQUIREMENT OF INSURANCE. Sponsors: Senators J. Still, Bair, Holloway, Neal, R. Still; Representatives D. Ennis, Petrilli. Assigned to Public Safety Committee. The Secretary read a message from Representative D. Ennis requesting that his name be removed from the Bill as a co-sponsor.

SB 372 - AN ACT TO AMEND CHAPTER 17, TITLE 7, DELAWARE CODE, RELATING TO DOGS RUNNING AT LARGE. Sponsor: Senator Torbert. Assigned to Natural Resources and Environmental Control Committee.

SA 1 to HB 545. Sponsor: Senator Sharp. Placed with the Bill.

SA 18 to HS 1 for HB 339 w HA 1, 2. Sponsors: Senators Connor, J. Still, Bair. Placed with the Bill.

SA 2 to SA 1 to SB 345. Sponsor: Senator Holloway. Placed with the Bill.

The following nominations for appointment by the Governor were taken up for consideration under suspension of the necessary rules on motion of Senator Adams. No objection.

Edward W. Cronin - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Mark W. Diehl - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Ernst M. Arndt - 17 Senators voting YES, 1 (Vaughn) NOT VOTING, 3 (Bair, Bane, Connor) ABSENT. Appointment confirmed.

J. Allen Frear, Jr. - 18 Senators voting YES, 3 (Bair, Bane, Connor) ABSENT; Appointment confirmed.

Walter J. Godwin - 18 Senators voting YES, 3 (Bane, Connor, McDowell) ABSENT; Appointment confirmed.

William W. Henning, Jr. - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Clifton H. Hubbard, Jr. - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Barbara C. Hughes - 18 Senators voting YES, 3 (Bair, Bane, Connor) ABSENT; Appointment confirmed.

Edmund S. Krzyzanowski - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Maxine M. L'Abbee - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Morris Levenberg - 18 Senators voting YES, 3 (Bair, Bane, Connor,) ABSENT; Appointment confirmed.

Kathleen C. Lucas - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

John P. McLaughlin - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Christopher L. Perry - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

At 3:26 p.m. on motion of Senator Sharp the Senate adjourned to immediately convene for the 18th Legislative Day.

18TH LEGISLATIVE DAY

March 29, 1990

The Senate convened at 3:26 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Torbert.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

The Secretary announced that a message from the House informed the Senate that it had adopted SJR 11.

SB 345 which was first on the Agenda of the day was removed from the Agenda at the request of Senator Holloway.

HB 548 was taken up for consideration on motion of Senator Cordrey:

HB 548 - AN ACT TO AMEND CHAPTERS 1, 7 AND 10 OF TITLE 5, DELAWARE CODE RELATING TO BANKS. (2/3 vote)

The privilege of the floor was extended to Keith Ellis (State Bank Commissioner) who was questioned on the Bill by several Senators.

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 (no objection).

SB 334 was taken up for consideration on motion of Senator Torbert:

SB 334 - AN ACT TO AMEND CHAPTER 27, SUBCHAPTER I, TITLE 21, DELAWARE CODE, RELATING TO QUALIFICATIONS FOR SCHOOL BUS DRIVERS.

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

SB 323 was taken up for consideration on motion of Senator Vaughn:

SB 323 - AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME.

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

SB 357 which was next on the Agenda for the day was placed at the bottom of the Agenda at the request of Senator Adams.

The following nominations for appointment by the Governor were taken up for consideration under suspension of the necessary rules on motion of Senator Adams (no objection):

Edward M. Poling - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Russell Thomas Rash - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

The roll call vote on HB 548 was lifted from the table on motion of Senator Cordrey; however, the roll call was again laid on the table before being announced on further motion of the Senator.

The following nominations for appointment by the Governor were taken up for consideration under suspension of the necessary rules on motion of Senator Adams:

George M. Records, Jr. - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Rosalie Rutkowski - 17 Senators voting YES and 4 (Bane, Connor, Holloway, J. Still) ABSENT. Appointment confirmed.

Richard C. Sames - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Alexander L. Searl - 18 Senators voting YES, 1 (Venables) voting NO and 2 (Bane, Connor) ABSENT. Appointment confirmed.

H. Dawson Shulties - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

David R. Skelley - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Joseph R. Slights, Jr. - 19 Senators voting YES and 2 (Bane, Connor) ABSENT. Appointment confirmed.

Alice W. Stark - 18 Senators voting YES and 3 (Bane, Connor, Venables) ABSENT. Appointment confirmed.

Norman S. Wix - 17 Senators voting YES and 4 (Bane, Connor, Neal, Venables) ABSENT; Appointment confirmed.

At 4:22 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:47 p.m., Lt. Governor Wolf presiding.

On motion of Senator Cordrey, the roll call vote on HB 548 was lifted and announced:

YES: Senators Adams, Bair, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, McDowell, Neal, J. Still, R. Still, Torbert, Venables - 14.

NO: Senators McBride, Sharp - 2.

NOT VOTING: Senators Martin, Minner, Vaughn - 3.

ABSENT: Senators Bane, Connor - 2.

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

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

SB 357 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 19, TITLE 11, DELAWARE CODE RELATING TO PROVIDING STATEWIDE AUTHORITY TO CERTAIN POLICE OFFICERS UNDER CERTAIN CIRCUMSTANCES. (2/3 vote)

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

SA 2 to the Bill (sponsor: Senator Adams) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Bane, Connor, Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 357 w SA 2 was then taken and revealed 18 Senators voting YES, 1 (McDowell) NOT VOTING and 2 (Bane, Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 358 was taken up for consideration on motion of Senator Sharp:

SB 358 - AN ACT TO AMEND CHAPTER 35, TITLE 11 OF THE DELAWARE CODE RELATING TO WITNESSES AND EVIDENCE.

Senator Martin commented on the Bill.

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

SB 327 was taken up for consideration on motion of Senator Vaughn:

SB 327 - AN ACT TO AMEND SUBPART J OF SUBCHAPTER III, CHAPTER 5, TITLE 11, DELAWARE CODE, RELATING TO VIDEO PRIVACY PROTECTION.

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

The privilege of the floor was extended to William Walls (Senate Attorney) and several Senators entered into discussion of the Bill after which the Bill was laid on the table on further motion of Senator Vaughn.

SB 151 w SA 1 (HA 4), (SA 2) was lifted from the table for consideration on motion of Senator Sharp.

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

SA 3 and SA 4 to the Bill (sponsor: Senator Sharp) were introduced and immediately stricken.

SA 5 to the Bill (sponsors: Senator Bair, Sharp) was introduced and considered for adoption.

There was considerable discussion on the Amendment among the Senators after which the roll call vote was taken and revealed:

YES: Senators Bair, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, Torbert, Venables - 15.

NO: Senators Adams, Vaughn - 2.

NOT VOTING: Senators Knox, R. Still - 2.

ABSENT: Senators Bane, Connor - 2.

Therefore, the Amendment was declared adopted.

Several Senators commented on the Bill as now further amended after which the roll call vote of SB 151 w SA 1, HA 4, SA 5 was taken and revealed:

YES: Senators Adams, Bair, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, Torbert, Vaughn, Venables - 17.

NOT VOTING: Senators Knox, R. Still - 2.

ABSENT: Senators Bane, Connor - 2.

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

At 5:40 p.m., Senator Cordrey presiding.

HB 545 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 545 w HA 1 - AN ACT TO AMEND TITLE 8, OF THE DELAWARE CODE RELATING TO THE GENERAL CORPORATION LAW OF THE STATE OF DELAWARE. (2/3 vote)

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

The roll call vote on HB 545 w HA 1, SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Sharp, J. Still, R. Still, Vaughn, Venables - 17.

NO: Senators McDowell, Torbert - 2.

ABSENT: Senators Bane, Connor - 2.

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

SENATE CONSENT CALENDAR #31 was introduced:

SR 74 - COMMENDING CAPE HENLOPEN HIGH SCHOOL ON ITS SELECTION AS DELAWARE'S FIRST DRUG-FREE SCHOOL BY THE U.S. DEPARTMENT OF EDUCATION, AND LAUDING ITS PRINCIPAL, TEACHERS, AND STUDENTS FOR THEIR EFFORTS TO RID THE SCHOOL OF DRUG AND ALCOHOL ABUSE. Sponsors: Senators Minner, Adams, Cordrey.

SR 75 - COMMENDING RETHA FISHER, PRESIDENT OF FOOD CONSERVERS INC., FOR HER HUMANITARIAN WORKS ON BEHALF OF THE POOR AND THE NEEDY AND CONGRATULATING HER FOR WINNING THE 1989 HUMANITARIAN AWARD OF THE BAHAI COMMUNITY OF DELAWARE. Sponsor: Senator Holloway.

SR 76 - REQUESTING THE SECRETARY OF PUBLIC SAFETY TO APPOINT A COMMITTEE WHOSE RESPONSIBILITY WOULD BE TO STUDY THE FEASIBILITY OF ESTABLISHING A STATEWIDE UNIFORM SYSTEM OF LIGHTS, SIRENS, HORNS AND OTHER MECHANISMS ON EMERGENCY TYPE VEHICLES USED IN THE STATE AND FURTHER REQUESTING THE SECRETARY TO MAKE HIS FINDINGS AND ANY RECOMMENDATIONS FOR LEGISLATION TO THE LEGISLATURE NO LATER THAN NOVEMBER 15, 1990. Sponsor: Senator Holloway.

SCR 127 - COMMENDING THE FELTON VOLUNTEER FIRE CO. WHO CELEBRATED ITS FIFTIETH "GOLDEN" ANNIVERSARY ON DECEMBER 16, 1989 AND EXTENDING BEST WISHES AND PROSPEROUS FUTURE. Sponsors: Senator Cook; Representatives Quillen, B. Ennis.

SCR 128 - DESIGNATING APRIL 24, 1990 AS A DAY OF REMEMBRANCE OF "MAN'S INHUMANITY TO MAN" FOR THE ARMENIAN GENOCIDE OF 1915-1923. Sponsors: Senators McDowell, Marshall, Neal; Representatives Jonklert, Soles.

SCR 129 - DESIGNATING MR. STEPHEN GUNZENHAUSER, MUSIC DIRECTOR AND CONDUCTOR OF THE DELAWARE SYMPHONY ORCHESTRA AS A GOODWILL AMBASSADOR FOR DELAWARE AS HE TRAVELS TO CZECHOSLOVAKIA IN MAY OF 1990 AND ON HIS EXTENSIVE CONCERT TOURS THROUGHOUT THE WORLD. Sponsor: Senator Knox, Representative Spence.

SCR 130 - HONORING FARMERS WILLIAM AND WALTER HOPKINS OF LEWES FOR THEIR MASTER FARMER RECOGNITION FROM PENNSYLVANIA FARMERS MAGAZINE AND THE COOPERATIVE EXTENSION SERVICE. Sponsors: Representative Schroeder; Senators Cordrey, Minner.

SCR 131 - HONORING JOSHUA HICKEY WHO WAS NAMED WINNER OF THE YOUTH CITIZENSHIP AWARD BY SOROPTIMIST INTERNATIONAL OF WILMINGTON. Sponsors: Representative Smith, Senator Bair.

SCR 132 - CONGRATULATING WILMINGTON FRIENDS SCHOOL TEACHER RICHARD S. REYNOLDS UPON BEING NAMED THE RECIPIENT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES/READER'S DIGEST TEACHER-SCHOLAR FOR 1990. Sponsors: Representatives Smith, George; Senator McDowell; Representative Plant; Senator Holloway.

SCR 134 - HONORING REBECCA "BECKY" PERNOL AT THE CLOSE OF HER TERM AS STATE PRESIDENT OF THE DELAWARE VFW LADIES AUXILIARY. Sponsors: Representatives Jester, B. Ennis; Senator Vaughn.

SCR 135 - IN RECOGNITION OF THE TENTH ANNIVERSARY OF THE DELAWARE AGRICULTURAL MUSEUM. Sponsors: Representative B. Ennis; Senators Minner, Adams, Vaughn, Cook, Cordrey; Representatives Caulk, Carey, Quillen, Clark.

The roll call vote on the Calendar was taken on motion of Senator Minner and revealed 19 Senators voting YES and 2 (Bane, Connor) ABSENT; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

On motion of Senator Venables and without objection, HB 407 was reassigned to the Sunset Committee. No objection.

At 6:49 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 3, 1990.

The Senate reconvened at 2:33 p.m., April 3, 1990, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted SCR 130; SCR 131; SCR 132; SCR 134; SCR 135; SJR 10 and passed HB 526; HB 566; HB 521 w HA 2.

The following Committee reports were announced:

From the Agriculture Committee: SB 366 - 4 Merits; SB 367 - 4 Merits; HB 383 - 4 Merits.

Senator Bane marked PRESENT.

The following legislation was introduced:

HB 521 w HA 2 - AN ACT TO AMEND TITLE 11, DELAWARE CODE RELATING TO THE PLANNING PROCESS FOR CORRECTIONAL FACILITY CONSTRUCTION. Sponsors: Representative Sillis, Senator McBride; Representatives Reynolds, Houghton, Jester, VanSant, Gilligan, B. Ennis, Bunting, Plant, Brady, West, Schroeder; Senators Venables, McDowell. Assigned to Judiciary Committee.

HB 526 - AN ACT TO AMEND "AN ACT TO RE-INCORPORATE THE TOWN OF SMYRNA" BEING CHAPTER 339, VOLUME 62, LAWS OF DELAWARE, AS AMENDED, TO ALLOW OFFICIAL CANDIDATES TO ASSUME OFFICE WITHOUT HOLDING AN ELECTION WHERE NONE OF THE OFFICIAL CANDIDATES HAVE A FORMAL OPPONENT ON THE DAY OF THE ELECTION, AND TO CLARIFY THE PROVISIONS CONCERNING FILLING OF VACANCIES ON THE TOWN COUNCIL BY THE VOTERS OF THE TOWN. (2/3 vote) Sponsors: Representative B. Ennis, Senator Vaughn. Assigned to Community Affairs Committee.

HB 566 - AN ACT TO AMEND CHAPTER 42, TITLE 18 OF THE DELAWARE CODE RELATING TO THE DELAWARE INSURANCE GUARANTY ASSOCIATION ACT. Sponsors: Representative Oberle, Senator Sharp, Representatives D. Ennis, Spence, Petrilli, Buckworth, Lee, Carey, Ewing, Amick, Corrozi, Roy, Davis, Reynolds, Brady, Gilligan, Campanelli, Soles, Bennett. Laid on the table on motion of Senator Sharp.

SB 373 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 43, TITLE 11, DELAWARE CODE, RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS. Sponsor: Senator Torbert. Assigned to Judiciary Committee.

At 2:38 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 19th Legislative Day.

19TH LEGISLATIVE DAY April 3, 1990

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

A Prayer was offered by Senator R. Still.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:
PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

HB 487 was taken up for consideration on motion of Senator Sharp:

HB 487 - AN ACT TO AMEND CHAPTER 39, TITLE 18, DELAWARE CODE RELATING TO CANCELLATION OF AUTOMOBILE INSURANCE POLICIES.

Senator McDowell commented on the Bill.

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

At 2:44 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:17 p.m., Lt. Governor Wolf presiding.

HB 566 was lifted from the table for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 566 - AN ACT TO AMEND CHAPTER 42, TITLE 18 OF THE DELAWARE CODE RELATING TO THE DELAWARE INSURANCE GUARANTY ASSOCIATION ACT.

The following letter was read and made part of this Journal at the request of Senator Cordrey:

DELAWARE INSURANCE GUARANTY ASSOCIATION
P.O. BOX 409
Wilmington, Delaware 19899

March 30, 1990

MEMBERS OF THE DELAWARE SENATE

Dear Senator:

I am writing to you on behalf of the Delaware Insurance Guaranty Association. On Thursday, House Bill 566 unanimously passed the House of Representatives. The purpose of this Bill is to entitle Horizon's 6,000 plus insureds to recover all of their unused premium dollars.

At the present time the Delaware Insurance Guaranty Act has a \$100.00 deductible in this regard. The purpose of this deductible, just like the deductible on your car, is to require an individual to participate in a loss. As you are aware from the newspaper articles, this insolvency is attributed to the fact that Horizon's policies were underpriced.

For much the same reason that a policy holder would have been charged for his or her deductible following an accident, it is logical to charge them a deductible in this insolvency. In most cases Horizon was the insurance carrier used because it was in the economic interest of the policy holder. It does no good to complain amount(sic) the rising cost of insurance and at the same time pass bills which increase that cost.

Very truly yours,
A. Moore Lifter,
Executive Manager

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The privilege of the floor was extended to Representative David Ennis and several Senators commented on the Bill after which the roll call vote on the Bill was taken and revealed:

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

NO: Senators Hauge, Neal, J. Still - Venables - 4.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senator Connor - 1.

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

Senators Holloway, Martin, McBride, J. Still marked PRESENT during the above roll call.

SS 2 for SB 313 was introduced and adopted in lieu of the Original on motion of Senator Holloway:

SS 2 for SB 313 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO HEALTH CARE FOR THE MEDICALLY INDIGENT. Sponsors: Senator Holloway, Representative Oberle; Senators Sharp, McBride, Venables, Minner, Torbert, Martin, Marshall; Representatives George, Gilligan, Sills, Plant, Campanelli, West, Jonkiert.

At 5:50 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., April 4, 1990.

The Senate reconvened at 3:34 p.m., April 4, 1990, Senator Cordrey presiding.
LEGISLATIVE ADVISORY #39 received from the Office of Counsel to the Governor was read in part and copies made available to each Senator:
LEGISLATIVE ADVISORY #39 (March 29, 1990): On March 29, 1990 the Governor signed HB 452 (Volume 67, Chapter 184, Laws of Delaware); HB 147 w HA 1, SA 1 (Volume 67, Chapter 185, Laws of Delaware); HB 148 w HA 1 (Volume 67, Chapter 186, Laws of Delaware); HB 225 (Volume 67, Chapter 187, Laws of Delaware); HB 284 (Volume 67, Chapter 188, Laws of Delaware); HS 1 to HB 134 (Volume 67, Chapter 189, Laws of Delaware).

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The following Committee reports were announced:
From the Sunset Committee: SB 356 - 5 Merits.
From the Community Affairs Committee: HB 526 - 1 Merits. Report voided - see corrected report below.
From the Natural Resources and Environmental Control Committee: HB 448 w HA 1- 4 Merits; HB 175 w HA 1 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 142, HJR 11 w HA 1; SCR 123 and passed HB 504; HB 515; HB 104 w HA 1; SB 311; SB 343 w HA 1.

At 3:38 p.m., Lt. Governor Wolf presiding.
At 3:38 p.m., on motion of Senator Sharp the Senate adjourned to immediately convene for the 20th Legislative Day.

20TH LEGISLATIVE DAY April 4, 1990

The Senate convened at 3:38 p.m., Lt. Governor Wolf presiding.
A Prayer was offered by Senator Bair.
Pledge of Allegiance to the Flag.
Call of the roll revealed the following attendance:
PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.
ABSENT: Senator Connor - 1.
The Journal of the previous day was approved as read on motion of Senator Sharp.
HB 526 was reported out of the Community Affairs Committee: 3 Merits.
Senator McBride marked PRESENT.
SS 1 for SB 362 was introduced, adopted in lieu of the Original, and assigned to Education Committee on motion of Senator McBride:
SS 1 for SB 362 - AN ACT TO AMEND TITLE 14 AND TITLE 15 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF SCHOOL ELECTION COMMITTEE AND REGULATION OF SCHOOL ELECTIONS.
Sponsors: Senator McBride, Representative Fallon; Senators Minner, R. Still, Neal; Representatives Amick, Bennett, Brady, Jester, Oberle, Reynolds.
Senator Bane was granted the personal privilege of the floor and introduced to the Senate Lindsay Tharp of Brandywood, The March of Dimes National Ambassador for 1990.
HCR 142 was introduced and considered for adoption on motion of Senator Bane:
HCR 142 - CONGRATULATING DELAWARE'S OWN LINDSAY THARP OF BRANDYWOOD WHO HAS BEEN CHOSEN THE MARCH OF DIMES NATIONAL AMBASSADOR FOR 1990. Sponsors: Representative Maroney, Senator Bane.

The roll call vote on the Resolution was taken and revealed 17 Senators voting YES and 4 (Connor, Marshall, McDowell, R. Still) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

Senators Hauge and Minner marked PRESENT during the above roll call.
SB 351 was taken up for consideration on motion of Senator Torbert:
SB 351 - AN ACT TO AMEND CHAPTER 85, TITLE 14, DELAWARE CODE, RELATING TO BOND REQUIRED BY PRIVATE BUSINESS AND TRADE SCHOOLS.

The privilege of the floor was extended to Jack K. Russell (Administrative Assistant to the Senate Majority). Several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed 18 Senators voting YES and 3 (Connor, Marshall, McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator R. Still marked PRESENT during the above roll call.
SB 356 which was next on the Agenda of the day was moved to the bottom of the Agenda at the request of Senator Torbert.

SS 2 for SB 313 was removed from the Agenda and assigned to the Health-Social Services/Aging Committee on motion of Senator Holloway.

SB 366 was taken up for consideration on motion of Senator Adams:
SB 366 - AN ACT TO AMEND CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES AND CIVIL PENALTIES THEREUNDER.

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

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

SB 367 - AN ACT TO AMEND CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES AND CERTIFIED APPLICATORS THEREOF.

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

Senator Marshall marked PRESENT during the above roll call.

HB 383 was taken up for consideration on motion of Senator Adams:

HB 383 - AN ACT TO AMEND CHAPTER 77, TITLE 3 OF THE DELAWARE CODE RELATING TO STRAY LIVESTOCK.

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

SB 343 w HA 1 was taken up for consideration on motion of Senator Minner:

SB 343 w HA 1 - AN ACT TO AMEND CHAPTERS 19 AND 23, TITLE 7, DELAWARE CODE, RELATING TO LICENSING COMMERCIAL CRABBERS, TAKING MATURE FEMALE CRABS, DEFINES CRAB POTS AND RESTRICTING NON-COMMERCIAL CRABBERS TO ONE BUSHEL A DAY. (2/3 vote)

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

At 4:15 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:06 p.m., Lt. Governor Wolf presiding.

The following legislation was introduced:

SB 374 - AN ACT TO AMEND CHAPTER 23, TITLE 18 OF THE DELAWARE CODE RELATING TO UNFAIR PRACTICES IN INSURANCE. Sponsors: Senator Sharp; Representatives VanSant, Lee. Assigned to Insurance and Elections Committee.

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

SB 375 - AN ACT TO AMEND CHAPTER 85, TITLE 29, DELAWARE CODE RELATING TO THE COUNCIL ON EMPLOYMENT SERVICES. Sponsor: Senator Venables. Assigned to Sunset Committee.

SB 376 - AN ACT TO AMEND CHAPTER 29, TITLE 6 OF THE DELAWARE CODE RELATING TO THE ADVISORY COUNCIL TO THE OFFICE OF RETAIL GASOLINE SALES. Sponsor: Senator Venables. Assigned to Finance Committee.

SB 377 - AN ACT TO AMEND TITLE 10, DELAWARE CODE RELATING TO REDRESS FOR CIVIL RIGHTS VIOLATIONS. Sponsor: Senator Holloway. Assigned to Judiciary Committee.

SB 378 - AN ACT TO AMEND CHAPTER 7, TITLE 16 OF THE DELAWARE CODE RELATING TO SEXUALLY TRANSMITTED DISEASES. Sponsors: Senator Holloway, Representative Maroney. Assigned to Health-Social Services/Aging Committee.

SB 379 - AN ACT TO AMEND CHAPTER 65, TITLE 9, DELAWARE CODE, RELATING TO SUSSEX COUNTY SANITARY AND WATER DISTRICTS. Sponsors: Senator Minner, Representative Carey. Laid on the table on motion of Senator Minner.

SB 380 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 35, TITLE 24, DELAWARE CODE, RELATING TO THE APPLICABILITY OF THE PROVISIONS OF CHAPTER 223, VOL. 65, LAWS OF DELAWARE, RELATIVE TO THE LICENSURE REQUIREMENTS OF PSYCHOLOGISTS. Sponsors: Senator Adams, Representative Fallon. Assigned to Sunset Committee.

SA 1 to HB 112. Sponsor: Senator Marshall. Placed with the Bill.

HB 104 w HA 1 - AN ACT TO AMEND CHAPTER 83, TITLE 29 OF THE DELAWARE CODE RELATING TO THE AUTHORIZATION OF COMPENSATORY PAYMENTS TO THE CITY OF DOVER FOR CERTAIN EXEMPT PROPERTIES OWNED BY THE STATE OF DELAWARE. Sponsors: Representatives Outten, Bennett, Clark; Senator Torbert. Assigned to Finance Committee.

HB 504 - AN ACT TO AMEND CHAPTER 11, TITLE 17, DELAWARE CODE RELATING TO OUTDOOR ADVERTISING. (2/3 vote) Sponsors: Representatives Roy, Oberle, Amick, Petrilli, Soles, Bunting, Schroeder. Assigned to Highway and Transportation Committee.

HB 515 - AN ACT TO AMEND THE DELAWARE CODE RELATING TO VEHICULAR HOMICIDE AND PERSONS AGED 16 YEARS OR OLDER. Sponsors: Representatives Jester, Clark, Davis, Houghton, Taylor; Senators Knox, Minner, Torbert, Vaughn. Assigned to Judiciary Committee.

HJR 11 w HA 1 - ESTABLISHING A COMMITTEE TO STUDY AND DRAFT LEGISLATION REGARDING THE CONSOLIDATION OF THE MUNICIPAL COURT OF THE CITY OF WILMINGTON WITH THE COURT OF COMMON PLEAS. Sponsors: Representatives DiPinto, George, Jonkiet, Plant, Sillis; Senators Holloway, Marshall, McDowell. Assigned to Judiciary Committee.

SR 77 was introduced and considered for adoption on motion of Senator Holloway:

SR 77 - CONGRATULATING CLESTE TAYLOR OF WILMINGTON, A BRANDYWINE HIGH SCHOOL SENIOR, ON HER SELECTION AS A WINNER OF A HORATIO ALGER SCHOLARSHIP. Sponsor: Senator Holloway.

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

HB 505 was removed from the Community Affairs Committee and reassigned to Highways and Transportation Committee on motion of Senator R. Still. No objection.
At 5:25 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 5, 1990.

The Senate reconvened at 2:47 p.m., April 5, 1990 Senator Cordrey presiding.
The following letter of nomination for appointment from the Governor was read and assigned to Executive Committee:

STATE OF DELAWARE
Office of the Governor
April 4, 1990

To the Senate of the 135th 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: Cheris D. Congo, R.D. 1, Box 283, Hockessin, DE 19707, to be appointed as a member of the Violent Crimes Compensation Board to serve a term to expire June 30, 1991, to succeed Charles H. Tolliver, IV, Esq., who has resigned.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

Senator McDowell marked PRESENT.

The following legislation was introduced:

SB 381 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX. (3/5 vote) Sponsors: Senator Marshall, Representative Lee. Assigned to Finance Committee.

SS 1 for SB 361 - AN ACT TO AMEND TITLE 14 AND TITLE 15 OF THE DELAWARE CODE RELATING TO SCHOOL DISTRICT ELECTIONS AND REGULATION THEREOF. Sponsors: Senator McBride, Representative Fallon; Senators Minner, R. Still, Neal; Representatives Amick, Bennett, Brady, Jester, Oberle, Reynolds.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 137; HCR 138; HCR 139; HCR 140; HCR 141; SCR 127; SCR 129.

The following communication was read:

SENATE
STATE OF DELAWARE
Legislative Hall
DOVER, DELAWARE 19903

For the purpose of the Senate Journal, with the permission of Senator Herman M. Holloway, SR., please record Senator Harris B. McDowell, III a co-sponsor of Senate Resolution No. 75.

(Signed) Bernard J. Brady
Secretary of the Senate

29 March 1990

* * * * *

LEGISLATIVE ADVISORY #40 received from the Office of the Counsel to the Governor was read:

LEGISLATIVE ADVISORY #40 (April 4, 1990): on April 4, 1990 the Governor signed HB 545 w HA 1, SA 1 (Volume 67, Chapter 190, Laws of Delaware).

* * * * *

HB 407 was reported out of the Sunset Committee: 5 Merits.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that Representatives Corrozi, Buckworth, Boykin, DiPinto, Fallon, Carey, Maroney, Smith and Quillen signed SCR 129 as additional sponsors on April 4, 1990.

At 2:53 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 21st Legislative Day.

21ST LEGISLATIVE DAY
April 5, 1990

The Senate convened at 2:53 p.m., Senator Cordrey presiding.

A Prayer was offered by Senator Adams.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

SB 379 was lifted from the table for consideration on motion of Senator Minner under suspension of the necessary rules:

SB 379 - AN ACT TO AMEND CHAPTER 65, TITLE 9, DELAWARE CODE, RELATING TO SUSSEX COUNTY SANITARY AND WATER DISTRICTS.

Senator Venables commented on the Bill after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Connor, R. Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 51 was laid on the table on motion of Senator Cook.

SB 356 was taken up for consideration on motion of Senator Torbert:

SB 356 - AN ACT TO AMEND VOLUME 67, CHAPTER 171, LAWS OF DELAWARE, RELATING TO DISCIPLINARY ACTION AGAINST REAL ESTATE BROKERS, SALESPERSONS, AND APPRAISERS.

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

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

Senator R. Still marked PRESENT during the above roll call.

The privilege of the floor was extended to Donald P. Hearn, Sr. (Delaware Association of Realtors). Senators Venables and Holloway questioned the witness after which SB 356 w SA 2 was laid on the table on motion of Senator Torbert.

HB 407 was laid on the table on motion of Senator Venables.

HB 526 was taken up for consideration on motion of Senator Minner:

HB 526 - AN ACT TO AMEND "AN ACT TO RE-INCORPORATE THE TOWN OF SMYRNA" BEING CHAPTER 339, VOLUME 62, LAWS OF DELAWARE, AS AMENDED, TO ALLOW OFFICIAL CANDIDATES TO ASSUME OFFICE WITHOUT HOLDING AN ELECTION WHERE NONE OF THE OFFICIAL CANDIDATES HAVE A FORMAL OPPONENT ON THE DAY OF THE ELECTION, AND TO CLARIFY THE PROVISIONS CONCERNING FILLING OF VACANCIES ON THE TOWN COUNCIL BY THE VOTERS OF THE TOWN. (2/3 vote)

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

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Holloway, Marshall, Martin, Minner, Neal, Sharp, Torbert, Vaughn, Venables - 14.

NO: Senators Hauge, McDowell, R. Still - 3.

NOT VOTING: Senators McBride, J. Still - 2.

ABSENT: Senators Connor, Knox - 2.

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

HB 51 w HA 1 was lifted from the table for consideration on motion of Senator Cook:

HB 51 w HA 1 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO CREDITABLE SERVICE WITH THE PROTHONOTARY OFFICES.

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

Senators J. Still and McDowell commented on the Bill after which it was laid on the table on motion of Senator Cook.

At 3:36 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:45 p.m., Senator Cordrey presiding.

HB 51 w HA 1, SA 1 was lifted from the table for consideration on motion of Senator Cook and the roll call vote taken which revealed 16 Senators voting YES and 5 (Connor, Holloway, Martin, Neal, J. Still) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 407 was lifted from the table for consideration on motion of Senator Venables:

HB 407 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO ORAL EXAMINATIONS FOR LICENSURE.

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

The privilege of the floor was extended to Jan Konesey of Common Cause and several Senators commented on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, McDowell, Minner, J. Still, R. Still, Torbert, Venables - 16.

NO: Senators Sharp, Vaughn - 2.

ABSENT: Senators Connor, Holloway, Neal - 3.

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

SENATE CONSENT CALENDAR #32 was introduced:

SCR 130 - CONGRATULATING UNIVERSITY OF DELAWARE BLUE HENS BASEBALL COACH BOB HANNAH UPON HIS SELECTION FOR INDUCTION INTO THE AMERICAN BASEBALL COACHES ASSOCIATION'S HALL OF FAME. Sponsors: Senators Neal, Martin, Adams, Cook, McDowell, Bane, Hauge, McBride, J. Still; Representatives Amick, Taylor, Bennett, Buckworth, Soles, Petrilli, Davis, Oberle, D. Ennis, Brady, Mack, Schroeder, Fallon, Bunting, Gilligan, Houghton, Reynolds, VanSant, Smith, George.

SCR 131 - CONGRATULATING JOHN WHITE, SON OF MR. AND MRS. JOHN WHITE JR. OF NEWKIRK ESTATES, ON HIS VICTORY IN THE 1989 PUSHMOBILE DERBY AND FOR RECORDING THE FASTEST TIME OF THE DAY. Sponsors: Senator Sharp, Representative Taylor.

SCR 132 - CONGRATULATING DOUG JAMES OF REHOBOTH BEACH FOR WINNING A GRAMMY AWARD IN SONG-WRITING AND FOR HIS RAPID RISE AS A RECORDING ARTIST. Sponsors: Senator Cordrey, Representative Schroeder.

SCR 133 - CONGRATULATING ST. MICHAEL'S DAY NURSERY, THE STATE OF DELAWARE'S OLDEST, AND ITS STAFF AS IT CELEBRATES ITS CENTENNIAL YEAR. Sponsors: Senators Holloway, Marshall, McDowell; Representatives Plant, Sills.

SCR 137 - HONORING THE CONTRIBUTIONS MADE BY SECRETARIES DURING PROFESSIONAL SECRETARIES WEEK (APRIL 22-28, 1990) IN DELAWARE. Sponsors: Representative Spence, Senator Cordrey; Representatives Petrilli, Buckworth, George, Gilligan; Senators Sharp, Marshall, Bair, Connor and on behalf of all Representatives & Senators.

SCR 138 - URGING PRESIDENT BUSH TO PRESIDE OVER FIRE PREVENTION WEEK CEREMONIES AT THE DELAWARE FIRE SCHOOL, ON OCTOBER 7, 1990 IN DOVER, DELAWARE. Sponsors: Representative Spence, Senator Cordrey; Representatives Petrilli, Buckworth, Reynolds, Oberle, George, Gilligan; Senators Sharp, Bair, Marshall, Connor, McBride.

SCR 139 - CONGRATULATING PATRICIA ANNE BEAR, FROM MIDDLETOWN, UPON BEING SELECTED 1989-1990 TEACHER OF THE YEAR FOR THE APPQUINIMINK SCHOOL DISTRICT. Sponsors: Representative Jester, Senator Vaughn.

SCR 140 - CELEBRATING SIXTY YEARS OF MARITAL BLISS FOR HARVEY AND CHARLOTTE SPICER. Sponsors: Representative Ewing, Senator Adams.

SCR 141 - COMMENDING JEFF STILL OF THE SMYRNA SCHOOL DISTRICT FOR HIS HEROIC CONDUCT IN HELPING TO RESCUE HIS SISTER, ANGEL SWARTZ, A SECOND GRADER ALSO IN THE SMYRNA SCHOOL DISTRICT, FROM BEING RUN OVER BY THE BACK WHEELS OF HER SCHOOL BUS FROM WHICH SHE HAD JUST DISEMBARKED, WHICH WILL BE AIRED ON CBS NATIONAL TELEVISION PROGRAM "RESCUE 911" SOMETIME IN APRIL. Sponsors: Representatives B. Ennis, Clark; Senators Cook, Vaughn.

The roll call vote on the Calendar was taken and revealed 18 Senators voting YES and 3 (Connor, Holloway, Neal) ABSENT; therefore, the Resolutions were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolutions were sent to the House for consideration.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 143; HCR 144.

SCR 144 was introduced and considered for adoption on motion of Senator Knox:

SCR 144 - REQUESTING THE TRANSLATION AND DUPLICATION OF THE DECLARATION OF INDEPENDENCE AND THE BILL OF RIGHTS IN THE VERNACULAR LANGUAGES OF CZECHOSLOVAKIA, POLAND AND OTHER EASTERN BLOC COUNTRIES. Sponsors: Representative Smith, Senator Knox; Representatives Spence, D. Ennis, Fallon, Mack, Reynolds, George; Senators Cordrey, Holloway, Marshall, Martin, Venables, J. Still, R. Still, Hauge.

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

SB 374 was stricken on motion of Senator Sharp.

At 5:30 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 10, 1990.

The Senate reconvened at 2:40 p.m., April 10, 1990, Lt. Governor Wolf presiding.

HB 347 was reassigned from the Committee to Combat Drug Abuse to the Public Safety Committee.

The following legislation was introduced:

SB 382 - AN ACT TO AMEND CHAPTER 7 OF TITLE 5, DELAWARE CODE, RELATING TO THE CORPORATION LAW FOR STATE BANKS. (2/3 vote) Sponsors: Senators Martin, McDowell. Assigned to Banking Committee.

SB 383 - AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO MOTORCYCLES. (2/3 vote) Sponsor: Senator Knox. Assigned to Public Safety Committee.

SB 384 - AN ACT TO AMEND CHAPTERS 11, 14, 19 AND 23 OF TITLE 30 OF THE DELAWARE CODE RELATING TO VARIOUS REFERENCES TO THE FEDERAL INTERNAL REVENUE CODE. Sponsors: Senator Marshall, Representative Lee. Assigned to Revenue and Taxation Committee.

SB 385 - AN ACT TO AMEND CHAPTER 43, TITLE 29, DELAWARE CODE, RELATING TO THE APPOINTMENT OF NOTARIES FOR CERTAIN SERVICE ORGANIZATIONS. Sponsors: Senator Torbert; Representative B. Ennis; Senators Marshall, Holloway, Vaughn, R. Still; Representatives Campanelli, VanSant, West, Lee, DiPinto. Assigned to Sunset Committee.

SB 386 - AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE RELATING TO THE AUTHORITY OF THE DEPARTMENT OF CORRECTION TO COLLECT A PORTION OF INMATE WAGES AND TO CONTRIBUTE THEM TO THE VICTIM COMPENSATION FUND. Sponsors: Senator Hauge, Representative Hebner. Assigned to Judiciary Committee.

SB 387 - AN ACT TO AMEND CHAPTER 11, TITLE 30, AND CHAPTER 96, TITLE 9, OF THE DELAWARE CODE RELATING TO DELAWARE TAXES. Sponsors: Senator Marshall, Representative Lee. Assigned to Revenue and Taxation Committee.

SB 388 - AN ACT TO AMEND CHAPTER 9, TITLE 4, OF THE DELAWARE CODE RELATING TO CERTAIN VIOLATIONS AND PENALTIES THEREFORE. Sponsors: Senator Knox, Representative Jonkiert. Assigned to Administrative Services/Energy Committee.

SB 389 - AN ACT TO AMEND CHAPTER 47, TITLE 7, AND CHAPTER 80, TITLE 29, DELAWARE CODE RELATING TO THE ABOLITION OF THE RECREATIONAL ASSISTANCE FUND AND THE RECREATIONAL ADVISORY COUNCIL AND THE ESTABLISHMENT OF THE PARKS AND RECREATION COUNCIL. Sponsors: Senators Hauge, Minner; Representatives Smith, Hebner, Brady. Assigned to Natural Resources and Environmental Control Committee.

SB 390 - AN ACT TO AMEND CHAPTER 23, TITLE 18 OF THE DELAWARE CODE RELATING TO UNFAIR PRACTICES IN INSURANCE. Sponsors: Senator Sharp; Representatives VanSant, Lee. Assigned to Insurance and Elections Committee.

SB 391 - AN ACT TO AMEND TITLE 6, DELAWARE CODE, TO ESTABLISH A DELAWARE LEASE-PURCHASE AGREEMENT ACT. Sponsors: Senator Holloway, Representative DiPinto. Assigned to Finance Committee.

SA 1 to HB 301. Sponsor: Senator Bane. Placed with the Bill.

SA 1 to SB 385. Sponsor: Senator Torbert. Placed with the Bill.

The following Committee reports were announced:

From the Education Committee: SS 1 for SB 362 - 1 Favorable, 3 Merits; SS 1 for SB 361 - 1 Favorable, 3 Merits.

HCR 143 was introduced and assigned to Education Committee:

HCR 143 - COMMENDING THE STUDENTS SELECTED AS STATE SUPERINTENDENT'S SCHOLARS OF 1990. Sponsors: Representative Fallon, Senator McBride.

At 2:50 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 22nd Legislative Day.

22ND LEGISLATIVE DAY

April 10, 1990

The Senate convened at 2:50 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator R. Still.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

Senator Adams commented on the position of Chief Judge of Family Court and the Castle Administration's position on it. Senator Bair responded.

At the request of Senator Holloway, the following letter was read and made part of this Journal:

YMCA of DELAWARE
YOUTH in GOVERNMENT
The Resource Center
501 West 11th Street
Wilmington, DE 19801

April 8, 1990

Dear Senator Holloway:

Thank you very much for allowing YIG to use the Senate Chambers. Using your desk was an honor as you are one of the most recognized and distinguished Senators in the First State.

As for me, this is my fourth and final year in YIG. I have served in the House once, the Supreme Court once, and the Senate twice. I am a Senior at Wilmington Friends School, and this fall I will attend Brown or Princeton University (depending on what the unopened Princeton letter sitting in my mailbox says).

Thanks again,
Matthew S. Meyer
2201 Gilpin Avenue
Wilmington, DE 19806

* * * * *

Senators Knox and Hauge marked PRESENT.

HB 175 w HA 1 which was first on the Agenda of the day was laid on the table on motion of Senator Minner.

HB 448 w HA 1 which was next on the Agenda of the day was laid on the table on motion of Senator Minner.

At 3:07 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:17 p.m., Senator Sharp presiding.

HB 448 w HA 1 was lifted from the table for consideration on motion of Senator Minner:

HB 448 w HA 1 - AN ACT TO AMEND SUBCHAPTER I OF CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF FEES TO FUND THE LOCAL EMERGENCY PLANNING COMMITTEES; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

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

At 4:20 p.m., Lt. Governor Wolf presiding.

SA 3 to the Bill (sponsor: Senator Torbert) was introduced and considered for adoption.

Senator McBride spoke on the Amendment after which the roll call vote was taken and revealed 18 Senators voting YES and 3 (Connor, Cordrey, Hauge) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Representative Bruce Ennis and several Senators entered into discussion of the Bill after which HB 448 w HA 1, SA 3 was reassigned to Finance Committee on motion of Senator Minner.

HB 290 w SA 1 was lifted from the table for consideration on motion of Senator Minner.

SA 2 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator McBride.

The privilege of the floor was extended to John Cordrey (Senate Attorney) and several Senators entered into discussion of the Amendment after which the Amendment was laid on the table on further motion of Senator McBride.

SA 3 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp.

During a prolonged discussion of the Amendment among several Senators the privilege of the floor was extended to Lt. Wilkins (U. S. Coast Guard) and Major Rodney Harmic (Department of Natural Resources and Environmental Control) after which the Amendment was laid on the table on motion of Senator Sharp.

HB 290 w SA 1 was then laid on the table on motion of Senator Minner.

SB 378 was reported out of the Health-Social Services/Aging Committee: 7 Merits.

SB 392 was introduced and assigned to Labor and Industrial Relations Committee:

SB 392 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES. Sponsors: Senator Marshall, Representative Oberle; Representative Maroney; Senators Cook, Holloway, Martin, McBride, McDowell, Minner, Sharp; Representatives Campanelli, Jonklert, Plant, Sills, West.

At 5:57 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., April 11, 1990.

The Senate reconvened at 3:35 p.m., April 11, 1990, Lt. Governor Wolf presiding.

Senator Cordrey marked PRESENT.

LEGISLATIVE ADVISORY #41 received from the Office of Counsel to the Governor was read:

LEGISLATIVE ADVISORY #41 (April 5, 1990): On April 5, 1990 the Governor signed HB 548 (Volume 67, Chapter 191, Laws of Delaware); SB 30 w SA 2 (Volume 67, Chapter 192, Laws of Delaware); SB 261 (Volume 67, Chapter 193, Laws of Delaware).

* * * * *

The Secretary announced that a message from the House informed the Senate that it had passed HB 493 w HA 1; HB 547 w HA 1; HB 385; SB 151 w SA 1, HA 4, SA 5 and adopted HJR 19; HCR 149.

The Secretary read a memo from Senator J. Still requesting that his name be removed as a co-sponsor of SB 370.

The following legislation was introduced:

SB 393 - AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO INCREASE THE STANDARD OF NEED FOR ASSISTANCE GRANTED AS AID TO FAMILIES WITH DEPENDENT CHILDREN TO 45 PERCENT OF THE 1989 FEDERAL POVERTY LEVEL. Sponsors: Senators Holloway, Marshall, McBride, McDowell. Assigned to Health-Social Services/Aging Committee.

SB 394 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO ASSAULTS AND BIGOTRY. Sponsors: Senators Sharp, Vaughn, Holloway; Representative Hebner. Assigned to Judiciary Committee.

SB 395 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO INSTITUTIONAL VANDALISM. (2/3 vote) Sponsors: Senators Sharp, Vaughn, Holloway; Representative Hebner. Assigned to Judiciary Committee.

HB 493 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO POSSESSION OF CHILD PORNOGRAPHY. (2/3 vote) Sponsors: Representatives Roy, Spence, Buckworth, Amick, Boykin, Carey, Ewing, D. Ennis, Corrozi, Lee, Smith, Bennett, VanSant; Senators J. Still, Bair. Assigned to Judiciary Committee.

HB 547 w HA 1 - AN ACT TO AMEND CHAPTER 80 OF TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL. Sponsors: Representative Caulk, Senator Vaughn; Representatives Spence, Amick, D. Ennis, DiPinto, Lee, Reynolds, Clark, B. Ennis, Brady, Bunting, Houghton, Jonklert, Plant, VanSant, West; Senator Torbert. Assigned to Natural Resources and Environmental Control Committee.

HB 385 - AN ACT TO AMEND CHAPTER 51, TITLE 16 OF THE DELAWARE CODE RELATING TO THE EMERGENCY TRANSPORTATION OF THE DANGEROUSLY MENTALLY ILL. Sponsor: Representative Ewing. Assigned to Health-Social Services/Aging Committee.

HJR 19 - PROCLAIMING MAY SUPERSTARS! IN EDUCATION MONTH IN DELAWARE. Sponsors: Representative Fallon; Senators Connor, Martin. Assigned to Education Committee.

SA 1 to HB 504. Sponsor: Senator Martin. Placed with the Bill.

SCR 139 was introduced and considered for adoption on motion of Senator Minner:

SCR 139 - EXTENDING 25TH ANNIVERSARY GREETINGS TO THE OFFICERS, STAFF AND MEMBERS OF THE DELAWARE NATURE EDUCATION SOCIETY AND COMMENDING THEM FOR A JOB WELL DONE. Sponsor: Senator Minner. All Senators were added as co-sponsors.

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

At 3:46 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 23rd Legislative Day.

23RD LEGISLATIVE DAY

April 11, 1990

The Senate convened at 3:46 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Minner.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

Lt. Governor Wolf introduced to the Senate Mark Goodrich who was Governor in the Youth in Government Program. Mr. Goodrich addressed the Senate.

Senator Neal marked PRESENT.

HCR 149 was introduced and considered for adoption on motion of Senator Cordrey:

HCR 149 - CONGRATULATING YOUTH IN GOVERNMENT GOVERNOR MARK GOODRICH AND ALL STUDENTS WHO PARTICIPATED IN THE 1990 MOCK LEGISLATIVE SESSION APRIL 6-8, 1990 SPONSORED BY THE YMCA. Sponsors: Representative Spence, Senator Cordrey; Representatives Petrilli, Buckworth, Smith, George, Gilligan; Senators Sharp, Marshall, Bair.

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

HB 290 w SA 1 was lifted from the table for consideration on motion of Senator Minner.

SA 3 to the Bill which had been placed with the Bill was lifted from the table and considered for adoption on motion of Senator Sharp.

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

SA 4 to the Bill which had been placed with the Bill was taken up for consideration on motion of Senator Sharp. After considerable discussion among various Senators on the Amendment, HB 290 w SA 1, 3 was laid on the table on motion of Senator Minner.

SS 1 for SB 361 was taken up for consideration on motion of Senator McBride:

SS 1 for SB 361 - AN ACT TO AMEND TITLE 14 AND TITLE 15 OF THE DELAWARE CODE RELATING TO SCHOOL DISTRICT ELECTIONS AND REGULATION THEREOF.

The privilege of the floor was extended to William J. Walls, Jr. (Senate Attorney) after which the Bill was laid on the table on motion of Senator McBride.

SS 1 for SB 362 was taken up for consideration on motion of Senator McBride:

SS 1 for SB 362 - AN ACT TO AMEND TITLE 14 AND TITLE 15 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF SCHOOL ELECTION COMMITTEE AND REGULATION OF SCHOOL ELECTIONS.

SA 1 to the Bill (sponsor: Senator McBride) was introduced and placed with the Bill. The Bill was then laid on the table on motion of Senator McBride.

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

SB 378 - AN ACT TO AMEND CHAPTER 7, TITLE 16 OF THE DELAWARE CODE RELATING TO SEXUALLY TRANSMITTED DISEASES.

The privilege of the floor was extended to Dr. Lester Wright (Director of Public Health) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Blair, Bane, Cook, Hauge, Holloway, Knox, Marshall, McDowell, Minner, Neal, J. Still, R. Still, Venables - 14.

NO: Senators Cordrey, McBride, Sharp, Vaughn - 4.

NOT VOTING: Senators Martin, Torbert = 2.

ABSENT: Senator Connor - 1.

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

SENATE CONSENT CALENDAR #33 was introduced:

SCR 135 - IN RECOGNITION OF THE FIRST ANNUAL 5K RUN/WALK IN SUPPORT OF THE RONALD MCDONALD HOUSE OF DELAWARE UNDER THE AUSPICES OF AFSCME COUNCIL 81, AFL-CIO AND ENCOURAGING THE SEVEN THOUSAND MEMBERSHIP OF AFSCME AND ALL DELAWAREANS TO JOIN IN THIS EFFORT SCHEDULED FOR WEDNESDAY, JUNE 6, 1990 AT 6:30 P.M. Sponsor: Senator McDowell.

SCR 136 - EXTENDING HAPPY BIRTHDAY WISHES TO EDWARD S. STANSKY, FORMER LEGISLATOR AND PRESENTLY CHAIRMAN OF THE VIOLENT CRIMES COMPENSATION BOARD WHO WILL MARK HIS 60TH BIRTHDAY ON APRIL 10, 1990. Sponsors: Senator Cook, Representative Houghton.

SCR 137 - GRATEFULLY ACKNOWLEDGING THE OUTSTANDING SERVICE OF WARDEN JOHN L. WEBB DURING HIS 36 YEAR CAREER WITH THE DEPARTMENT OF CORRECTIONS AND WISHING HIM WELL ON HIS RETIREMENT. Sponsors: Senators Vaughn, Holloway; Representative Davis.

SCR 138 - EXPRESSING DEEP SORROW UPON LEARNING OF THE DEATH OF MRS. ELIZABETH D. PRATT OF KENTON, DELAWARE, FORMER DEPUTY DIRECTOR OF THE DIVISION OF MOTOR VEHICLES UNTIL SHE RETIRED IN 1975. Sponsors: Senator Cook, Representative Clark; Senators Marshall, Holloway, McBride, Venables, McDowell, Martin, Sharp, Vaughn, Adams, Torbert, Minner, Cordrey, J. Still; Representatives Bennett, Outten, B. Ennis, Quillen, Ewing, Buckworth, Caulk.

The roll call vote on the Calendar was taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT; therefore, the Resolutions were declared adopted and sent to the House for consideration.

SCR 134 was introduced and considered for adoption on motion of Senator Sharp:

SCR 134 - COMMEMORATING THE POSTHUMOUS INDUCTION OF THE LATE WILLIAM P. FRANK, REPORTER, EDITOR, AND COLUMNIST FOR THE NEWS-JOURNAL COMPANY, INTO THE MARYLAND-DELAWARE-D.C. PRESS ASSOCIATION HALL OF FAME. Sponsors: Senators Sharp, Senator Holloway.

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 5:15 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., April 12, 1990.

The Senate reconvened at 2:31 p.m., April 12, 1990, Senator Cordrey presiding.

SB 380 was reported out of the Sunset Committee: 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 146; HCR 147; HCR 148; HCR 150; HCR 151; HCR 152; SCR 130; SCR 131; SCR 132; SCR 133; SCR 139.

LEGISLATIVE ADVISORIES #42 and 43 received from the Office of Counsel to the Governor were read:

LEGISLATIVE ADVISORY #42 (April 10, 1990): On April 10, 1990 the Governor signed SJR 11.

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LEGISLATIVE ADVISORY #43 (April 11, 1990): On April 10, 1990 the Governor signed SB 343 w HA 1 (Volume 67, Chapter 194, Laws of Delaware); HB 383 (Volume 67, Chapter 195, Laws of Delaware); HB 526 (Volume 67, Chapter 196, Laws of Delaware). HB 106 w HA 1, SA 3 became law without the Governor's signature on April 11, 1990 (Volume 67, Chapter 197, Laws of Delaware).

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At 2:32 p.m. Lt. Governor Wolf presiding

The following legislation was introduced:

SA 1 to HS 1 for HB 505. Sponsors: Senators R. Still, Martin. Placed with the Bill.

SA 2 to HB 301. Sponsor: Senator Bane. Placed with the Bill.

SA 1 to SA 2 to HB 290. Sponsor: Senator McBride. Placed with the Bill.

SA 1 to SA 1 to SA 2 to HB 290. Sponsor: Senator Torbert. Placed with the Bill.

SA 2 to SA 2 to HB 290. Sponsor: Senator Torbert. Placed with the Bill.

SA 2 to SB 331. Sponsor: Senator Holloway. Placed with the Bill.

At 2:36 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 24th Legislative Day.

24TH LEGISLATIVE DAY

April 12, 1990

The Senate convened at 2:36 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Bane.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

The privilege of the floor was extended to W. Allen (Skip) Jones, Jr. (Delaware Tree Farm Committee).

SCR 140 was introduced and considered for adoption on motion of Senator Adams:

SCR 140 - CALLING TO THE ATTENTION OF ALL OUR CITIZENS THE CELEBRATION OF ARBOR DAY ON APRIL 27, 1990, AND REQUESTING THEIR PARTICIPATION IN THE CAMPAIGN TO IMPROVE AND INCREASE OUR FORESTS, WOODS AND COPSES. Sponsors: Senator Adams, Representative Caulk; Senators Cook, Cordrey, Vaughn, Venables, Connor, J. Still; Representatives Carey, Quillen, Smith, Bunting, Clark, Schroeder.

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

Senators Marshall, Martin, Bair, R. Still marked PRESENT during the above roll call.

The privilege of the floor was extended to William Dannenhauer (State Advisor, Future Farmers of America) and Future Farmers Stephen E. Cook, Lisa R. Bramble, C. Amelia Graham, Michael Shehan.

Each Senator was presented with a lily by the students.

SCR 141 was introduced and considered for adoption on motion of Senator Adams:

SCR 141 - EXPRESSING OUR APPRECIATION FOR THE EASTER LILIES PRESENTED ANNUALLY BY OUR VOCATIONAL STUDENTS. Sponsors: Senator Adams, Representative Caulk; Senators Cook, Cordrey, Vaughn, Venables, Connor, J. Still; Representatives Quillen, Carey, Smith, Bunting, Clark, Schroeder.

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

Senators Holloway and Neal marked PRESENT during the above roll call.

The following Committee reports were announced:

From the Sunset Committee: SB 385 - 5 Merit; SB 375 - 5 Merits.

SB 380 was taken up for consideration on motion of Senator Adams:

SB 380 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 35, TITLE 24, DELAWARE CODE RELATING TO THE APPLICABILITY OF THE PROVISIONS OF CHAPTER 223, VOL. 65, LAWS OF DELAWARE, RELATIVE TO THE LICENSURE REQUIREMENTS OF PSYCHOLOGISTS.

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

The roll call vote on SB 380 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:08 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 4:42 p.m., Lt. Governor Wolf presiding.

HCR 154 was introduced and considered for adoption on motion of Senator Sharp:

HCR 154 - OFFERING KUDOS TO SEVENTEEN YEAR OLD KARATE ACE RAMON DE GORDON. Sponsors: Representative Spence, Senator Sharp.

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

The following nominations for appointment by the Governor were all taken up for consideration under suspension of the necessary rules on motion of Senator Adams and the roll call votes taken:

Arthur S. Benson: 19 Senators voting YES and 2 (Connor, Torbert) ABSENT; therefore, the appointment was declared confirmed.

R. Robert Currie, Jr.: 19 Senators voting YES and 2 (Connor, Torbert) ABSENT; therefore, the appointment was declared confirmed.

George E. Freebery, Jr.: 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the appointment was declared confirmed.

Bruce A. Rogers, Esq.: 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the appointment was declared confirmed.

Joseph R. Tuckosh: 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the appointment was declared confirmed.

Lynn W. Williams: 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the appointment was declared confirmed.

Mary Jane Willis: 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the appointment was declared confirmed.

HB 269 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 269 w HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE TO PROVIDE FUNDING FOR A STATE FUNDING DRUG REHABILITATION, TREATMENT AND EDUCATION FUND.

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

Senator Neal commented on the Bill after which the roll call vote on HB 269 w HA 1, SA 1 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 446 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 446 w HA 1 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

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

HB 493 w HA 1 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 493 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO POSSESSION OF CHILD PORNOGRAPHY. (2/3 vote)

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

The Secretary announced that a message from the House informed the Senate that it had passed HB 568 w HA 1; SB 379 and adopted HCR 136; HCR 154; SCR 134; SCR 135; SCR 136; SCR 137; SCR 138; SCR 140; SCR 141.

HB 568 w HA 1 was taken up for the introduction and consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

HB 568 w HA 1 - AN ACT TO AMEND CHAPTER 189, VOLUME 43 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO THE TOWN OF WYOMING. (2/3 vote) Sponsors: Representative Buckworth, Senator Torbert.

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

HB 290 w SA 1, 3 was lifted from the table for consideration on motion of Senator Minner.

SA 4 to the Bill was stricken on motion of Senator Sharp.

SA 5 to the Bill (sponsor: Senator McBride) was introduced and laid on the table.

SA 6 to the Bill (sponsor: Senator Sharp) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Connor, McDowell) ABSENT; therefore, the Amendment was declared adopted.

There was considerable discussion of the Bill among several Senators during which the privilege of the floor was extended to John Cordrey (Senate Attorney).

The roll call vote on HB 290 w SA 1, 3, 6 which required a 2/3 vote was then taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, McBride, Minner, Neal, J. Still, Torbert, Vaughn - 15.

NO: Senator Venables - 1.

NOT VOTING: Senators McDowell, Sharp - 2.

ABSENT: Senators Connor, Martin, R. Still - 3.

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

SENATE CONSENT CALENDAR #34 was introduced:

SCR 142 - EXPRESSING OUR STRONG SUPPORT FOR THE RIGHT OF THE LITHUANIAN PEOPLE TO ENJOY NATIONAL INDEPENDENCE AND OUR CONTINUED SUPPORT FOR DEMOCRACY IN LITHUANIA. Sponsors: Senators Marshall, Knox; Representatives Jonkiert, Oberle.

SCR 146 - COMMENDING THE STUDENTS SELECTED AS STATE SUPERINTENDENT'S SCHOLARS OF 1990. Sponsors: Representative Fallon, Senator McBride.

SCR 147 - EXPRESSING DEEPEST SYMPATHY AND CONDOLENCES TO THE FAMILY OF DELAWARE STATE POLICE TROOPER KEVIN J. MALLON UPON HIS UNTIMELY AND TRAGIC DEATH. Sponsors: Representatives B. Ennis, VanSant, Ewing, Schroeder; Senators Vaughn, Minner.

SCR 148 - IN RECOGNITION AND OBSERVANCE OF "NATIONAL TEACHER DAY", TUESDAY, MAY 8, 1990 AND "TEACHER APPRECIATION WEEK", MAY 6-12 AND ENCOURAGING ALL DELAWAREANS, TO INCLUDE MEMBERS OF THE 135TH GENERAL ASSEMBLY, TO SHOW THEIR APPRECIATION OF THIS YEAR'S THEME "PRIDE IN EDUCATION" IN WHATEVER MANNER THEY DEEM APPROPRIATE AND FITTING. Sponsors: Representatives Bennett, Fallon; Senator McBride; all Representatives; all Senators.

SCR 150 - HONORING MICHAEL BARLOW UPON ATTAINING THE RANK OF EAGLE SCOUT. Sponsors: Representative Petrilli, Senator Bane.

SCR 151 - PROCLAIMING MAY 6-12, 1990 AS SUICIDE PREVENTION WEEK IN DELAWARE. Sponsors: Representative Maroney, Senator Bair; Representatives Spence, Petrilli, Buckworth, Fallon, Hebner, Davis, Ewing, Lee, Quillen, Amick, Boykin, Taylor, DiPinto, Carey, Gilligan, Soles, Jester, Brady; Senators Holloway, Hauge, Knox, R. Still, Bane.

SCR 152 - CONGRATULATING DORIS E. HARRIS UPON HER RETIREMENT FROM THE STATE OF DELAWARE AFTER 36 YEARS OF DEDICATED SERVICE IN A VARIETY OF POSITIONS IN DELAWARE'S CRIMINAL JUSTICE SYSTEM. Sponsors: Representative Houghton, Senator Holloway.

The roll call vote on the Calendar was taken on motion of Senator Minner and revealed 19 Senators voting YES and 2 (Connor, Martin) ABSENT; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

SR 78 was introduced and considered for adoption on motion of Senator Holloway:

SR 78 - MOURNING THE DEATH AND COMMEMORATING THE LIFE OF RYAN WHITE, AN INNOCENT AIDS VICTIM WHO TAUGHT AMERICA A LESSON IN COURAGE, HUMANITY, AND HUMILITY. Sponsor: Senator Holloway. At the request of Senator Holloway all Senators were added as co-sponsors of the Resolution after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Connor, Martin) ABSENT; therefore, the Resolution was declared adopted.

SCR 136 was introduced and considered for adoption on motion of Senator Marshall:

SCR 136 - MEMORIALIZING THE PRESIDENT OF THE UNITED STATES OF AMERICA AND THE ONE HUNDRED FIRST CONGRESS OF THE UNITED STATES TO PRESERVE THE PRESENT BORDER BETWEEN GERMANY AND POLAND AND REAFFIRM THAT THE STATUS OF THE BORDER ALONG THE ODER-NEISSE RIVERS SHOULD BE DETERMINED DURING THE REUNIFICATION PROCESS AND NOT BE POSTPONED UNTIL AFTER REUNIFICATION IS COMPLETED. Sponsors: Representatives Jonkiert, VanSant; Senator Marshall.

Several Senators commented on the Resolution.

At 5:48 p.m. on motion of Senator Sharp a brief recess was called for purpose of changing the tape and reconvened at 5:52 p.m., Lt. Governor Wolf presiding.

SCR 136 was still before the Senate and the roll call vote was then taken which revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Knox, Marshall, McDowell, Minner, R. Still, Torbert, Vaughn - 11.

NO: Senators Bair, Neal, J. Still, Venables - 4.

NOT VOTING: Senators Bane, Hauge, McBride, Sharp - 4.

ABSENT: Senators Connor, Martin - 2.

Therefore, the Resolution was declared adopted by the Senate and returned to the House. Senator Bane introduced to the Senate JoAnna Kern who was present in the chamber.

SR 79 was introduced and laid on the table on motion of Senator McBride:

SR 79 - RECOGNIZING THE NATIONAL VICTIMS RIGHTS AWARENESS WEEK AS CELEBRATED IN THE STATE OF DELAWARE. Sponsors: Senators McBride, McDowell.

At 6:01 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 1, 1990.

The Senate reconvened at 3:05 p.m., May 1, 1990, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 155.

HJR 19 was reported out of the Education Committee: 4 Merits.

The following legislation was introduced:

SB 396 - AN ACT TO AMEND CHAPTER 29, TITLE 30 OF THE DELAWARE CODE RELATING TO STATE TAXES; AND EXEMPTING CRABBERS FROM WHOLESALE LICENSE REQUIREMENTS. Sponsors: Senators Vaughn, Torbert; Representatives B. Ennis, West, Caulk, Clark, Bennett, Campanelli. Assigned to Revenue and Taxation Committee.

SB 397 - AN OMNIBUS ACT TO AMEND TITLE 11 AND TITLE 16 TO PROVIDE CLARIFICATION AND CONSISTENT APPLICATION OF THE INTENT OF THE TRUTH IN SENTENCING ACT OF 1989. Sponsors: Senator Vaughn, Representative Davis. Assigned to Judiciary Committee.

SB 398 - AN ACT TO AMEND CHAPTER 3, TITLE 22 AND CHAPTERS 26, 49, AND 69, TITLE 9 OF THE DELAWARE CODE RELATING TO SUNSET ZONING. (2/3 vote) Sponsor: Senator J. Still. Assigned to Agriculture Committee.

SB 399 - AN ACT TO AMEND CHAPTER 54, TITLE 30 OF THE DELAWARE CODE RELATING TO REALTY TRANSFER TAX. Sponsor: Senator Cordrey. Assigned to Revenue and Taxation Committee.

SB 400 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, RELATING TO FISHING. (2/3 vote) Sponsors: Senators Knox, Minner; Representatives Bennett, Carey, Quillen. Assigned to Natural Resources and Environmental Control Committee.

HB 574 w HA 2, 7, 8 - AN ACT TO AUTHORIZE THE SALE OF CERTAIN SURPLUS LANDS HELD BY THE STATE OF DELAWARE AS TRUSTEE OF THE JOHN FERRIS TRUST UNDER CERTAIN CONDITIONS AND TO EXEMPT SUCH SALE FROM THE PROVISIONS OF 7 DEL. C. CHAPTER 45 AND 29 DEL. C. CHAPTER 94. Sponsors: Representative Petrilli, Senator Marshall, Representative Spence; Senators Bair, Knox. Assigned to Administrative Services/Energy Committee.

At 3:12 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 25th Legislative Day.

25TH LEGISLATIVE DAY
May 1, 1990

The Senate convened at 3:12 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Hauge.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

Senator Cordrey introduced to the Senate and requested the privilege of the floor for Robin Lee Coutant (Miss Delaware 1989). Miss Coutant made a few remarks to the Senate.

HCR 155 was introduced and considered for adoption on motion of Senator Cordrey:

HCR 155 - RECOGNIZING AND HONORING ROBIN LEE COUTANT, MISS DELAWARE 1989, AS SHE NEARS THE END OF HER REIGN. Sponsors: Representative West, Senator Cordrey; Representatives Bunting, Schroeder.

Senators Bair, Bane, Holloway marked PRESENT.

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

Senator Holloway commended Senator Venables and commented on the issue of fees currently before the courts.

The Secretary announced that a message from the House informed the Senate that it had passed HB 607.

HB 607 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Sharp (no objection):

HB 607 - AN ACT WAIVING THE STATUTORY PROVISION OF SECTION 107(a) OF CHAPTER 1, TITLE 13, DELAWARE CODE AS IT RELATES TO THE MARRIAGE OF KATHRYN SCHMULLING AND JOHN E. JONES, NON-RESIDENTS OF THE STATE OF DELAWARE. Sponsor: Representative Petrilli.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Connor, Knox, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SB 375 was taken up for consideration on motion of Senator Venables:

SB 375 - AN ACT TO AMEND CHAPTER 85, TITLE 29, DELAWARE CODE RELATING TO THE COUNCIL ON EMPLOYMENT SERVICES.

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

Senator Knox marked PRESENT during the above roll call.

At 3:31 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:14 p.m., Senator Cordrey presiding.

The following legislation was introduced:

SA 1 to SB 364. Sponsor: Senator Sharp. Placed with the Bill.

SA 2 to SB 364. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to HB 175. Sponsor: Senator Minner. Laid on the table.

SA 1 to HB 388. Sponsor: Senator Venables. Placed with the Bill.

SB 401 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF A VEHICLE WHILE THE OPERATOR IS UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS. (2/3 vote) Sponsors: Senator McBride, Representative Amick. Assigned to Public Safety Committee.

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

STATE OF DELAWARE
Office of the Governor
May 1, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Joshua M. Twilley, Esq., 124 Meadow Glen Drive, Dover, De 19901, to be reappointed as a member of the Public Service Commission to serve a five year term.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
May 1, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Henry E. Kressman, 17 the Strand, New Castle, DE 19720, to be appointed as a member of the Public Employment Relations Board to serve a six year term to succeed Arthur Van Wart, whose term has expired.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
May 1, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

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

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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HB 175 w HA 1 was lifted from the table for consideration on motion of Senator Minner. SA 1 to the Bill was lifted from the table for consideration on motion of Senator Minner and the roll call vote taken which revealed 17 Senators voting YES, 1 (J. Still) voting NO and 3 (Connor, Knox, Neal) ABSENT; therefore, the Amendment was declared adopted.

Senators Venables and Sharp commented on the Bill after which HB 175 w HA 1, SA 1 was laid on the table on motion of Senator Minner.

HJR 19 was taken up for consideration on motion of Senator McBride under suspension of the necessary rules:

HJR 19 - PROCLAIMING MAY SUPERSTARS! IN EDUCATION MONTH IN DELAWARE.

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

Senator Sharp announced that the Senate would not be in Session on Thursday, May 3. At 5:33 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., May 2, 1990.

The Senate reconvened at 3:55 p.m., May 2, 1990, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Community Affairs Committee: HS 1 for HB 505 - 6 Merits.

From the Judiciary Committee: SB 267 - 4 Merits; SB 373 - 4 Merits; SB 377 - 4 Merits; SB 394 - 4 Merits; SB 395 - 4 Merits; SB 397 - 3 Merits, 1 Favorable; HB 515 - 4 Merits.

From the Insurance and Elections Committee: HB 20 - 3 Merits; HB 37 - 3 Merits.

The following legislation was introduced:

SB 402 - AN ACT TO AMEND CHAPTER 302, VOLUME 49, LAWS OF DELAWARE, BEING AN "ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE", AS AMENDED, RELATING TO DUTIES OF THE TOWN COUNCIL PRESIDENT AND TREASURER. (2/3 vote) Sponsors: Senator Cordrey; Representative Bunting. Assigned to Community Affairs Committee.

SB 403 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE, RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES AND TO AMEND CHAPTER 101, TITLE 29, DELAWARE CODE RELATING TO ADMINISTRATIVE PROCEDURES. Sponsor: Senator Hauge. Assigned to Insurance and Elections Committee. At the request of Senator Hauge, the following Senators were added as co-sponsors: Bair, Bane, Knox, J. Still.

The Secretary announced that a message from the House informed the Senate that it had passed HB 445; HB 406 w HA 1; HB 509 w HA 1; SB 76.

The following legislation was introduced:

HB 445 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO NOTICE AND HEARING FOR REVOCATION OF LICENSES FOR REFUSAL TO SUBMIT TO A CHEMICAL TEST. Sponsor: Senator Ewing. Assigned to Public Safety Committee.

HB 406 w HA 1 - AN ACT TO AMEND TITLE 29 RELATING TO THE TRADING IN OF USED STATE VEHICLES. Sponsor: Representative Oberle. Assigned to Sunset Committee.

HB 509 w HA 1 - AN ACT TO AMEND CHAPTER 32, TITLE 5, DELAWARE CODE RELATING TO THE TRANSPORTATION OF MONEY AND VALUABLES. Sponsors: Representatives Roy, Amick, Boykin, Davis, DiPinto, Hebner, Quillen, Jonkier, Outten, West. Assigned to Banking Committee.

Senator Neal marked PRESENT.

At 4:03 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 26th Legislative Day.

26TH LEGISLATIVE DAY May 2, 1990

The Senate convened at 4:03 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator J. Still.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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 Representatives Bennett, Petrilli, Maroney, D. Ennis, Schroeder, DiPinto, Smith, Quillen, Spence signed SCR 139 as additional sponsors on April 11, 1990.

HS 1 for HB 505 was taken up for consideration on motion of Senator Martin:

HS 1 for HB 505 - AN ACT TO AMEND TITLE 28, DELAWARE CODE ESTABLISHING THE DELAWARE BICYCLE COUNCIL.

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

Senators McBride, Minner, Torbert, Marshall, Bair marked PRESENT during the above roll call.

The roll call vote on HS 1 for HB 505 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 360 w HA 1 was taken up for consideration on motion of Senator Sharp.

HB 360 w HA 1 - AN ACT TO AMEND CHAPTER 81, TITLE 10 OF THE DELAWARE CODE RELATING TO LIMITATION OF CIVIL LIABILITY FOR CERTAIN VOLUNTEERS AND CERTAIN MEDICAL CLINICS.

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

The roll call vote on HB 360 w HA 1, SA 1 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

HB 287 w HA 1 was laid on the table on motion of Senator Sharp (no objection).

Senator Minner commented on the Delaware River/Bay Oversight Committee Report. A copy of the Report was given to each Senator.

At 4:28 p.m. on motion of Senator Sharp, the Senate recessed until May 8, 1990 at 2:00 p.m.

The Senate reconvened at 2:45 p.m., May 8, 1990, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Sunset Committee: HB 388 - 3 Merits; HB 396 - 3 Merits.

From the Public Safety Committee: SB 285 - 4 Merits; SB 363 - 4 Merits; SB 364 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 497 w HA 1; HB 570 w HA 1; SB 13; SB 323 and adopted HCR 156; HCR 157; HCR 158; HCR 159; HCR 160; SCR 142.

The following legislation was introduced:

SB 404 - AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO SPONSORS AND PROMOTERS OF CERTAIN ENTERTAINMENT EVENTS. Sponsors: Senator Vaughn, Representative Oberle; Senators Neal, McBride, R. Still; Representatives Brady, Buckworth, B. Ennis. Assigned to Community Affairs Committee.

SB 405 - AN ACT TO AMEND CHAPTER 182, VOLUME 67, LAWS OF DELAWARE, AND CHAPTER 47, SUBCHAPTER 1, TITLE 16, DELAWARE CODE, RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT. Sponsors: Senators Sharp, Cordrey, Vaughn, Neal; Representative Spence. Assigned to Committee to Combat Drug Abuse.

HB 497 w HA 1 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 6, REGARDING TUITION CHARGES FOR NONRESIDENT PUPILS IN A SCHOOL DISTRICT. Sponsors: Representative Jester, Senator Vaughn. Assigned to Education Committee.

HB 546 - AN ACT TO AMEND CHAPTER 43, TITLE 21, OF THE DELAWARE CODE, RELATING TO VEHICLE WINDSHIELDS, FRONT SIDE WINDOWS AND SIDE WINGS. Sponsors: Representatives B. Ennis, Spence; Senators Torbert, Vaughn; Representatives Ewing, Oberle, VanSant, Houghton. Assigned to Public Safety Committee.

HB 570 w HA 1 - AN ACT TO AMEND CHAPTER 31, TITLE 14 OF THE DELAWARE CODE RELATING TO HANDICAPPED PERSONS. Sponsors: Representatives Oberle, Davis, Soles, Amick; Senator Martin. Assigned to Education Committee.

At 2:52 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 27th Legislative Day.

27TH LEGISLATIVE DAY

May 8, 1990

The Senate convened at 2:52 p.m., Lt. Governor Wolf presiding.

Senator Bane led the Senate in the recitation of the Lord's Prayer.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

SB 385 was taken up for consideration on motion of Senator Torbert:

SB 385 - AN ACT TO AMEND CHAPTER 43, TITLE 29, DELAWARE CODE, RELATING TO THE APPOINTMENT OF NOTARIES FOR CERTAIN SERVICE ORGANIZATIONS.

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

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

The privilege of the floor was extended to William Walls (Senate Attorney) after which the roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Connor, McBride) ABSENT; therefore, the Amendment was declared adopted.

Sensors Martin, Marshall, McDowell marked PRESENT during the above roll call.

The Roll call vote on SB 385 w SA 2 was then taken and revealed 19 Senators voting YES and 2 (Connor, McBride) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 3:11 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:45 p.m., Lt. Governor Wolf presiding.

The following legislation was introduced:

SB 406 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 22 AND ARTICLE IV, SECTION 25 OF THE DELAWARE CONSTITUTION TO PROVIDE FOR THE APPOINTMENT BY THE COURT OF CHANCERY OF A REGISTER IN CHANCERY IN EACH COUNTY. (2/3 vote) Sponsors: Senators Sharp, Vaughn; Representative Hebner. Assigned to Judiciary Committee.

SB 407 - AN ACT TO AMEND TITLE 3 AND TITLE 28 OF THE DELAWARE CODE RELATING TO RACING; AND PROVIDING FOR SIMULCAST WAGERING OR BETS. Sponsors: Senator Holloway, Representatives Quillen, Roy, Gilligan; Senator McBride. Assigned to Community Affairs Committee.

HB 388 w HA 1 was taken up for consideration on motion of Senator Venables:

HB 388 w HA 1 - AN ACT TO REESTABLISH THE BOARD OF LANDSCAPE ARCHITECTS BY REESTABLISHING AND REENACTING ALL PROVISIONS OF CHAPTER 2, TITLE 24 OF THE DELAWARE CODE. (2/3 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 which revealed 19 Senators voting YES and 2 (Connor, Knox) ABSENT; therefore, the Amendment was declared adopted.

Senator McBride marked PRESENT during the roll call.

The privilege of the floor was extended to David Hill (Department of Administrative Services, Division of Professional Regulation) and several Senators entered into discussion of the Bill after which HB 388 w HA 1, SA 1 was laid on the table on motion of Senator Venables.

HB 396 w HA 2 was taken up for consideration on motion of Senator Venables:

HB 396 w HA 2 - AN ACT TO AMEND CHAPTER 5, TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGULATION OF PODIATRISTS.

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

SENATE CONSENT CALENDAR #35 was introduced:

SCR 143 - OBSERVING MAY 1990 AS FOSTER CARE MONTH IN DELAWARE. Sponsors: Senator Bair, Representative Jester.

SCR 144 - EXTENDING CONGRATULATIONS TO DR. RUTH M. LAWS OF DOVER, DELAWARE WHO WAS RECENTLY HONORED AT DOVER'S SHERATON HOTEL WITH THE DISTINGUISHED TITLE OF "VALIANT WOMAN FOR 1990" BY THE CHURCH WOMEN UNITED AND THE GREATER DOVER COMMUNITY. Sponsors: Senators J. Still, Cook, Vaughn, Torbert, Minner; Representatives Quillen, Caulk, Bennett, Outten, Buckworth, B. Ennis, Clark, Ewing.

SCR 145 - CONGRATULATING THE CLAYMONT COMMUNITY CENTER AS IT CELEBRATES 15 YEARS OF SERVICE TO THE COMMUNITY. Sponsors: Senators Bair, Hauge; Representatives Hebner, Brady.

SCR 146 - EXPRESSING CONDOLENCES TO THE FAMILY OF MR. WALTER HERBERT WRIGHT, KNOWN FOR HIS VOLUNTEERISM, WHO DIED TUESDAY, APRIL 17, 1990 AT THE AGE OF 82. Sponsors: Senator Bair, Hauge; Representatives Hebner, Brady.

SCR 147 - EXTENDING THE LIFE OF THE DELAWARE RIVER AND BAY OVERSIGHT COMMITTEE UNTIL THE SECOND TUESDAY IN JANUARY, 1991 TO STUDY AND CONSIDER ADDITIONAL MATTERS. Sponsors: Senator Minner, Representative Carey.

HCR 156 - COMMENDING JEAN W. ALLEN FOR BEING NAMED BY THE DELAWARE SCHOOL BOARDS ASSOCIATION AS DISTINGUISHED SERVICE AWARD RECIPIENT FOR 1990. Sponsors: Representative Fallon, Senator Adams.

HCR 157 - CONGRATULATING HUGH AND VIRGINIA COLLINS AS THEY CELEBRATE THEIR FIFTY YEARS OF WEDDED BLISS. Sponsors: Representative Ewing, Senator Adams.

HCR 158 - CELEBRATING 65 YEARS OF COMMUNITY SERVICE BY THE MINQUADALE FIRE COMPANY. Sponsors: Representative Reynolds, Senator McBride, Representative Houghton.

HCR 159 - CONGRATULATING STACEY HOLLINGSHAUS AND ROBERT J. RUSH III, FOR BEING SELECTED TEENAGERS OF THE YEAR BY THE WILMINGTON LIONS CLUB. Sponsors: Representatives Roy, Petrilli; Senator Bane.

HCR 160 - SUPPORTING THE MAINTENANCE OF THE SUSSEX COUNTY COURTHOUSE IN ITS PRESENT HISTORIC LOCATION, THE CONSTRUCTION OF AN ADDITION TO THE COURTHOUSE AND THE USE OF THE COURTHOUSE IN ITS ENTIRETY BY THE STATE AND MAKING A COMMITMENT TO THE SUSSEX COUNTY COUNCIL TO CONTINUE SAID SUPPORT AND REQUESTING THE GOVERNOR AND CHIEF JUSTICE OF THE SUPREME COURT OF THE STATE OF DELAWARE TO ALSO DO SO. Sponsors: Representatives Spence, Petrilli, Buckworth, George, Gilligan; Senators Cordrey, Sharp, Bair, Connor.

The roll call vote on the Consent Calendar was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

SB 408 was introduced and assigned to Judiciary Committee:

SB 408 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO HANDGUNS AND A BACKGROUND RECORD CHECK. (3/5 vote) Sponsors: Senators Bane, Bair, Hauge, Holloway, Knox, J. Still, R. Still, Venables; Representatives Amick, Maroney, Jester, Petrilli, Soles.

SB 401 was reported out of the Public Safety Committee - 4 Merits.
At 5:22 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., May 9, 1990.

The Senate reconvened at 3:53 p.m., May 9, 1990 Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Judiciary Committee: HB 525 - 4 Merits.

From the Committee to Combat Drug Abuse: SB 405 - 2 Favorable, 2 Merits.

From the Labor Committee: SB 392 - 1 Favorable, 6 Merits; SB 369 - 7 Merits.

The following legislation was introduced:

SB 409 - AN ACT TO AMEND CHAPTER 59, TITLE 29, DELAWARE CODE, RELATING TO VETERANS PREFERENCE AS DEFINED BY MERIT SYSTEM RULES. Sponsors: Senator McBride, Representative Oberle, Senator Vaughn; Representatives Hebner, Campanelli, VanSant, Houghton, B. Ennis, Clark, Outten, Bennett, Bunting, West. Assigned to Administrative Services/Energy Committee.

HB 356 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO LILLIAN A. JURAS, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE. Sponsor: Representative Outten. Assigned to Finance Committee.

HB 543 w HA 1, 2, 3, 4, 5, 6 - AN ACT TO AMEND TITLE 18, DELAWARE CODE RELATING TO INSURANCE AND CREATING THE HIV TESTING FOR INSURANCE ACT. Sponsors: Representatives Davis, Oberle; Senator Holloway. Assigned to Health-Social Services/Aging Committee.

HB 580 - AN ACT TO AMEND CHAPTER 11, TITLE 12 OF THE DELAWARE CODE RELATING TO SALE OF ABANDONED PROPERTY. Sponsors: Representative Lee, Senator Marshall. Assigned to Judiciary Committee.

The Secretary announced that a message from the House informed the Senate that it had passed HB 543 w HA 1, 2, 3, 4, 5, 6; HB 356; HB 580; SB 276; SB 263 and adopted HCR 125.

At 3:59 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 28th Legislative Day.

28TH LEGISLATIVE DAY

May 9, 1990

The Senate convened at 3:59 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Marshall.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

The following communication from Senator Connor was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19903

April 4, 1990

The Honorable Richard S. Cordrey
President Pro Tempore
Delaware State Senate
Legislative Hall
Dover, Delaware 19903

Dear Senator Cordrey:

This letter is to request and authorize that Senator Myrna L. Bair, Senate Minority Leader, serve as floor manager of Amendments I have introduced to any legislation that may come before the Senate during my absence for surgery and recuperation.

I have asked Senator Bair to handle the Amendments I have Sponsored and to exercise all options that come with Sponsorship in the Senate's consideration of may Amendments.

Your consideration, and that of my colleagues in the Senate, will be appreciated in extending this courtesy during the term of my absence.

Sincerely,

Robert T. Connor,
Senator, 12th District

* * * * *

Senator R. Still marked PRESENT.

At his request, a letter from Senator Cordrey to Governor Castle concerning the location of new prison sites was read.

On motion of Senator Sharp, the privilege of the floor was extended to Robert J. Watson (Commissioner of Corrections) to address the proposed new prison facilities and sites. The simultaneous privilege of the floor was also extended to John J. Casey, Jr. (Delaware Development Office) and an extended question and answer period ensued involving many members of the Senate. Toward the end of the discussion, the privilege of the floor was also extended to Henry Risley (Department of Corrections) at the request of Senator Vaughn. The discussion lasted about one and three quarter hours.

SENATE CONSENT CALENDAR #36 was introduced:

SCR 148 - COMMEMORATING THE LIFE AND MOURNING THE DEATH OF SUZANNE RAYMOND, NOTED EDUCATOR AND ADVOCATE OF THE DEAF. Sponsors: Senator Martin, Representative Bennett; All Senators, All Representatives.

SCR 149 - IN RECOGNITION OF THE WEEK OF MAY 13 THROUGH MAY 19, 1990 AS DELAWARE TOURISM WEEK. Sponsors: Senator Adams, Representative DiPinto.

SCR 150 - RECOGNIZING NATIONAL HOSPITAL WEEK, MAY 6-12, 1990, AND COMMENDING DELAWARE'S HOSPITALS FOR THE ROLE THEY PLAY IN THEIR COMMUNITIES. Sponsors: Senator Adams, Representative Ewing, Senator Holloway.

SCR 152 - COMMENDING NORVAL R. "ROBBIE" ROBINSON, OF MILFORD, ON HIS 48 YEARS IN STATE LAW ENFORCEMENT AND WISHING HIM A HAPPY AND ENJOYABLE RETIREMENT. Sponsors: Senator Minner, Representative Carey.

SCR 153 - EXTENDING CONDOLENCES TO THE FAMILY OF MR. RALPH STARKEY OF CLAYTON, DELAWARE WHO PASSED AWAY ON SATURDAY, MAY 5, 1990. Sponsors: Senators Vaughn, Cook; Representative B. Ennis.

SCR 154 - CONGRATULATING JOSEPH E. AND REBECCA H. EVANS OF BRIDGEVILLE AS THEY CELEBRATE THEIR GOLDEN WEDDING ANNIVERSARY MAY 11, 1990. Sponsors: Senator Adams, Representative Ewing.

HCR 125 - URGING HEALTH INSURANCE COVERAGE OF PRESCRIPTION DRUGS. Sponsors: Representatives Davis, Oberle; Senator Holloway.

The roll call vote on the Calendar was taken and revealed 18 Senators voting YES and 3 (Bane, Connor, R. Still) 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.

SCR 151 was introduced and assigned to Highways and Transportation Committee:

SCR 151 - REQUESTING THE DELAWARE DEVELOPMENT OFFICE TO STUDY THE FEASIBILITY OF A "BUSINESS AND JOBS RETENTION PROGRAM" IN RELATION TO STATE FUNDED HIGHWAY PROJECTS AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY. Sponsors: Senators J. Still, Neal, Minner, Cook, Torbert; Representatives Clark, Bennett, B. Ennis, Buckworth, Roy.

At 5:47 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 10, 1990.

The Senate reconvened at 2:21 p.m., May 10, 1990 Lt. Governor Wolf presiding.

The following legislation was introduced:

SA 2 to HB 175 w SA 1. Sponsor: Senator Minner. Placed with the Bill.

SA 1 to SB 363. Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to SS 1 for SB 361. Sponsor: Senator McBride. Placed with the Bill.

SA 1 to SB 285. Sponsor: Senator Martin. Placed with the Bill.

SA 1 to HB 287 as Amended. Sponsor: Senator Bane. Placed with the Bill.

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

SB 410 - AN ACT TO AMEND CHAPTER 23, TITLE 19, DELAWARE CODE, RELATING TO WORKMAN'S COMPENSATION. Sponsors: Senators Marshall, Sharp; Representative Oberle. Assigned to Labor and Industrial Relations Committee.

SB 411 - AN ACT TO AMEND TITLES 24 AND 29 OF THE DELAWARE CODE RELATING TO OCCUPATIONS AND PROFESSIONS; AND PROVIDING FOR THE REGULATION OF PERSONS PRACTICING NUTRITION. (3/5 vote) Sponsors: Senators Minner, Holloway, Neal, Bane; Representatives Soles, Maroney, Corrozi. Assigned to Sunset Committee.

SB 412 - AN ACT TO AMEND CHAPTER 27, TITLE 10 OF THE DELAWARE CODE RELATING TO THE APPOINTMENT AND COMMISSIONING OF CONSTABLES. Sponsors: Senator Adams, Representative Ewing. Assigned to Judiciary Committee.

SB 413 - AN ACT TO AMEND CHAPTER 93, TITLE 10, DELAWARE CODE RELATING TO THE MONETARY LIMITATION OF THE JUSTICE OF THE PEACE COURTS IN CIVIL ACTION. Sponsors: Senator Cordrey; Representatives Bennett, Boykin, Roy, Outten. Assigned to Judiciary Committee.

SB 414 - AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED BEING THE CHARTER OF THE CITY OF SEAFORD, RELATING TO THE ISSUANCE OF REVENUE BONDS. (2/3 vote)
Sponsors: Senator Venables, Representative Fallon. Assigned to Community Affairs Committee.

Senator Bane marked PRESENT.

At 2:28 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 29th Legislative Day.

29TH LEGISLATIVE DAY
May 10, 1990

The Senate convened at 2:28 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, Bane, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 19.

ABSENT: Senators Connor, Holloway - 2.

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

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 161; HCR 162; HCR 163; HCR 164; HCR 165; SCR 143; SCR 144; SCR 145; SCR 146; SCR 147.

LEGISLATIVE ADVISORIES #45, 46 and 47 received from the Office of Counsel to the Governor were partially read and copies distributed to each Senator:

LEGISLATIVE ADVISORY #45 (4-18-90): On April 18 the Governor signed: HB 51 w HA 1, SA 1 (Volume 67, Chapter 199, Laws of Delaware); HB 407 w SA 1 (Volume 67, Chapter 200, Laws of Delaware); HB 446 w HA 1 (Volume 67, Chapter 201, Laws of Delaware); HB 493 w HA 1 (Volume 67, Chapter 202, Laws of Delaware); HB 568 w HA 1 (Volume 67, Chapter 203, Laws of Delaware); SB 379 (Volume 67, Chapter 204, Laws of Delaware). On April 19 the Governor signed SB 151 w SA 1, HA 4, SA 5 (Volume 67, Chapter 205, Laws of Delaware). On April 13 the Governor vetoed HB 566.

LEGISLATIVE ADVISORY #46 (5-2-90): On May 2 the Governor signed HB 607 (Volume 67, Chapter 206, Laws of Delaware).

LEGISLATIVE ADVISORY #47 (5-2-90): On May 2 the Governor signed HJR 19.

HB 388 w HA 1, SA 1 was lifted from the table for consideration on motion of Senator Venables.

At the request of Senator J. Still, the privilege of the floor was extended to Matthew T. Spong (State Board of Landscape Architecture) and Jeffrey W. Seemans (Landscape Architecture Study Commission and Landscape Architecture Profession).

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

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Knox, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senator Marshall - 1.

ABSENT: Senators Connor, Holloway, Martin - 3.

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

Sensors McBride, Torbert, McDowell marked PRESENT during the above roll call.

At 2:54 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:57 p.m., Lt. Governor Wolf presiding.

The following legislation was introduced:

SB 415 - AN ACT TO AMEND CHAPTER 7 OF TITLE 5 OF THE DELAWARE CODE PERTAINING TO THE POWERS OF BANKS AND TRUST COMPANIES TO ENGAGE IN THE BUSINESS OF INSURANCE. (2/3 vote)
Sponsors: Senator Torbert; Representatives Bennett, Outten. Assigned to Banking Committee.

SB 416 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, CHAPTER 9, TITLE 10, DELAWARE CODE, AND CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO DRIVER LICENSE QUALIFICATIONS, REVOCATION OF DRIVING PRIVILEGES, AND REVOCATION OF LICENSE. Sponsors: Senator Sharp, Representative Amick, Senator Connor; Representatives Hebner, Gilligan. Assigned to Public Safety Committee.

Senator Martin marked PRESENT.

SB 267 was taken up for consideration on motion of Senator Sharp:

SB 267 - AN ACT TO AMEND CHAPTER 9, TITLE 12 OF THE DELAWARE CODE RELATING TO THE ELECTIVE SHARE STATUTE.

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

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Connor, Holloway, Neal - 3.

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

SB 394 was taken up for consideration on motion of Senator Sharp:

SB 394 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO ASSAULTS AND BIGOTRY.

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

SB 395 was taken up for consideration on motion of Senator Sharp:

SB 395 - 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:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, Minner, Neal, Sharp, R. Still, Torbert, Vaughn - 16.

NOT VOTING: Senators McDowell, Venables - 2.

ABSENT: Senators Connor, Holloway, J. Still - 3.

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

SB 288 was taken up for consideration on motion of Senator Cook:

SB 288 - AN ACT PROPOSING AN 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).

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

HB 175 w HA 1, SA 1 was lifted from the table for consideration on motion of Senator Minner.

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

The roll call vote on HB 175 w SA 1, 2 was then taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendments.

SB 363 was stricken on motion of Senator Sharp.

SR 79 was stricken on motion of Senator McBride.

SB 97 was stricken on motion of Senator McBride.

SB 370 was stricken on motion of Senator Marshall.

SENATE CONSENT CALENDAR #37 was introduced:

HCR 161 - COMMENDING THE PARISHIONERS AND THE REVEREND ROLAND COKER OF THE CENTRAL BAPTIST CHURCH, DOVER, ON THE DEDICATION OF THE NEW WING TO THEIR CHURCH, SCHEDULED SUNDAY, MAY 20, 1990 AT 6:00 P.M. Sponsors: Representative Clark, Senator Cook.

HCR 162 - EXTENDING CONGRATULATIONS AND BEST WISHES TO MR. WILLIAM JAMES WARD, SR. AND HIS WIFE, MRS. BERMUDA S. WARD, ON THEIR FIFTIETH (GOLDEN) WEDDING ANNIVERSARY, MAY 11, 1990. Sponsors: Representative Clark, Senator Cook.

HCR 163 - DESIGNATING MAY 14-20, 1990 AS HEAD AND SPINAL CORD INJURY WEEK IN DELAWARE. Sponsors: Representative Maroney, Senator Holloway.

HCR 164 - THANKING RED CLAY GARDEN CLUB'S NANCY PATTERSON FOR HER EFFORTS ON BEHALF OF THE DELAWARE ADOPT A HIGHWAY PROGRAM. Sponsors: Representative Petrilli, Senator Bane; Representatives Corrozi, Roy; Senator R. Still.

HCR 165 - COMMENDING THE DELAWARE STATE FIRE SCHOOL, LOCATED ON CHESTNUT GROVE ROAD, DOVER, DELAWARE ON ITS 25TH ANNIVERSARY. Sponsors: Representative B. Ennis, Senator Cook, Representative Clark, Senator Vaughn. All Representatives, all Senators.

The roll call vote on the Calendar was taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT; therefore, the resolutions were declared adopted by the Senate and returned to the House.

At her request, Senator Cook was added as co-sponsor of SB 415.

At 5:29 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 15, 1990.

The Senate reconvened at 2:42 p.m., May 15, 1990, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Banking Commission: SB 415 - 4 Merits.

From the Judiciary Committee: SB 408 - 1 Favorable, 3 Merits; SB 412 - 4 Merits; SB 413 - 4 Merits; HB 470 - 4 Merits.

SB 417 was introduced and assigned to Labor and Industrial Relations Committee:

SB 417 - AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO CERTAIN PUBLIC WORKS CONTRACTS, AND PAYMENT OF EMPLOYEE WAGES AND BENEFITS BY PROVIDING FOR POSTING OF BONDS AND PRESCRIBING CRIMINAL PENALTIES FOR VIOLATION THEREOF. Sponsors: Senators Sharp, Cordrey, Marshall, McDowell, McBride, Holloway, Torbert, Vaughn, Minner, Cook; Representatives Campanelli, Plant, Gilligan, Jonklert, VanSant, West, Brady, Mack, Reynolds, Davis, Spence, Oberle, Houghton, B. Ennis, Jester, Roy, Clark, D. Ennis, Ewing, Amick, Buckworth, Caulk, Lee, Hebner, DiPinto.

HB 546 was reported out of the Public Safety Committee: 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 520; SB 144 w SA 1, 3, HA 1, 2 w HA 1.

HB 520 was introduced and assigned to Natural Resources and Environmental Control Committee:

HB 520 - AN ACT TO AMEND CHAPTER 70, PART VII, TITLE 7 OF THE DELAWARE CODE RELATING TO THE COASTAL ZONE ACT AND USES WHICH ARE PROHIBITED IN THE COASTAL ZONE. Sponsors: Representative Oberle; Senator McDowell; Representatives Davis, Reynolds, Mack, Campanelli, Brady, VanSant.

At 2:47 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 30th Legislative Day,

30TH LEGISLATIVE DAY
May 15, 1990

The Senate convened at 2:47 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator J. Still.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

Senator Holloway marked PRESENT.

LEGISLATIVE ADVISORY #44 was read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #44 (April 12, 1990): On April 11 the Governor signed SB 311 (Volume 67, Chapter 198, Laws of Delaware). On April 12 the Governor signed SJR 10.

* * * * *

The Secretary announced that a message from JoAnn M. Hedrick (Chief Clerk of the House) dated May 10, 1990 informed the Senate that Representative Fallon signed SCR 144 as an additional sponsor on May 9; also a message dated May 11 informed the Senate that Representative Plant signed SB 144 as an additional sponsor on May 10.

* * * * *

Senators Minner, Knox, Hauge marked PRESENT.

SB 364 was deferred for consideration on motion of Senator Sharp.

Senator Marshall moved that HB 520 which had been assigned to Natural Resources and Environmental Control Committee, be reassigned to Labor and Industrial Relations Committee.

Senator Minner raised an objection to the motion.

At 2:54 p.m. on motion of Senator Sharp the Senate recessed for a short recess and reconvened at 3:05 p.m., Lt. Governor Wolf presiding.

Senator Marshall's motion was still before the Senate, however, the Senator then withdrew the motion.

SB 405 was taken up for consideration on motion of Senator Sharp:

SB 405 - AN ACT TO AMEND CHAPTER 182, VOLUME 67, LAWS OF DELAWARE, AND CHAPTER 47, SUBCHAPTER I, TITLE 16, DELAWARE CODE, RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Connor, McBride, McDowell, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration:

Senators Martin, R. Still marked PRESENT during the above roll call.

SB 285 was deferred on the Agenda on motion of Senator Martin.

SB 369 was taken up for consideration on motion of Senator Holloway:

SB 369 - AN ACT TO AMEND CHAPTER 51, TITLE 29, DELAWARE CODE, RELATING TO PUBLIC OFFICERS AND EMPLOYEES.

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

The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Connor, McDowell, Neal) ABSENT; therefore, the Amendment was declared adopted.

Senator McBride marked PRESENT during the above roll call.

Senator Bair commented on the Bill after which the roll call vote on SB 369 w SA 1 was taken and revealed 18 Senators voting YES and 3 (Connor, McDowell, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 525 was taken up for consideration on motion of Senator Sharp:

HB 525 - AN ACT TO AMEND TITLE 10, SECTION 6910 OF THE DELAWARE CODE RESTRICTING THE MANDATORY RELEASE OF CHARGED PRISONERS.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Connor, McDowell, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 487 was lifted from the table for consideration on motion of Senator Sharp.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Connor, McDowell, Neal) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

SS 1 for SB 361 was lifted from the table for consideration on motion of Senator McBride.

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 (Connor, McDowell, Neal) ABSENT; therefore, the Amendment was declared adopted.

During discussion of SS 1 for SB 361 w SA 1, the privilege of the floor was extended to William Walls (Senate Attorney) and Ann Case (Delaware School Boards Association) and several Senators entered into the discussion.

At 4:06 p.m. Senator Cordrey presiding.

The roll call vote on SS 1 for SB 361 w SA 1 was then taken and revealed:

YES: Senators Cook, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, R. Still, Torbert, Venables - 12.

NO: Senators Adams, Cordrey, Knox, J. Still, Vaughn - 5.

NOT VOTING: Senators Bair, Bane, Hauge - 3.

ABSENT: Senator Connor - 1.

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

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

SS 1 for SB 362 was lifted from the table for consideration on motion of Senator M McBride.

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

The privilege of the floor was extended to Ann Case (Delaware School Boards Association) and several Senators entered into discussion of the Bill after which SS 1 for SB 362 w SA 1 was stricken on motion of Senator McBride.

SB 418 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Sharp (no objection):

SB 418 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE SALE OF CERTAIN MOTOR VEHICLES AND MOTOR VEHICLE PASSIVE RESTRAINT SYSTEMS. Sponsors: Senator Sharp, Torbert; Representative Spence.

Several Senators entered into discussion of the Bill and the privilege of the floor was extended to John W. Whitby, Jr. (Delaware Automobile Dealers Association).

The roll call vote on the Bill was taken and revealed

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

NO: Senators Adams, Bane, Cook, Cordrey, Hauge, Knox, McBride, Minner, R. Still, Venables - 10.

NOT VOTING: Senators Holloway, Neal, J. Still - 3.

ABSENT: Senator Connor - 1.

Therefore, the Bill was declared defeated.

SB 401 was taken up for consideration on motion of Senator McBride:

SB 401- AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF A VEHICLE WHILE THE OPERATOR IS UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS. (2/3 vote)

The privilege of the floor was extended to John Cordrey, Esq. (Senate Attorney) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed:

YES: Bane, Hauge, Knox, Marshall, McBride, Neal, R. Still, Torbert - 8.

NO: Senators Adams, Cook, Cordrey, Holloway, Martin, McDowell, Minner, Sharp, J. Still, Vaughn, Venables - 11.

NOT VOTING: Senator Bair - 1.

ABSENT: Senator Connor - 1.

Therefore, the Bill was declared defeated.

A messenger from the Governor was announced and admitted.

SB 144 w SA 1, 3 which had previously passed the Senate was taken up for reconsideration as new returned from the House further amended by HA 1, HA 2 w HA 1 under suspension of the necessary rules on motion of Senator Neal.

The roll call vote on SB 144 w SA 1, 3, HA 1, HA 2 w HA 1 was then taken and revealed 19 Senators voting YES, 1 (McDowell) voting NO and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration..

At 5:38 p.m. on motion of Senator Sharp, the Senate recessed until 3:00 p.m., May 16, 1990.

The Senate reconvened at 3:16 p.m., May 16, 1990, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 166; HCR 167 and passed HB 562; HB 582; HB 557; HB 586; HB 537; HB 394 w SA 1, 2, 3, 4, HA 1; SB 134 w HA 1, SA 1; SB 357 w SA 2.

LEGISLATIVE ADVISORY #48 received from the Office of Counsel to the Governor was partially read and copies made available to each Senator:

LEGISLATIVE ADVISORY #48 (May 10, 1990): On May 10 the Governor signed the following: SB 13 (Volume 67, Chapter 207, Laws of Delaware); SB 323 (Volume 67, Chapter 208, Laws of Delaware); SB 76 (Volume 67, Chapter 209, Laws of Delaware).

* * * * *

The following Committee reports were announced:

From the Community Affairs Committee: SB 402 - 3 Merits; SB 404 - 3 Merits; SB 414 - 3 Merits; HB 363 - 3 Merits.

From the Natural Resources and Environmental Control Committee: SB 400 - 3 Merits.

At 3:19 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 31st Legislative Day.

31ST LEGISLATIVE DAY

May 16, 1990

The Senate convened at 3:19 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Knox.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

Senator Cordrey welcomed the 1990 James T. McKinstry Heritage Scholarship winners and the privilege of the floor was extended to Professor James R. Soles (Delaware Heritage Commission) who introduced all of the scholarship recipients to the Senate.

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

HCR 166 - CONGRATULATING THE 1990 JAMES T. MCKINSTRY HERITAGE SCHOLARSHIP WINNERS. Sponsors: Representatives Petrilli, Corrozi, Maroney, Roy, Quillen, George, Bennett, Gilligan, Outten, Soles, West; Senators Minner, McDowell, Venables, Torbert, Bair, Bane, Knox, Neal, R. Still, J. Still.

The roll call vote on the Resolution was taken and revealed 15 Senators voting YES and 6 (Connor, Holloway, Marshall, Martin, McDowell, Neal) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

Senators McBride and R. Still marked PRESENT during the above roll call.

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

HCR 167 - CONGRATULATING THE 1990 FIRST STATE CONSTITUTIONAL SCHOLARS. Sponsors: Representatives Smith, Maroney, Fallon, B. Ennis; Senators Vaughn, Venables, Hauge, Knox.

The roll call vote on the Resolution was taken and revealed 15 Senators voting YES and 6 (Connor, Holloway, Marshall, Martin, McDowell, Neal) ABSENT; therefore, the Resolution was declared adopted by the Senate and returned to the House.

SB 415 was taken up for consideration on motion of Senator Torbert:

SB 415 - AN ACT TO AMEND CHAPTER 7 OF TITLE 5 OF THE DELAWARE CODE PERTAINING TO THE POWERS OF BANKS AND TRUST COMPANIES TO ENGAGE IN THE BUSINESS OF INSURANCE. (2/3 vote)

SA 1 to the Bill (sponsor: Senator Torbert) was introduced and taken up for consideration on motion of Senator Torbert.

Senator J. Still announced that due to a conflict of interest, he would not debate or vote on the Legislation.

During an extended discussion of the Amendment among various Senators, the privilege of the floor was extended to Keith Ellis (Office of the State Bank Commissioner) (twice) and Jeffrey Marlin (CODIA).

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

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, R. Still, Torbert, Vaughn, Venables - 18.

NOT VOTING: Senators Holloway, J. Still - 2.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared adopted.

Senators Holloway, Marshall, Martin, Neal marked PRESENT during the above roll call.

SA 3 to the Bill (sponsor: Senator McBride) was introduced and taken up for consideration on motion of Senator McBride.

The privilege of the floor was extended to Leo E. Strine (New Castle County Life Underwriters Association) and several Senators entered into the discussion of the Amendment after which the roll call vote on the Amendment was taken and revealed 19 Senators voting YES, 1 (J. Still) NOT VOTING and 1 (Connor) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator Sharp) was introduced and considered for adoption.

During an extended discussion of the Amendment among many of the Senators, the privilege of the floor was extended to Timothy R. Akers (CODIA & DALU), David S. Swayze (Citibank, Delaware), Jeffrey Marlin (CODIA), Gary Hughes (American Council of Life Insurance) and Keith Ellis (Office of the Banking Commissioner).

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

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

NO: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Neal, R. Still, Torbert, Venables - 12.

NOT VOTING: Senator J. Still - 1.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared defeated.

SB 415 w SA 1, 3 was before the Senate for consideration and the privilege of the floor was extended to David Swayze (Citibank, Delaware), John Hicks (Kent Association of Life Underwriters) and Bud Clark (Insurance Industry).

At 5:25 p.m., Senator Cordrey presiding.

The privilege of the floor was extended to J. Frank Gordy, Jr. (The Gordy Insurance Agency).

At 5:28 p.m., Lt. Governor Wolf presiding.

The privilege of the floor was extended to Jennings P. Hastings (Forward Control Delaware Committee), Francis Biondi (CITICORP) and David N. Levinson (Insurance Commissioner of the State of Delaware).

SA 4 to the Bill (sponsors: Senators McBride, Sharp) was introduced and immediately stricken.

The roll call vote on SB 415 w SA 1, 3 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Torbert.

HB 394 w SA 1, 2, 3, 4 which had been returned from the House as further amended by HA 1 was assigned to Community Affairs Committee.

At 5:59 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 17, 1990.

The Senate reconvened at 2:50 p.m., May 17, 1990 Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Education Committee: HB 497 w HA 1 - 3 Merits.

From the Labor and Industrial Relations Committee: SB 410 - 6 Merits; SB 417 - 6 Merits.

From the Revenue and Taxation Committee: SB 387 - 4 Merits; SB 396 - 5 Merits; SB 300 - 4 Merits, 1 Unfavorable; SB 384 - 6 Merits.

From the Sunset Committee: HS 1 for HB 111 w HA 1 - 4 Merits.

From the Corrections Committee: HB 270 w HA 1 - 5 Merits.

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

STATE OF DELAWARE
Office of the Governor
May 10, 1990

To the Senate of the 135th 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 B. Harper, Jr., 56 Dalwin Drive, Dover, DE 19901, to be appointed as the State Election Commissioner, State of Delaware, to serve a four year term to succeed John G. Davis, Jr.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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The following legislation was introduced:

SB 419 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD AND SPEEDING, STOP SIGN, AND YIELD SIGN VIOLATIONS IN RESIDENTIAL DISTRICTS AND SUBSTITUTING THE WORD RESIDENTIAL FOR THE WORD RESIDENCE IN PARTS OF THE TITLE. Sponsor: Senator Martin. Laid on the table on motion of Senator Sharp.

SB 420 - AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO FAMILY COURT PROCEEDINGS. Sponsors: Senators Sharp, Bair; Representative Hebner. Assigned to Judiciary Committee.

SB 421 - AN ACT TO AMEND CHAPTER 64, TITLE 7 OF THE DELAWARE CODE RELATING TO THE DEVELOPMENT OF A MATERIAL AND ENERGY RECOVERY PROJECT IN KENT COUNTY AND/OR SUSSEX COUNTY. Sponsors: Senators Cordrey, Venables; Representatives Bunting, West, Carey, Schroeder. Assigned to Natural Resources and Environmental Control Committee.

SB 422 - AN ACT TO AMEND PART I, CHAPTER 1, TITLE 7, DELAWARE CODE, RELATING TO THE FIXING OF HUNTING SEASONS FOR THE TAKING OF MIGRATORY WATERFOWL IN THIS STATE TO INCLUDE BAG LIMIT ON SAID SPECIES OF WATERFOWL. Sponsors: Senator Cordrey, Representative West; Representatives B. Ennis, Jester, VanSant, D. Ennis; Senators Minner, Vaughn, Holloway. Assigned to Natural Resources and Environmental Control Committee.

SB 423 - AN ACT TO AMEND CHAPTER 80, TITLE 29, DELAWARE CODE, RELATING TO THE ABOLISHMENT OF THE COUNCIL OF GAME AND FISH AND THE ESTABLISHMENT OF THE COMMISSION ON GAME AND FISH. Sponsors: Senator Cordrey, Representative West; Representatives B. Ennis, Jester, Houghton, VanSant, D. Ennis; Senators Minner, Vaughn, Holloway. Assigned to Natural Resources and Environmental Control Committee.

SB 424 - AN ACT TO AMEND CHAPTER 63 & 64, TITLE 7 OF THE DELAWARE CODE TO ESTABLISH A COMPREHENSIVE STATEWIDE PROGRAM FOR RECYCLING AND WASTE REDUCTION. Sponsors: Senators Cordrey, Adams, Minner. Assigned to Natural Resources and Environmental Control Committee.

SB 425 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO ELSIE EVERETT, 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: Senator Vaughn, Representative Jester, Senator Cook. Assigned to Finance Committee.

SB 426 - AN ACT TO AMEND CHAPTER 25 OF TITLE 18, DELAWARE CODE, RELATING TO RATE FILINGS BY INSURERS AND HEALTH SERVICE CORPORATIONS. Sponsors: Senator Cordrey, Representative West; Representatives Caulk, D. Ennis, Bennett, Brady, Campanelli, Clark, Carey, Gilligan, Outten, B. Ennis, Houghton, Jester, Jonklert, Plant, VanSant; Senators Holloway, Minner, Torbert, Venables. Assigned to Insurance and Elections Committee.

HB 537 - AN ACT TO AMEND CHAPTER 88, TITLE 29 OF THE DELAWARE CODE RELATING TO DIVISION OF PROFESSIONAL REGULATION. Sponsor: Representative Amick. Assigned to Sunset Committee.

HB 557 - AN ACT TO AMEND TITLE 21 SECTION 4402 RELATING TO ABANDONED VEHICLES AND PRIVATE RIGHTS-OF-WAY. Sponsors: Representatives Brady, Jonklert, Mack, D. Ennis, Plant, Ewing, Lee, Bennett, Schroeder, VanSant, Petrilli, Soles, West, Caulk, Clark, Bunting, Gilligan, Reynolds, Outten. Assigned to Public Safety Committee.

At 3:03 p.m., on motion of Senator Sharp the Senate adjourned to immediately convene for the 32nd Legislative Day.

32ND LEGISLATIVE DAY
May 17, 1990

The Senate convened at 3:03 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator J. Still.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

The Secretary announced that a message from the House informed the Senate that it had adopted HCR 168; HCR 169; HCR 170; SCR 148; SCR 149; SCR 150; SCR 152; SCR 153; SCR 154.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that Representative Carey signed as co-sponsor of SCR 150 and Representative Bennett signed as co-sponsor of SCR 152 on May 16, 1990.

HB 301 w HA 2, 3 was taken up for consideration on motion of Senator Vaughn:

HB 301 w HA 2, 3 - AN ACT TO AMEND CHAPTER 7, TITLE 13 OF THE DELAWARE CODE RELATING TO CUSTODY.

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

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

SB 41 was taken up for consideration on motion of Senator Marshall:

SB 41 - AN ACT TO AMEND CHAPTER 13, TITLE 19 OF THE DELAWARE CODE RELATING TO THE RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE. (2/3 vote)

SA 1 to the Bill (sponsor: Senator Marshall) was introduced.

The Bill and the Amendment were then laid on the table on further motion of Senator Marshall.

HB 37 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 37 w HA 1 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION.

Senator R. Still announced that due to conflict of interest, he would not vote on the legislation.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES, 1 (R. Still) NOT VOTING and 2 (Connor, McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

Senators Martin and Marshall marked PRESENT.

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

SB 417 - AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO CERTAIN PUBLIC WORKS CONTRACTS, AND PAYMENT OF EMPLOYEE WAGES AND BENEFITS BY PROVIDING FOR POSTING OF BONDS AND PRESCRIBING CRIMINAL PENALTIES FOR VIOLATION THEREOF.

SA 1 to the Bill (sponsor: Senator Hauge) was introduced.

Senators R. Still and Venables announced that they would not be voting on the legislation due to conflict of interest.

The privilege of the floor was extended to Edward F. Peterson (AFL-CIO).

SA 1 was laid on the table on motion of Senator Hauge and a rather lengthy discussion of the Bill continued among several Senators while Mr. Peterson was on the floor.

SA 1 to the Bill was then lifted from the table for consideration on motion of Senator Hauge and the roll call vote taken which revealed:

YES: Senators Bair, Bane, Hauge, Knox - 4.

NO: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, Minner, Neal, Sharp, J. Still, Torbert, Vaughn - 13.

NOT VOTING: Senators R. Still, Venables - 2.

ABSENT: Senators Connor, McDowell - 2.

Therefore, the Amendment was declared defeated.

SA 2 to the Bill (sponsor: Senator Hauge) was introduced and immediately stricken on his motion.

The roll call vote on SB 417 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Holloway, Marshall, Martin, McBride, Minner, Neal, Sharp, J. Still, Torbert, Vaughn - 15.

NO: Senators Hauge, Knox - 2.

NOT VOTING: Senators R. Still, Venables - 2.

ABSENT: Senators Connor, McDowell - 2.

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

SB 41 was lifted from the table for consideration on motion of Senator Marshall.

SA 1 to the Bill was lifted from the table for consideration on motion of Senator Marshall.

SA 1 to SA 1 to SB 41 (sponsor: Senator Cordrey) was introduced and taken up for consideration on motion of Senator Cordrey. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES, 1 (Neal) voting NO and 1 (Connor) ABSENT; therefore, the Amendment was declared adopted.

Senator McDowell marked PRESENT during the above roll call.

The roll call vote on SA 1 w SA 1 to SB 41 was then taken and revealed 19 Senators voting YES, 1 (Neal) voting NO and 1 (Connor) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 41 w SA 1 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senators Hauge, Neal, J. Still - 3.

ABSENT: Senator Connor - 1.

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

HB 301 w HA 2, 3 was lifted from the table for consideration on motion of Senator Vaughn.

SA 3 to the Bill (sponsors: Senators Bair, Hauge) was introduced and considered for adoption.

During a lengthy discussion of the Amendment among various Senators the privilege of the floor was extended to Patricia A. Dailey (Court Appointed Special Advocate Program) and Richard Dillard (Senate Attorney).

At 4:27 p.m. on motion of Senator Cordrey, the Senate recessed for a short period and reconvened at 4:50 p.m., Lt. Governor Wolf presiding.

SA 3 to HB 301 w HA 2, 3 was still before the Senate and Mr. Dillard still had the floor.

The roll call vote on the Amendment was then taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT: therefore, the Amendment was declared adopted.

SA 4 to the Bill (sponsors: Senator Bair, Hauge) was introduced and considered for adoption.

The privilege of the floor was extended to Michael K. Newell (Family Law Commission) and several Senators entered into the discussion of the Amendment after which the Amendment was laid on the table on further motion of Senator Bair.

Senator Sharp then yielded the floor management of the Bill to Senator Vaughn.

The privilege of the floor was again extended to Michael K. Newell (Family Law Commission) and several Senators entered into discussion of the Bill after which the roll call vote on HB 301 w HA 2, 3, SA 3 was then taken and revealed:

YES: Senators Adams, Bane, Cook, Cordrey, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 13.

NO: Senators Hauge, Knox, Marshall, Neal, R. Still - 5.

NOT VOTING: Senators Bair, Holloway - 2.

ABSENT: Senator Connor - 1.

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

Senator McDowell commented on his absence from the vote on SB 415 on May 16, 1990.

On motion of Senator Torbert and without objection, the roll call vote on SB 415 w SA 1, 3 was lifted and announced under suspension of the necessary rules:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, McDowell, Neal, R. Still, Torbert, Venables - 14.

NO: Senators Martin, McBride, Minner, Sharp, Vaughn - 5.

NOT VOTING: Senator J. Still - 1.

ABSENT: Senator Connor - 1.

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

On motion of Senator Cordrey and without objection, the roll call vote on HS 1 for HB 193 w HA 1, HA 2 w HA 1, HA 3, 4 was lifted and announced under suspension of the necessary rules:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, McDowell, Neal, R. Still, Torbert, Venables - 14.

NO: Senators Marshall, Martin, McBride, Minner, Sharp, Vaughn - 6.

NOT VOTING: Senator J. Still - 1.

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

On motion of Senator Minner and without objection, the roll call vote on SB 401 was rescinded and the Bill restored to the Calendar. On motion of Senator McBride and without objection, the Bill was laid on the table.

SENATE CONSENT CALENDAR #38 was introduced:

SR 80 - COMMENDING THE HISTORICAL SOCIETY OF DELAWARE, THE WILMINGTON CITY COUNCIL, AND THE DELAWARE HUMANITIES FORUM FOR SPONSORING THE CURRENT EXHIBIT, "OPENING THE DOOR TO FREEDOM: THE STRUGGLE FOR EQUALITY IN DELAWARE," DOCUMENTING THE PROGRESS OF CIVIL RIGHTS IN DELAWARE. Sponsor: Senator Holloway.

SCR 155 - CONGRATULATING MRS. ETHEL NODOLNY OF WILMINGTON AS SHE CELEBRATES HER 100TH BIRTHDAY ON MAY 19, 1990, AND EXPRESSING BEST WISHES FOR MANY MORE BIRTHDAYS. Sponsors: Senators Torbert, McDowell; Representative George.

SCR 156 - MOURNING THE DEATH OF FORMER REPRESENTATIVE CARL PRETTYMAN OF KENTON, DELAWARE WHO PASSED AWAY ON SUNDAY, MAY 13, 1990. Sponsors: Senators Cook, Vaughn, Torbert, Minner, J. Still; Representatives Clark, B. Ennis, Quillen, Buckworth, Outten, Caulk, Bennett.

SCR 157 - COMMENDING THOSE ORGANIZATIONS SPONSORING "RACE AGAINST DRUGS", A PARTNERSHIP IN DRUG EDUCATION BY AMERICAN MOTORSPORTS, AND MEMBERS FROM DELAWARE PARTICIPATING IN THE KICK-OFF OF THE NATIONAL PARTNERSHIP ON MAY 29, 1990. Sponsors: Senator J. Still, Representative Clark.

HCR 168 - CONGRATULATING OUR FRIEND AND COLLEAGUE THE HONORABLE STEVE TAYLOR FOR BEING NAMED TO THE GTE ACADEMIC ALL-AMERICA HALL OF FAME. Sponsors: Representative Roy, Senator Sharp.

HCR 169 - HONORING COLONIAL SCHOOL DISTRICT SUPERINTENDENT RAY W. CHRISTIAN UPON HIS RETIREMENT FROM THE CLASSROOM. Sponsors: Representative Reynolds, Senator Connor; Representatives Mack, Davis, Brady, Houghton, Jester, Sills; Senators McBride, Vaughn, Holloway.

HCR 170 - MOURNING THE UNTIMELY DEATH OF MR. ROBERT C. PEOPLES OF THE BEAR GLASGOW AREA WHO DIED THURSDAY, MAY 10, 1990. Sponsors: Representative Jester, Senator Vaughn.

The roll call vote on the Calendar was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Resolutions were declared adopted. The Senate Concurrent Resolutions were sent to the House for consideration and the House Concurrent Resolutions were returned to the House.

SB 427 was introduced and assigned to Insurance and Elections Committee:

SB 427 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE, RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES, AND TO AMEND CHAPTER 101, TITLE 29, DELAWARE CODE, RELATING TO ADMINISTRATIVE PROCEDURES. Sponsors: Senator Marshall, Representative Petrilli; Senators Cook, Cordrey, McDowell; Representatives Buckworth, Spence, George, Gilligan.

SR 81 was introduced and considered for adoption on motion of Senator Holloway:

SR 81 - RESPECTFULLY REQUESTING THE DELAWARE STATE LOTTERY TO EXPLORE WITHIN THE FULL RANGE OF ITS AUTHORITY, CONSONANT WITH THE DIGNITY AND INTEGRITY OF A STATE OPERATION, THE FEASIBILITY OF INITIATING AND OPERATING A SPORTS POOL LOTTERY GAME, IN ORDER TO INCREASE THE LOTTERY'S CONTRIBUTION TO THE FUNDING OF STATE SERVICES. Sponsor: Senator Holloway.

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

SR 82 was introduced and considered for adoption on motion of Senator Cook:

SR 82 - EXTENDING HAPPY BIRTHDAY WISHES TO FORMER SENATOR JAKE ZIMMERMAN WHO CELEBRATED HIS SIXTIETH BIRTHDAY ON TUESDAY, MAY 15, 1990. Sponsors: Senators Cook, Holloway and all Senators.

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

Senator Marshall requested that HB 520 be assigned to the Labor and Industrial Relations Committee upon its release from the Natural Resources and Environmental Control Committee. No objection.

At 6:20 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 29, 1990.

The Senate reconvened at 2:33 p.m., May 29, 1990 Lt. Governor Wolf presiding.

The following legislation was introduced:

SA 1 to HS 1 to HB 111. Sponsor: Senator Venables. Placed with the Bill.

SA 2 to HS 1 to HB 111. Sponsor: Senator Venables. Placed with the Bill.

SA 3 to HS 1 to HB 111. Sponsor: Senator Venables. Placed with the Bill.

SA 1 to SB 412. Sponsor: Senator Adams. Placed with the Bill.

SA 1 to SB 413. Sponsor: Senator Cordrey. Placed with the Bill.

SA 1 to SB 408. Sponsor: Senator Bane. Placed with the Bill.

SB 428 - AN ACT TO AMEND TITLE 25, DELAWARE CODE RELATING TO LIMITATIONS ON GROUND RENT INCREASES. Sponsor: Senator Torbert. Assigned to Administrative Services/Energy Committee.

SB 429 - AN ACT TO AMEND CHAPTER 84, TITLE 11, DELAWARE CODE, RELATING TO THE POWERS AND DUTIES OF THE COUNCIL ON POLICE TRAINING UNDER THE DELAWARE POLICE TRAINING PROGRAM. Sponsors: Senator Cordrey; Representatives Bennett, Ewing. Assigned to Judiciary Committee.

SA 1 to SS 2 to SB 313. Sponsor: Senator Holloway. Placed with the Bill.

SA 2 to SB 345. Sponsor: Senator Holloway. Placed with the Bill.

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

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

SA 1 to SB 392. Sponsor: Senator Knox. Placed with the Bill.

The Secretary announced that a message from the House informed the Senate that it had passed HB 579; HB 578 w HA 1; HB 628.

The following legislation was introduced:

HB 579 - AN ACT TO AMEND CHAPTER 3, TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX RETURNS AND STATE TAX RETURN FORMS. Sponsors: Representative Lee, Senator Marshall. Assigned to Revenue and Taxation Committee.

HB 562 - AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE RELATING TO MOTOR FUEL TAXES. Sponsors: Representatives Lee, D. Ennis, DiPinto. Assigned to Revenue and Taxation Committee.

HB 578 w HA 1 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX. (3/5 vote) Sponsors: Representative Lee, Senator Marshall. Assigned to Revenue and Taxation Committee.

HB 582 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO RECEIVING STOLEN PROPERTY. Sponsor: Representative Ewing. Assigned to Judiciary Committee.

HB 586 - AN ACT TO AMEND CHAPTER 3, TITLE 21 OF THE DELAWARE CODE RELATING TO PROVIDING INFORMATION FROM THE DIVISION OF MOTOR VEHICLES' DRIVER AND VEHICLE FILES. Sponsor: Representative Oberle. Assigned to Public Safety Committee.

HB 628 - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO CERTAIN FEES AND CHARGES PAYABLE TO THE SECRETARY OF STATE. (3/5 vote) Sponsors: Representative Lee, Senator Sharp. Assigned to Judiciary Committee.

The Secretary read a communication from the Chief Clerk of the House returning SB 340 w SA 1.

SB 340 w SA 1 which had been returned from the House was reassigned to Natural Resources and Environmental Control Committee.

At 2:45 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 33rd Legislative Day.

33RD LEGISLATIVE DAY

May 29, 1990

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

A Prayer was offered by Senator Venables.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

LEGISLATIVE ADVISORIES #49, 50 and 51 were partially read and copies made available to each Senator:

LEGISLATIVE ADVISORY #49 (5-15-90): On May 14, 1990 the Governor signed HB 269 w HA 1, SA 1 (Volume 67, Chapter 210, Laws of Delaware). On May 15 the Governor signed HB 360 w HA 1, SA 1 (Volume 67, Chapter 211, Laws of Delaware); HB 396 w HA 2 (Volume 67, Chapter 212, Laws of Delaware); SB 276 (Volume 67, Chapter 213, Laws of Delaware); SB 263 (Volume 67, Chapter 214, Laws of Delaware).

LEGISLATIVE ADVISORY #50 (5-16-90): On May 16, 1990 the Governor signed HS 1 for HB 505 w SA 1 (Volume 67, Chapter 215, Laws of Delaware).

LEGISLATIVE ADVISORY #51 (5-22-90): On May 18, 1990 the Governor signed HB 290 w SA 1, 3, 6 (Volume 67, Chapter 216, Laws of Delaware). On May 21 the Governor signed HB 525 (Volume 67, Chapter 217, Laws of Delaware); HB 487 (Volume 67, Chapter 218, Laws of Delaware).

SB 408 was taken up for consideration on motion of Senator Bane:

SB 408 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO HANDGUNS AND A BACKGROUND RECORD CHECK. (3/5 vote)

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bane and the roll call vote taken which revealed:

YES: Senators Adams, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, R. Still, Torbert, Venables - 17.

NO: Senator Vaughn - 1.

ABSENT: Senators Bair, Connor, Neal - 3.

Therefore, the Amendment was declared adopted.

Senators McBride, McDowell, Hauge, Martin marked PRESENT during the above roll call.

SA 2 (sponsor: Senator Bane) was introduced.

During a prolonged discussion of the Amendment, the privilege of the floor was extended to Timothy P. Mullaney (State Lodge Fraternal Order of Police) and Colonel Clifford M. Graviet (Delaware State Police).

Senators Bair and Neal marked PRESENT.

The privilege of the floor was again extended to Colonel Graviet.

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

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

YES: Senators Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Venables - 17.

NO: Senators Adams, McBride, Vaughn - 3.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared adopted.

SA 3 to the Bill (sponsor: Senator Hauge) was introduced and considered for adoption.

At 3:58 p.m., Lt. Governor Wolf presiding.

Several Senators entered into discussion of the Amendment and the privilege of the floor was again extended to Colonel Graviet after which the roll call vote on

SA 3 was taken and revealed:

YES: Senators Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McDowell, J. Still, R. Still, Venables - 13.

NO: Senators Adams, McBride, Minner, Neal, Sharp, Torbert, Vaughn - 7.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared adopted.

SA 4 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption.

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

There followed a prolonged discussion of the Bill as now amended during which the privilege of the floor was extended to Colonel Graviet, Sgt. James M. Stallings (Wilmington Department of Police).

The following letter was read and made part of this record at the request of Senator Bane:

Shooters Supply
148 S. DuPont Parkway
New Castle, Del. 19720

May 27, 1990

Dear Senator Bane:

Thank you for the opportunity to participate in the planning of S.B. 408. You have asked me if I would outline the thoughts that I shared at the first meeting in March and during our later discussions.

First, as you know, I do support background checks on purchases of firearms. My biggest concern involves the question of who should have the major responsibility for saying "YES" or "NO" to a potential customer of a firearm.

What about the customer's privacy when my employee or I must say "NO" in front of other customers? In order to respect his or her privacy, I could take the customer to a back office or room. However, I ask you, if that person is a convicted felon, how dangerous could that be? The refusal to purchase a firearm should come from the authorities who do the background checks, not the retailer. The authorities are trained to handle potentially difficult customers who will not like to hear "NO" to the purchase of a firearm. I assure you, my employees agree!

What about the delay to sales involving a phone background check? Calls on 1-800 numbers don't always go through the first time. Often lines are busy and the dealer and customers must wait.

Although Shooters Supply does not sell handguns, we do sell long guns, and if there must be a background check on the purchase of firearms it should be conducted by law enforcement agencies. Use of the Certificate to Purchase is the most private way for the customer and the safest way for the dealer.

Very truly yours,
Roger Everett, President
Sonia Everett, Vice President
Shooters Supply Inc.
Roger & Sonia Everett, Owners

* * * * *

The privilege of the floor was extended to Patrick W. Murray (Secretary of the Department of Public Safety), John J. Thompson (Delaware State Superintendent's Association), Colonel Graviet (Delaware State Police), Lt. John L. Cunningham (New Castle County Police, Delaware Fraternal Order of Police), James D. Weldin (Newark Fraternal Order of Police).

SA 5 to the Bill (sponsors: Senators Cook and Minner) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 18 Senators voting YES and 3 (Connor, Knox, Torbert) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 408 w SA 1, 2, 3, 4, 5 was then taken on motion of Senator Bane; however, before being announced, the roll call was laid on the table on further motion of the Senator.

A messenger from the Governor was announced and admitted.

At 6:30 p.m. on motion of Senator Sharp, the Senate recessed for a brief time for Party Caucus and reconvened at 6:40 p.m., Senator Cordrey presiding.

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

SCR 158 - CONGRATULATING THE BRANDYWINE HIGH SCHOOL MARCHING BAND, THE CONCERN BAND, THE BLAZERS AND THE MEN'S, WOMEN'S AND CONCERT CHOIRS FOR THEIR ACCOMPLISHMENTS AT THE FESTIVALS OF MUSIC COMPETITION, WILLIAMSBURG, VIRGINIA, MAY 11 THROUGH MAY 13, 1990. Sponsors: Senator Bair, Representative Boykin; Senators Hauge, Knox; Representatives Maroney, Smith.

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 6:41 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., May 30, 1990.

The Senate reconvened at 3:56 p.m., May 30, 1990, Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Corrections Committee: SB 325 - 2 Favorable, 2 Merits.

From the Banking Committee: SB 382 - 3 Merits, 1 Unfavorable.

From the Education Committee: HB 570 - 3 Merits.

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

STATE OF DELAWARE
Office of the Governor
May 29, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: George J. Coyle, 2233 E. Huntington Drive, Wilmington, DE 19808, to be reappointed as a member of the Delaware Alcoholic Beverage Control Commission to serve a three year term.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
May 29, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

On behalf of the Board of Trustees of the University of Delaware, and in conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following, elected by the Board of Trustees to be a member of the Board: Heather M. Bell, 1942-B Fry Loop Avenue, Carlisle, PA 17013, re-elected as a member of the Board of Trustees of the University of Delaware to serve a one year term to expire on June 30, 1991.

The above is not a gubernatorial appointment.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
The following legislation was introduced:
SB 430 - AN ACT TO AMEND CHAPTER 156, VOLUME 61 LAWS OF DELAWARE AS AMENDED, ENTITLED, "AN ACT TO REINCORPORATE THE CITY OF MILFORD" RELATING TO VARIOUS MISCELLANEOUS MATTERS TO INCLUDE INCREASE CONTRACT LIMITS, MEETINGS AND MEMBERS OF COUNCIL, MUNICIPAL ELECTIONS, ANNEXATION, CHANGE OF MUNICIPAL DISTRICTS AND REALTY TRANSFER TAX. (2/3 vote) Sponsors: Senator Minner, Representative Carey. Assigned to Community Affairs Committee.

SB 431 - AN ACT TO AMEND AN ACT, BEING CHAPTER 63, VOLUME 12, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK", AS AMENDED, BY ADDING THERETO A NEW SECTION 7 TO PROVIDE FOR THE INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS: AND BEING AN ACT TO AMEND CHAPTER 42, VOLUME 61, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND AN ACT, BEING CHAPTER 63, VOLUME 12, LAWS OF DELAWARE, ENTITLED 'AN ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK', BY AMENDING SECTION 2 THEREOF TO PROVIDE FOR THE ELECTION OF NOT LESS THAN 13 NOR MORE THAN 20 DIRECTORS", BY AMENDING SECTION 1 THEREOF TO PROVIDE FOR THE ELECTION OF NOT LESS THAN NINE NOR MORE THAN NINETEEN DIRECTORS. Sponsors: Senator Cordrey, Representative D. Ennis. (2/3 vote) Assigned to Banking Committee.

SB 432 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE CONSTRUCTION AND EQUIPMENT OF VEHICLES TO PREVENT ESCAPE OF CONTENTS. (2/3 vote) Sponsors: Senator Torbert, Representative Smith. Assigned to Public Safety Committee.

SB 433 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION AND SALE OF CERTAIN MOTOR VEHICLES AND MOTOR VEHICLE PASSIVE RESTRAINT SYSTEMS. (2/3 vote) Sponsors: Senators Sharp, Torbert, Representative Spence. Assigned to Public Safety Committee.

SB 434 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS. Sponsors: Senator McDowell, Representative Amick. Assigned to Sunset Committee.

SA 2 to SB 400. Sponsor: Senator Knox. Placed with the Bill.

SA 3 to SB 102. Sponsor: Senator Hauge. Placed with the Bill.

SA 1 to HB 628. Sponsor: Senator Sharp. Placed with the Bill.

At 4:03 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 34th Legislative Day.

34TH LEGISLATIVE DAY
May 30, 1990

The Senate convened at 4:03 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator McBride.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 415 w SA 1, 3.

The Secretary read a request from Representative DiPinto that his name be removed as a co-sponsor of SB 417.

HS 1 for HB 111 w HA 1 was taken up for consideration on motion of Senator Venables:

HS 1 for HB 111 w HA 1 - AN ACT TO AMEND CHAPTER 17, TITLE 24, OF THE DELAWARE CODE RELATING TO THE MEDICAL PRACTICES ACT.

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

SA 2 to the Bill which had been placed with the Bill, was taken up for consideration on motion of Senator Venables.

During a prolonged discussion of the Amendment, the privilege of the floor was extended to Robert B. Barker (Society of Patient Awareness, AARP) and Stephen Permut, M.D. (Medical Society of Delaware).

Senators Holloway, Bane, Hauge, Neal marked PRESENT.

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

YES: Senators Cordrey, Marshall, Martin, McBride, Venables - 5.

NO: Senators Adams, Bair, Bane, Cook, Hauge, Knox, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 13.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senators Connor, McDowell - 2.

Therefore, the Amendment was declared defeated.

SA 3 to the Bill which had been placed with the Bill was stricken on motion of Senator Venables.

SA 4 to the Bill (sponsor: Senator Holloway) was introduced and considered for adoption.

The privilege of the floor was extended to Stephen Permut, M.D. (Medical Society of Delaware) and several Senators entered into discussion of the Amendment after which the Amendment was laid on the table on motion of Senator Holloway.

Senator Minner moved that the roll call vote on SA 2 to HS 1 for HB 111 w HA 1 be rescinded. Senator J. Still objected to the motion and the roll call vote was taken which revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, Minner, Sharp, R. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Bair, Bane, Hauge, Neal, J. Still - 5.

ABSENT: Senators Connor, McDowell - 2.

Therefore, the motion to rescind the roll call vote carried and on motion of Senators Venables a new roll call vote on SA 2 to HS 1 for HB 111 w HA 1 was taken and revealed:

YES: Senators Adams, Bair, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, Minner, Sharp, R. Still, Torbert, Vaughn, Venables - 15.

NO: Senators Bane, Hauge, Neal, J. Still - 4.

ABSENT: Senators Connor, McDowell - 2.

Therefore, the Amendment was declared adopted.

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

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

The roll call vote on HS 1 for HB 111 w HA 1, SA 2, 5 was then taken and revealed 18 Senators voting YES, 1 (J. Still) NOT VOTING and 2 (Connor, McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendments.

SB 400 was taken up for consideration on motion of Senator Knox:

SB 400 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE, RELATING TO FISHING. (2/3 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 which revealed:

YES: Senators Adams, Bair, Bane, Hauge, Knox, Martin, Minner, Neal, J. Still, R. Still, Torbert, Venables - 12.

NO: Senators Cook, Cordrey, Marshall, McBride, Sharp, Vaughn - 6.

ABSENT: Senators Connor, Holloway, McDowell - 3.

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 Knox and the roll call vote taken which revealed:

YES: Senators Bair, Bane, Cook, Hauge, Knox, Marshall, Martin, McBride, Neal, Sharp, J. Still, R. Still, Venables - 13.

NO: Senators Adams, Cordrey, Minner, Torbert, Vaughn - 5.

ABSENT: Senators Connor, Holloway, McDowell - 3.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Bill Wagner (Delaware Division of Fish and Wildlife) and George Fabryka (Delaware Watermen Association).

At 5:40 p.m., Senator Cordrey presiding.

During a prolonged discussion of the Bill which ensued the privilege of the floor was extended to Philip R. English (Charter Boat owner and Operator), Roger Molleyhan (Commercial fisherman), Philip A. Messina, Jr. (Delaware Saltwater Sportfishing Association), J. Layton Moore (Delaware Watermen Association), Russell R. Benson (Sportsfisherman) and Julie A. Wagner (Secretary, Delaware Watermans Association).

The roll call vote on SB 400 w SA 1, 2 was then taken and revealed 18 Senators voting YES and 3 (Connor, Holloway, McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

At 6:28 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., May 31, 1990.

The Senate reconvened at 2:47 p.m., May 31, 1990, Lt. Governor Wolf presiding.

HS 1 to HB 353 w HA 1 was reported out of the Small Business Committee: 3 Merits.

The following legislation was introduced:

SA 3 to SB 331. Sponsor: Senator Holloway. Placed with the Bill.

SB 435 - AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO TRAFFICKING IN DRUGS. Sponsors: Senators Sharp, Cordrey, Vaughn, Neal. Assigned to Committee to Combat Drug Abuse.

SB 436 - AN ACT TO AMEND TITLE 10 DELAWARE CODE RELATING TO THE MONETARY LIMITATION OF THE JUSTICE OF THE PEACE COURTS IN CIVIL ACTIONS. Sponsors: Senator Cordrey; Representatives Bennett, Boykin, Roy, Outten. Laid on the table on motion of Senator Cordrey.

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
May 29, 1990

TO: The Members of the Senate of the 135th General Assembly

On May 17, 1990, I received Senate Bill No. 144 as amended by Senate Amendments No. 1 and No. 3 and House Amendments No. 1 and No. 2 and House Amendment No. 1 to House Amendment No. 2 which is entitled: "AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE BY CREATING A WORKPLACE DRUG TESTING ACT."

This bill seeks to address the significant problems associated with drug and alcohol abuse in the workplace. As originally drafted Senate Bill No. 144 sought to balance private employers' interests in maintaining a healthy, productive, drug-free workforce against their employees' right to be free from the unreasonable, arbitrary or otherwise improper infringement of their privacy interests. For his efforts in addressing this important and difficult issue by introducing this legislation, Senator Neal is to be commended. While I wholeheartedly embrace the notion that legislation is appropriate in order to address the competing issues involved, regrettably, Senate Bill No. 144 as it was ultimately amended does not accomplish this goal. Because it raises serious constitutional questions, would be subject to arbitrary and inequitable application, and otherwise fails to provide the necessary detail to insure that the interests of both employers and employees are protected, I am returning Senate Bill No. 144 as amended by Senate Amendments No. 1 and No. 3, and House Amendment No. 1 and No. 2 and House Amendment No. 1 to House Amendment No. 2 without my signature.

While not mandating workplace drug and alcohol testing programs, unamended Senate Bill No. 144 sought to provide clearly articulated uniform guidelines for such programs conducted by private employers. The bill as amended, however, seeks to extend the applicability of its provisions to state, county, municipal and school district employees. By applying its provisions to public employees, the amended bill renders applicable the protections afforded by the Fourth Amendment to the United States Constitution.

The Fourth Amendment guarantees the privacy and security of persons against unreasonable searches and seizures conducted by the government of its agents. In this regard, the courts have consistently held that the taking of urine, blood or breath samples when compelled by the government for purposes of drug or alcohol testing constitutes searches within the meaning of the Fourth Amendment. As a general proposition, a search must be supported by a warrant issued upon probable cause. In the context of government sponsored employee drug and alcohol testing programs, however, it has been recognized that if the testing serves special governmental needs, beyond the normal need for law enforcement, it is necessary to balance the employees' privacy expectations against the government's interests to determine whether it is impractical to require a warrant or some level of individualized suspicion in the particular context. Applying this standard, the courts have upheld warrantless drug testing of government employees whose duties bear a direct and immediate impact on public health and safety, the protection of life and property, law enforcement or national security. In cases where a government employee's functions do not involve similar special governmental needs, such compelled testing has been held violative of the Fourth Amendment absent, at the very minimum, individualized reasonable suspicion.

Under Senate Bill No. 144 as amended, state "elected and appointed officials as well as employees, full and part-time" are made subject to drug and alcohol testing guidelines and procedures to be established by the heads of the three branches of state government. Additionally, as mentioned, while not mandated, drug and alcohol testing of county, municipal and school district employees is authorized. Under certain circumstances, the amended bill would permit these governmental entities to obtain urine, blood or breath samples from their employees on a random basis without even requiring individualized suspicion. While random testing of certain public employees in safety sensitive jobs may be legal and appropriate, the Fourth Amendment simply will not permit such searches in every case solely by virtue of the fact that an individual is a public employee. Because this bill as amended would permit the wholesale suspicionless testing of public employees, I have no alternative but to veto it as being unconstitutional.(1)

Even were a constitutional violation not apparent on the face of this legislation, I would still be reluctant to sign it into law because of the fact that another arbitrary and unreasonable provision was incorporated into the bill by amendment.

Specifically, the amended provision excludes from the bill's drug and alcohol testing provisions all employees who are covered by collective bargaining agreements. The amendment expressly provides that in the event that there is conflict between any collective bargaining agreement and the provisions of this legislation the collective bargaining agreement shall prevail. Exempting those employees subject to collective bargaining from the protections of the legislation is inequitable, inappropriate and contrary to the bill's stated purpose of providing "fair and equitable" workplace testing programs. As a matter of policy, the creation of this exception to the bill's provisions in and of itself justifies the rejection of this legislation.

It is my hope that alternative workplace drug and alcohol testing legislation will be introduced which will address the problems described herein. Additionally, in order to insure the fairness of such legislation, I would urge that consideration be given to the introduction of two bills, one to govern the testing of private employees and the other applicable to public employees. These bills should also include additional detail to insure the reliability and confidentiality of the testing. Specifically, such legislation should provide detailed chain-of-custody procedures, insure privacy in the testing process, prohibit in-house testing of samples, provide a rebuttal opportunity to employees who have tested positive, and establish detailed procedures to insure the confidentiality of all test results.

Finally, any alternative legislation that seeks to provide for both drug and alcohol workplace testing should indicate that fact in its title. Senate Bill No. 144, while providing for both drug and alcohol testing made reference only to drug testing in its title thereby, arguably, constituting a violation of Art. II, §16 of the Delaware Constitution which limits the contents of a bill to those matters embraced in its title.

In conclusion, I must reiterate that I strongly endorse the benefits to be derived from a comprehensive, practical, and equitable workplace drug and alcohol testing program. For the reason stated herein, however, I am compelled to return Senate Bill No. 144 as amended to the Senate without my signature.

(1) Substantially identical protections to those afforded by the Fourth Amendment are also mandated by Art. I, §6 of the Delaware Constitution. As a result, the analysis contained herein leads to the conclusion that Senate Bill No. 144 as amended conflicts with the requirements of the Delaware Constitution as well.

Sincerely,
Michael N. Castle, Governor

* * * * *

The following legislation was introduced:

SB 437 - AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE CODE, RELATING TO PENALTIES FOR POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUORS BY THOSE UNDER THE AGE OF 21. Sponsors: Senator Sharp, Representative Spence, Oberle. Assigned to Committee to Combat Drug Abuse.

SS 1 for SB 356 - AN ACT TO AMEND VOLUME 67, CHAPTER 171, LAWS OF DELAWARE, RELATING TO DISCIPLINARY ACTION AGAINST REAL ESTATE BROKERS, SALESPERSONS, AND APPRAISERS. Sponsor: Senator Torbert. Adopted in lieu of the Original.

The Secretary announced that a message from the House informed the Senate that it had passed HB 401 w HA 2; HB 538; HB 536 w HA 1; SB 319 and adopted SCR 155; SCR 156; SCR 157; SCR 158.

The following legislation was introduced:

HB 401 w HA 2 - AN ACT TO AMEND CHAPTER 41, TITLE 9, OF THE DELAWARE CODE RELATING TO KENT COUNTY. Sponsors: Representative Buckworth, Senator J. Still; Representatives Quillen, Caulk, Spence, Bennett, Outten. Assigned to Community Affairs Committee.

HB 536 w HA 1 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO CONDOMINIUM MANAGEMENT COUNCILS. Sponsor: Senator Amick. Assigned to Administrative Services/Energy Committee.

HB 538 - AN ACT TO AMEND CHAPTER 88, TITLE 29, DELAWARE CODE, RELATING TO THE DIVISION OF PROFESSIONAL REGULATION AND PROVIDING FOR THE TRAINING OF BOARD MEMBERS. Sponsor: Representative Amick. Assigned to Sunset Committee.

At 2:57 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 35th Legislative Day.

35TH LEGISLATIVE DAY
May 31, 1990

The Senate convened at 2:57 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Bair.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

At the request of Senator J. Still the privilege of the floor was extended to John J. Carey (Carey Racing Team) who spoke on combatting drug abuse.

The following letter was read and made part of this record at the request of Senator Martin:

Sawyer & Akin, P. A.
Attorneys at Law
1600 Manufacturers Hanover Plaza
P. O. Box 25047
Wilmington, Delaware 19899

May 29, 1990

Hon. Roger A. Martin
State Senator
13 Pinedale Road
Newark, DE 19711
RE: Hopkins Road Bridge

Dear Senator Martin:

As you are aware, this law firm presently represents the Coalition for Natural Stream Valleys in its formal opposition to the currently planned substantial bridge construction where Hopkins Road Bridge passes over the White Clay Creek. I should say at this point that the Coalition is extremely grateful for the important support you have given to their effort both in the General Assembly and in the public press. Since your letters opposing the current Deldot plan were made part of the record before the Environmental Appeals Board, we strongly hope that the Appeals Board gives your input great weight and "just says no."

Mention of the Environmental Appeals Board brings me to the point of this letter. We thought you would want to know that late in the afternoon on Friday, May 25, 1990, I received correspondence from legal counsel to the Delaware Department of Transportation. Apparently, the letter from Frederick Schranck, Deputy Attorney General, was a belated response to my letter of May 9, 1990. I had sent a letter on May 9 to Secretary Justice immediately upon the conclusion of the hearing before the Environmental Appeals Board. My letter advised Secretary Justice that since the Appeals Board had taken this matter under consideration, no construction should commence at least until the Appeals Board had decided the matter.

Nonetheless, the May 25 letter from Deldot's attorney states in no uncertain terms that the Department sees "nothing improper in acting on a valid permit." In essence, Deldot is specifically choosing not to comply with our request that any construction await an opinion from the Appeals Board.

I can assure you that the Coalition has acted responsibly and has made, in our view, an extremely effective case before the EAB. The hearing before the Board began at 8:30 a.m. and concluded at 5:00 p.m. We introduced a number of articulate, concerned, and experienced witnesses who presented quality testimony on the likely adverse environmental impact of the Hopkins Road Bridge replacement as it is currently planned. Similarly, a great quantity of documentary evidence was placed into the record before the Appeals Board. When witnesses could not assess the full anticipated environmental impact of the planned bridge construction, we argued that that was all the more reason to delay any construction until a full environmental impact study could be performed.

It causes the Coalition great concern that it has entrusted its case to the Appeals Board while the Secretary of Transportation, on the other hand, appears ready to ignore the fact that the matter is being considered by the Board. When a state official ignores an important hearing structure established by the General Assembly, I believe that the citizens of Delaware are grossly disserved.

I can assure you that the Coalition is considering taking legal steps should construction begin while the very permit permitting that construction is on appeal before the Board. Nonetheless, we assume that you and your colleagues in the General Assembly would want to know of the Secretary's intentions in this matter.

Please do not hesitate to call if there are questions. Thank you again for your continued strong support of the activity of the Coalition.

Sincerely,
Roger A. Akin

cc: Dorothy Miller

* * * * *

Senators Martin and Neal commented on the letter.

A memorandum signed by Senator J. Still was read which requested that his name be removed as a co-sponsor of SB 271.

The following legislation was introduced:

SB 438 - AN ACT TO AMEND CHAPTER 5 OF TITLE 18 OF THE DELAWARE CODE BY ADDING A SECTION 534 REQUIRING THE PHYSICAL PRESENCE IN DELAWARE OF ALL DOMESTIC INSURERS, AND PROVIDING FOR BOTH A CONTINUATION FEE TO BE IMPOSED UNTIL A DOMESTIC INSURER'S PHYSICAL PRESENCE IS MAINTAINED IN DELAWARE AND AN EXEMPTION FROM THE REQUIREMENT BY THE PAYMENT OF THE CONTINUATION FEE UNDER SPECIFIED CIRCUMSTANCES. Sponsor: Senator McDowell. Assigned to Insurance and Elections Committee.

SB 439 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATED TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsor: Senator Holloway. Assigned to Health-Social Services/Aging Committee.

The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: SB 424 - 4 Merits; SB 421 - 4 Merits; HB 520 - 3 Merits.

SA 1 to SB 416 (sponsor: Senator Sharp) was introduced and placed with the Bill.

HB 520 which had been reported out of the Natural Resources and Environmental Control Committee, was now assigned to the Labor Committee.

Senator Cook marked PRESENT.

SB 414 was taken up for consideration on motion of Senator Venables:

SB 414 - AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED BEING THE CHARTER OF THE CITY OF SEAFORD, RELATING TO THE ISSUANCE OF REVENUE BONDS. (2/3 vote)

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

At 3:22 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 4:00 p.m., Senator Cordrey presiding.

Senator Sharp announced that the Senate would not be in session on Tuesday, June 5.

SB 392 was taken up for consideration on motion of Senator Marshall:

SB 392 - AN ACT TO AMEND CHAPTER 7, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT PRACTICES.

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

SA 2 to the Bill (sponsors: Senators J. Still and R. Still) was introduced and laid on the table.

SA 3 to the Bill (sponsors: Senators R. Still and J. Still) was introduced and laid on the table.

SA 4 to the Bill (sponsors: Senators J. Still and R. Still) was introduced and laid on the table.

SA 5 to the Bill (sponsors: Senators J. Still and R. Still) was introduced and laid on the table.

SA 6 to the Bill (sponsor: Senator Marshall) was introduced and laid on the table.

The roll call vote on SB 392 was taken; however, the roll call was laid on the table before being announced on motion of Senator Marshall.

HB 628 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 628 - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO CERTAIN FEES AND CHARGES PAYABLE TO THE SECRETARY OF STATE. (3/5 vote)

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

The roll call vote on HB 628 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House for consideration of the Senate Amendment.

The roll call vote on SB 392 was lifted on motion of Senator Marshall; however, the roll call was again laid on the table before being announced on further motion of the Senator.

SB 373 was taken up for consideration on motion of Senator Torbert:

SB 373 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 43, TITLE 11, DELAWARE CODE, RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS.

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

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

At 4:21 p.m., Lt. Governor Wolf presiding.

The privilege of the floor was extended to Jack K. Russell after which the roll call vote on the Amendment was taken and revealed:

YES: Senators: Adams, Bair, Bane, Cordrey, Knox, Marshall, Martin, McBride, McDowell, Minner, R. Still, Torbert, Venables - 13.

NO: Senators: Cook, Hauge, Neal, J. Still, Vaughn - 5.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senators Connor, Holloway - 2.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 373 w SA 1 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Torbert.

HB 470 was taken up for consideration on motion of Senator Sharp:

HB 470 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO THE DESECRATION OF THE NATIONAL FLAG ANY PUBLIC MONUMENT OR STRUCTURE, ANY PLACE OF WORSHIP, OR ANY OTHER OBJECT OF VENERATION. (2/3 vote)

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

On motion of Senator Marshall and without objection, the roll call vote on SB 392 was lifted from the table and announced:

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

NO: Senators Adams, Bair, Bane, Cordrey, Hauge, Neal, J. Still, R. Still, Venables - 9.

ABSENT: Senator Connor - 1.

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

HB 546 was taken up for consideration on motion of Senator Torbert:

HB 546 - AN ACT TO AMEND CHAPTER 43, TITLE 21, OF THE DELAWARE CODE, RELATING TO VEHICLE WINDSHIELDS, FRONT SIDE WINDOWS AND SIDE WINGS.

The privilege of the floor was extended to Robert J. Voshell (Director, Department of Motor Vehicles) and Thomas F. Jacleish (Delaware State Police) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Martin, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn - 15.

NO: Senators McBride, McDowell - 2.

NOT VOTING: Senators Marshall, Venables - 2.

ABSENT: Senators Connor, Neal - 2.

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

SB 436 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cordrey (no objection):

SB 436 - AN ACT TO AMEND TITLE 10 DELAWARE CODE RELATING TO THE MONETARY LIMITATION OF THE JUSTICE OF THE PEACE COURTS IN CIVIL ACTIONS.

The privilege of the floor was extended to John Cordrey (Senate Attorney) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McDowell, Minner, Neal, J. Still, R. Still, Torbert, Vaughn, Venables - 18.

NO: Senators McBride, Sharp - 2.

ABSENT: Senator Connor - 1.

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

SB 413 was stricken on motion of the sponsor, Senator Cordrey.

SB 412 was taken up for consideration on motion of Senator Adams:

SB 412 - AN ACT TO AMEND CHAPTER 27, TITLE 10 OF THE DELAWARE CODE RELATING TO THE APPOINTMENT AND COMMISSIONING OF CONSTABLES.

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

The roll call vote on SB 412 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 402 was stricken on motion of Senator Cordrey, the sponsor.

SB 404 was taken up for consideration on motion of Senator Vaughn:

SB 404 - AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO SPONSORS AND PROMOTERS OF CERTAIN ENTERTAINMENT EVENTS.

Senator Venables addressed the Bill after which the roll call vote was taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 363 was taken up for consideration on motion of Senator Minner:

HB 363 - AN ACT TO AMEND TITLE 9, DELAWARE CODE, PART II, CHAPTER 15, TO AUTHORIZE NEW CASTLE COUNTY TO CONVEY COUNTY OWNED LAND TO THE STATE FOR PUBLIC PURPOSES.

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

SB 419 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Martin (no objection):

SB 419 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD AND SPEEDING, STOP SIGN, AND YIELD SIGN VIOLATIONS IN RESIDENTIAL DISTRICTS AND SUBSTITUTING THE WORD RESIDENTIAL FOR THE WORD RESIDENCE IN PARTS OF THE TITLE.

The privilege of the floor was extended to John Cordrey (Senate Attorney) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed:

YES: Bair, Bane, Cook, Hauge, Holloway, Knox, Marshall, Martin, Neal, Sharp, J. Still, R. Still, Torbert - 13.

NO: Senators Adams, Cordrey, McBride, McDowell, Minner, Venables - 6.

NOT VOTING: Senator Vaughn - 1.

ABSENT: Senator Connor - 1.

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

SB 285 was stricken on motion of the sponsor, Senator Martin.

HB 497 w HA 1 was taken up for consideration on motion of Senator McBride:

HB 497 w HA 1 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 6, REGARDING TUITION CHARGES FOR NONRESIDENT PUPILS IN A SCHOOL DISTRICT.

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

YES: Senators Adams, Bair, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, R. Still, Torbert, Vaughn, Venables - 18.

NO: Senator J. Still - 1.

NOT VOTING: Senator Bane - 1.

ABSENT: Senator Connor - 1.

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

SB 382 was taken up for consideration on motion of Senator Martin:

SB 382 - AN ACT TO AMEND CHAPTER 7 OF TITLE 5, DELAWARE CODE, RELATING TO THE CORPORATION LAW FOR STATE BANKS. (2/3 vote)

Several Senators commented on 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 Martin.

SCR 160 was introduced and considered for adoption on motion of Senator Minner:

SCR 160 - WISHING A SPEEDY RECOVERY TO HELEN BYRD ACHTENBURG GOURLEY OF BOWERS BEACH, MEMBER OF THE SENATE STAFF AND FORMER MEMBER OF THE HOUSE STAFF. Sponsors: Senator Minner, all Senators; Representative Caulk, all Representatives.

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

SR 84 was introduced and considered for adoption on motion of Senator J. Still:

SR 84 - COMMENDING MARTIN J. BURNS, PRINCIPAL OF FAIRVIEW ELEMENTARY SCHOOL, CAPITAL SCHOOL DISTRICT, ON HIS IMPENDING RETIREMENT AFTER MORE THAN THIRTY-FOUR YEARS IN THE FIELD OF EDUCATION AND FURTHER WISHING HIM THE BEST OF HEALTH AND HAPPINESS IN HIS FUTURE PURSUITS IN LIFE. Sponsors: Senators J. Still, Cook, Torbert, Vaughn, Minner.

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

SR 83 - URGING THE SPEEDY MANUFACTURE, DISTRIBUTION, AND MARKETING OF DRUGS WHICH HAVE BEEN SHOWN TO BE EFFECTIVE IN THE TREATMENT OF ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) AT THE LOWEST POSSIBLE COST TO EASE THE FINANCIAL BURDEN OF INDIVIDUALS WITH AIDS AND FOR GOVERNMENTS PROCURING AIDS DRUGS. Sponsor: Senator Holloway.

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

At 6:08 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., June 6, 1990.

The Senate reconvened at 3:56 p.m., June 6, 1990 Lt. Governor Wolf presiding.

The following legislation was introduced:

SA 3 to HB 63. Sponsors: Senators Torbert, Adams; Representative B. Ennis. Placed with the Bill.

SA 3 to SB 64. Sponsor: Senator J. Still. Placed with the Bill.

SB 440 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO COUNSEL FEES RECOVERABLE IN ACTIONS ON WRITTEN INSTRUMENTS. Sponsor: Senator Cordrey. Assigned to Judiciary Committee.

For purposes of clarifying the record, the Secretary reannounced the roll call vote on HB 546:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Martin, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn - 15.

NO: Senators McBride, McDowell - 2.
NOT VOTING: Senators Marshall, Venables - 2.
ABSENT: Senators Connor, Neal - 2.

The following legislation was introduced:

SB 441 - AN ACT TO AMEND CHAPTER 41, TITLE 14, DELAWARE CODE, RELATING TO ANNUAL, UNANNOUNCED SEARCHES OF DELAWARE SCHOOLS BY DELAWARE STATE POLICE OR LOCAL LAW ENFORCEMENT AGENCY. Sponsors: Senators Sharp, Cordrey, Vaughn, Neal. Assigned to Committee to Combat Drug Abuse.

SB 442 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION RELATING TO INTERPRETATION OF SAID CONSTITUTION IN CRIMINAL CASES. (2/3 vote) Sponsors: Senators Sharp, Vaughn; Representatives Spence, Oberle. Assigned to Judiciary Committee.

SB 443 - AN ACT TO AMEND TITLE 15, CHAPTER 80, SECTION 8001 AND 8004 OF THE CAMPAIGN FINANCING AND DISCLOSURE ACT OF 1974 TO LIMIT CONTROLLED EXPENDITURES. Sponsors: Senator Marshall, Representative Petrilli. Assigned to Insurance and Elections Committee.

SB 444 - AN ACT TO AMEND TITLE 29, DELAWARE CODE BY CREATING A DELAWARE PUBLIC LIBRARY CONSTRUCTION ASSISTANCE ACT. Sponsors: Senator Cook, Representative Roy; Senators Adams, Cordrey, Hauge, Knox, Martin, McBride, Minner, Neal, R. Still; Representatives Bunting, Carey, Corrozi, Davis, B. Ennis, Jonklert, Quillen, Soles, Taylor, West. Assigned to Administrative Services/Energy Committee.

SB 445 - AN ACT TO AMEND CHAPTER 27, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO REFUSAL TO SUBMIT TO A CHEMICAL TEST. Sponsors: Senator McBride, Representative Amick. Assigned to Committee to Combat Drug Abuse.

SB 446 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE BY DELETING IN ITS ENTIRETY PRESENT SECTION 4764 RELATING TO CONDITIONAL DISCHARGE FOR POSSESSION AS FIRST OFFENSE AND ESTABLISHING IN LIEU THEREOF A NEW SECTION 4764 RELATING TO FIRST OFFENDERS CONTROLLED SUBSTANCES DIVERSION PROGRAM. Sponsors: Senators Sharp, Cordrey, Vaughn, Neal. Assigned to Committee to Combat Drug Abuse.

SB 447 - AN ACT TO AMEND CHAPTER 90, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ABOLITION OF THE DIVISIONAL ADVISORY COUNCILS AND EXECUTIVE ADVISORY COUNCIL ON CHILDREN, YOUTH AND THEIR FAMILIES AND THE ESTABLISHMENT OF THE ADVISORY COUNCIL FOR CHILDREN, YOUTH AND THEIR FAMILIES. Sponsors: Senators McDowell, Bair. Assigned to Children, Youth and Families Committee.

SB 448 - AN ACT TO AMEND CHAPTER 27 OF TITLE 25 OF THE DELAWARE CODE RELATING TO MECHANICS' LIENS. Sponsors: Senator Vaughn, Representative Hebner. Assigned to Administrative Services/Energy Committee.

SB 449 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF DEPENDENT, NEGLECTED OR DELINQUENT CHILDREN. Sponsors: Senator Holloway, Representative Maroney. Assigned to Health-Social Services/Aging Committee.

SB 450 - AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF DELAWARE, RELATING TO VICTIMS OF CRIMES; AND ENSURING THAT VICTIMS ARE ENTITLED TO CERTAIN BASIC RIGHTS. (2/3 vote) Sponsor: Senator McBride. Assigned to Judiciary Committee.

SB 451 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE BY CHANGING VEHICLE REGISTRATIONS AND INSPECTIONS FROM AN ANNUAL TO A BIENNIAL REQUIREMENT. Sponsors: Senator Torbert, Representative Ewing. Assigned to Public Safety Committee.

SB 452 - AN ACT TO AMEND CHAPTER 38 OF TITLE 12 OF THE DELAWARE CODE RELATING TO BUSINESS TRUSTS. Sponsors: Senator Vaughn, Representative Hebner. Assigned to Judiciary Committee.

SB 453 - AN ACT TO AMEND TITLE 17, SECTION 143 OF THE DELAWARE CODE, RELATING TO ALTERATION OR RELOCATION OF FACILITIES OR STRUCTURES OF PUBLICLY-OWNED PUBLIC UTILITIES ON STATE RIGHTS-OF-WAY. Sponsor: Senator Minner. Assigned to Highways and Transportation Committee.

A messenger from the Governor was announced and admitted.

SB 454 - AN ACT TO AMEND DELAWARE CODE, TITLE 29, CHAPTER 58, REGARDING THE CONDUCT OF OFFICERS AND EMPLOYEES OF THE STATE. Senator Cordrey. Assigned to Administrative Services/Energy Committee.

SB 455 - AN ACT TO AMEND CHAPTER 15, TITLE 24 OF THE DELAWARE CODE RELATING TO THE USE OF TOBACCO PRODUCTS IN CERTAIN RESTAURANTS. Sponsors: Senator Sharp, Representative Amick. Assigned to Administrative Services/Energy Committee.

SJR 12 - PROPOSING A STUDY TO DETERMINE THE FEASIBILITY OF IMPLEMENTING A VEHICLE TRACKING AND RETRIEVAL SYSTEM; AND PROVIDING AN APPROPRIATION THEREFOR. Sponsor: Senator McBride. Assigned to Public Safety Committee.

HJR 23 - PROVIDING FOR THE ESTABLISHMENT OF A BLUE RIBBON PANEL OF EXPERTS EXPERIENCED IN THE FIELD OF LABOR-MANAGEMENT RELATIONS, TO INCLUDE OTHER CLOSELY RELATED SEGMENTS OF THE POPULACE SO AFFECTED FOR THE PURPOSE OF STUDYING AND RECOMMENDING RESOLUTIONS TO THE PROBLEMS INEXTRICABLY ASSOCIATED WITH THE COMMON LAW DOCTRINE OF "EMPLOYMENT AT-WILL"; AND FURTHER PROVIDING FUNDING THEREFOR. Sponsors: Representative Plant, Senator Holloway; Representatives Campanelli, Sills. Assigned to Administrative Services/Energy Committee.

HJR 22 - DIRECTING THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO CONDUCT AN ANALYSIS OF A PROGRAM TO PAY PREMIUMS AND RELATED COSTS TO CONTINUE HEALTH INSURANCE FOR CERTAIN UNEMPLOYED PERSONS WITH AIDS OR HIV-RELATED ILLNESS AND REQUIRING THE DEPARTMENT TO REPORT ITS RECOMMENDATIONS TO THE LEGISLATURE AND THE GOVERNOR. Sponsors: Representatives Davis, Oberle, Maroney; Senator Holloway. Assigned to Health-Social Services/Aging Committee.

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

HS 1 for HB 391 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE RELATING TO THE REPORTING OF A DISCHARGE OF A POLLUTANT OR AN AIR CONTAMINANT. Sponsors: Representatives Mack, B. Ennis, Outten. Assigned to Natural Resources and Environmental Control Committee.

HB 496 w HA 1 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO INSURANCE FOR MOTOR VEHICLES. Sponsor: Representative Amick. Assigned to Public Safety Committee.

HB 514 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SUBSTANCE ABUSE; AND PROVIDING FOR A DELAWARE DRUG-FREE SCHOOL ACT. Sponsors: Representative Amick, Senator Sharp. Assigned to Committee to Combat Drug Abuse.

HB 565 w HA 1 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE, RELATING TO TENANT'S REMEDY OF REPAIR AND DEDUCTION FOR MINOR DEFECTS. Sponsors: Representatives Sills, D. Ennis, Plant; Senators Holloway, McDowell. Assigned to Administrative Services/Energy Committee.

HB 572 w HA 1 - AN ACT TO AMEND TITLE 7 AND TITLE 23 OF THE DELAWARE CODE RELATING TO THE REGULATION OF PERSONAL WATERCRAFT. Sponsors: Representatives Schroeder, Bunting, Clark, Caulk, Carey, Quillen; Senator Minner. Assigned to Natural Resources and Environmental Control Committee.

HB 585 w HA 1 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE CREATING THE WASTE MINIMIZATION/POLLUTION PREVENTION ACT. Sponsors: Representative Mack, Senator Minner; Representatives Roy, Carey, Taylor, Reynolds, B. Ennis, Outten, Schroeder, Bunting; Senators Hauge, J. Still, Venables. Assigned to Natural Resources and Environmental Control Committee.

HB 591 - AN ACT TO AMEND CHAPTER 37, TITLE 10 OF THE DELAWARE CODE RELATING TO UNSOLICITED TELEFACSIMILE ADVERTISING. Sponsors: Representative Boykin, Senator Bair; Representatives Amick, Buckworth, Spence, Lee, Petrilli, Corrozi, Reynolds, D. Ennis, Smith, Sills, Jonkier, Bennett, Brady, Soles, Clark, Bunting; Senators Sharp, Holloway, Knox, Hauge. Assigned to Judiciary Committee.

HB 592 - AN ACT TO AMEND CHAPTER 43, TITLE 11 OF THE DELAWARE CODE RELATING TO THE IMPOSITION BY A COURT OF A SENTENCE INVOLVING COMMUNITY SERVICE. Sponsors: Representative Davis, Senator Vaughn; Representatives Ewing, Hebner, Quillen, Houghton, Plant; Senator Hauge. Assigned to Judiciary Committee.

HB 602 - AN ACT TO AMEND TITLE 7 RELATING TO BEVERAGE CONTAINERS. Sponsors: Representatives Carey, Petrilli, D. Ennis, Davis, Lee, Maroney, Smith, DiPinto, Caulk, Mack, Roy, Ewing, Quillen, Schroeder; Senators Venables, Minner, Knox, Hauge. Assigned to Natural Resources and Environmental Control Committee.

HB 612 - AN ACT TO AMEND CHAPTER 92, TITLE 11 OF THE DELAWARE CODE RELATING TO LAW-ENFORCEMENT OFFICERS' BILL OF RIGHTS. Sponsors: Representative Spence, Senator McBride; Representatives Oberle, VanSant. Assigned to Judiciary Committee.

SS 1 for SB 432 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE CONSTRUCTION AND EQUIPMENT OF VEHICLES TO PREVENT ESCAPE OF CONTENTS. (2/3 vote) Sponsors: Senator Torbert, Representative Smith. Assigned to Public Safety Committee.

The following communication from the Governor was read:

STATE OF DELAWARE
Office of the Governor
June 6, 1990

To the Senate of the 135th General Assembly of the State of Delaware:

The following nomination, submitted to the Senate on May 11, 1989, is hereby formally withdrawn: William T. Cooper to be appointed as a member of the Advisory Council on Tidal Finfisheries.

Sincerely,
Michael N. Castle, Governor

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

STATE OF DELAWARE
Office of the Governor
June 6, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Thomas S. Lodge, Esq., 2 Fols Crescent, New Castle, DE 19720, to be appointed as a member of the New Castle County Board of Elections to serve a term to expire September 18, 1990, to succeed Barbara K. Madden who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 6, 1990

To the Senate of the 135th 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 appointed as a member of the Delaware River and Bay Authority to serve a term to expire July 1, 1991, to succeed Remsen C. Barnard, III.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 6, 1990

To the Senate of the 135th 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 E. Cole, 1325 Greenleaf Road, Wilmington, DE 19805, to be reappointed as a Justice of the Peace, in and for New Castle County, to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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SS 1 for SB 110 was introduced, adopted in lieu of the Original and laid on the table under suspension of the necessary rules on motion of Senator Minner:

SS 1 for SB 110 - AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX. Sponsors: Senators Minner, McDowell, Knox, R. Still, Sharp, Martin, McBride, J. Still, Cordrey, Adams, Cook, Venables, Holloway, Vaughn, Marshall, Torbert; Representatives Plant, Brady, Hebner, Corrozi, Campanelli, Buckworth, Mack, Reynolds, Spence, Taylor, Bunting, Amick, Davis, B. Ennis, Quillen, Ewing, Carey, Schroeder, Fallon, Gilligan, Oberle, Jester, Bennett, Soles, Outten, George, Houghton, VanSant.

At 4:24 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 36th Legislative Day.

36TH LEGISLATIVE DAY
June 6, 1990

The Senate convened at 4:24 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Hauge.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

LEGISLATIVE ADVISORIES #52 and 53 received from the Office of the Counsel to the Governor were partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #52 (May 29, 1990): On May 24, 1990 the Governor signed SB 134 w HA 1, SA 1 (Volume 67, Chapter 219, Laws of Delaware); SB 357 w SA 2 (Volume 67, Chapter 220, Laws of Delaware); HB 175 w HA 1, SA 1, 2 (Volume 67, Chapter 221, Laws of Delaware). On May 30, 1990 the Governor signed HB 37 w HA 1 (Volume 67, Chapter 222, Laws of Delaware). On May 29, 1990 the Governor VETOED SB 144 w SA 1, 3, HA 1, 2 w HA 1.

LEGISLATIVE ADVISORY #53 (May 30, 1990): On May 30, 1990 the Governor signed HS 1 for HB 193 w HA 1, 2 w HA 1, HA 3, 4 (Volume 67, Chapter 223, Laws of Delaware); SB 415 w SA 1, 3 (Volume 67, Chapter 224, Laws of Delaware).

The following communication from Senator J. Still was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19903

May 31, 1990

The Honorable Dale E. Wolf
President of the Senate
Legislative Hall
Dover, Delaware

Dear Lt. Governor Wolf:

I hereby request that my name be removed as a Co-Sponsor of Senate Bill 271 of the 135th General Assembly.

This does not indicate opposition to the bill, but a desire to remain neutral on this issue at this time as alternatives are brought forth for discussion.

Sincerely,

(Signed) John C. Still, Senator

cc: Senator Thurman G. Adams, Jr.

SB 331 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Holloway:

SB 331 - AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE, RELATING TO THE LICENSURE OF FUNERAL SERVICE PRACTITIONERS.

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

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

SA 3 to the Bill which had been placed with the Bill was stricken on motion of Senator Holloway.

SA 4 to the Bill (sponsor: Senator Torbert) was introduced and immediately stricken.

SA 5 to the Bill (sponsor: Senator R. Still) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 331 w SA 2, 5 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, R. Still, Torbert, Venables - 17.

NO: Senators Neal, J. Still, Vaughn - 3.

ABSENT: Senator Connor - 1.

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

HS 1 for HB 353 w HA 1 was taken up for consideration on motion of Senator Venables:

HS 1 for HB 353 w HA 1 - AN ACT TO AMEND SECTION 5114 OF TITLE 25 OF THE DELAWARE CODE RELATING TO CHARGES AND/OR METERING FOR UTILITY SERVICES BY LANDLORDS OWNING AND OPERATING COMMERCIAL UNITS, TERMINATION OF SERVICE, AND JURISDICTION.

The privilege of the floor was extended to Barbara MacDonald (New Castle Associates).

At 4:45 p.m., Senator Cordrey presiding.

At 4:55 p.m., Lt. Governor Wolf presiding.

Ms. MacDonald was still on the floor and several Senators entered into discussion of the Bill 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 Venables.

At 5:15 p.m., Senator Cordrey presiding.

SB 396 was taken up for consideration on motion of Senator Vaughn:

SB 396 - AN ACT TO AMEND CHAPTER 29, TITLE 30 OF THE DELAWARE CODE RELATING TO STATE TAXES; AND EXEMPTING CRABBERS FROM WHOLESALE LICENSE REQUIREMENTS.

The privilege of the floor was extended to Robert Chastant (Division of Revenue) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed:

YES: Senators Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Adams, Bair, Bane, Hauge, Knox, R. Still - 6.

ABSENT: Senator Connor - 1.

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

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

SB 325 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE RELATING TO PENSION BENEFITS FOR CORRECTION OFFICERS.

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

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

The privilege of the floor was extended to Donald F. McArdle (Pension Board) and several Senators entered into discussion of the Bill after which SB 325 w SA 2 was laid on the table on motion of Senator Vaughn.

HB 570 w HA 1 was taken up for consideration on motion of Senator McBride:

HB 570 w HA 1 - AN ACT TO AMEND CHAPTER 31, TITLE 14 OF THE DELAWARE CODE RELATING TO HANDICAPPED PERSONS.

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

At 6:02 p.m. Senator Sharp moved that the Senate recess until June 7, 1990.

Senator Adams objected to the motion to recess and a roll call vote was taken which revealed:

YES: Senators Hauge, Marshall, Martin, McBride, McDowell, Neal, Sharp, J. Still, Vaughn - 9.

NO: Senators Adams, Bair, Bane, Cook, Cordrey, Holloway, Knox, Minner, R. Still, Torbert, Venables - 11.

ABSENT: Senator Connor - 1.

Therefore, the motion failed and the Senate remained in Session.

The following legislation was introduced:

SB 456 - AN ACT TO AMEND PART II, PART V AND PART VI, TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE; AND PROVIDING FOR A BILL OF RIGHTS FOR VICTIMS AND WITNESSES ACT. Sponsors: Senator McBride; Representatives Amick, Bunting, B. Ennis, Jonklert, Schroeder. Laid on the table on motion of Senator McBride.

SB 457 - AN ACT TO AMEND CHAPTER 85, TITLE 14, DELAWARE CODE, RELATING TO APPLICATION COMMITMENTS AND BOND REQUIRED OF PRIVATE BUSINESS AND TRADE SCHOOLS. Sponsors: Senator Torbert, Representative Amick. Assigned to Administrative Services/Energy Committee.

SB 458 - AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO THE DISTRIBUTION OF CIVIL DAMAGES. Sponsors: Senators Adams, Cordrey, Knox; Representatives Bennett, Ewing, Petrilli.

Senator Adams moved that the necessary rules be suspended and SB 458 be placed on the Ready List. The roll call vote on the motion was taken and revealed:

YES: Senators Adams, Bair, Cook, Cordrey, Holloway, Knox, Minner, Neal, R. Still, Torbert, Venables - 11.

NO: Senators Hauge, Marshall, Martin, McBride, McDowell, Sharp, J. Still, Vaughn - 8.

NOT VOTING: Senator Bane - 1.

ABSENT: Senator Connor - 1.

Therefore, the motion prevailed.

Senator Hauge moved that the necessary rules be suspended to place SB 309 on the Ready List. No action was taken on the motion.

At 6:12 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 7, 1990.

The Senate reconvened at 2:53 p.m., June 7, 1990, Senator Cordrey presiding.

Senator Hauge withdrew his motion concerning SB 309 which was made before the above recess.

The following Committee reports were announced:

From the Judiciary Committee: SB 452 - 1 Favorable, 2 Merits; SB 450 - 3 Merits; SB 442 - 3 Merits; SB 429 - 3 Merits; SB 420 - 3 Merits; SB 406 - 3 Merits; SB 386 - 3 Merits; HJR 11 w HA 1 - 3 Merits; HB 582 - 3 Merits; HB 490 - 3 Merits; HB 521 w HA 2 - 3 Merits; HB 612 - 3 Merits.

From the Insurance and Elections Committee: SB 390 - 4 Merits; SB 427 - 4 Merits; SB 438 - 4 Merits; SB 443 - 3 Merits.

From the Committee to Combat Drug Abuse: SB 435 - 1 Favorable, 3 Merits; SB 437 - 1 Favorable, 3 Merits; SB 441 - 1 Favorable, 3 Merits; SB 446 - 1 Favorable, 4 Merits; HB 514 - 4 Merits.

At 2:58 p.m., Lt. Governor Wolf presiding.

The following legislation was introduced:

SB 459 - AN ACT TO AMEND CHAPTER 23, TITLE 11, DELAWARE CODE, RELATING TO GROUNDS FOR SEIZURE OF A MOTOR VEHICLE. Sponsors: Senator Adams, Representative Ewing; Senators Martin, Sharp, R. Still, Vaughn; Representatives Brady, Buckworth, Davis, DiPinto, B. Ennis, D. Ennis, Hebner, Houghton, Lee, Spence, Reynolds. Assigned to Judiciary Committee.

SS 1 for SB 432 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE CONSTRUCTION AND EQUIPMENT OF VEHICLES TO PREVENT ESCAPE OF CONTENTS. (2/3 vote) Sponsors: Senator Torbert, Representative Smith. Adopted in lieu of the Original.

SB 460 - AN ACT TO AMEND CHAPTER 75, TITLE 29, OF THE DELAWARE CODE, RELATING TO EQUALIZATION OF SCHOOL CONSTRUCTION FUNDS. Sponsors: Senator Cook, Representative Corrozi; Senators McBride, Vaughn, Torbert, Minner, Adams, Cordrey, Venables, Martin, J. Still; Representatives Bennett, Ewing, B. Ennis, Clark, Outten, Quillen, Buckworth, Caulk, Bunting, Schroeder, Carey, Fallon, Lee, West, Jester, Mack, Reynolds. Assigned to Finance Committee.

SB 461 - AN ACT TO AMEND CHAPTER 27, TITLE 25, DELAWARE CODE RELATING TO THE DUTY OF CONTRACTORS TO GIVE NOTICE TO SUBCONTRACTORS OF THE DATE OF SETTLEMENT WITH THE OWNERS OR PROSPECTIVE OWNERS OF REAL ESTATE TO WHICH THE SUBCONTRACTORS HAVE PROVIDED LABOR AND/OR MATERIAL AND PROVIDING PENALTIES FOR VIOLATION THEREOF. Sponsor: Senator Vaughn. Assigned to Administrative Services/Energy Committee.

HB 580 was reported out of the Judiciary Committee - 3 Merits.

The following legislation was introduced:

HB 469 w HA 1, 2 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO CLASSIFIED SERVICE AND EXEMPTIONS. Sponsors: Representatives West, Houghton, VanSant, Clark, Bunting, Campanelli, Plant, Schroeder, Brady, Sills, Jester, Caulk, Amick, Taylor, Quillen, Lee, Reynolds, Carey. Assigned to Administrative Services/Energy Committee.

HB 502 w HA 1, 2, 3 - AN ACT TO AMEND SUBCHAPTER VI, CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO CONTROLLED SUBSTANCES. Sponsors: Representative Amick, Senator Sharp. Assigned to Committee to Combat Drug Abuse.

HB 529 - AN ACT TO AMEND CHAPTER 52, TITLE 29 OF THE DELAWARE CODE RELATING TO HEALTH CARE INSURANCE. Sponsors: Representative Caulk, Senator Torbert. Assigned to Insurance and Elections Committee.

HB 544 - AN ACT TO AMEND CHAPTER 23, PART II, TITLE 11 OF THE DELAWARE CODE RELATING TO GROUNDS FOR SEIZURE OF CERTAIN VEHICLES USED IN THE TRANSPORTATION OF CONTROLLED SUBSTANCES. Sponsor: Representative Amick. Assigned to Judiciary Committee.

HB 564 - AN ACT TO AMEND §8-200 OF THE CHARTER OF THE CITY OF WILMINGTON, PURSUANT TO 22 DEL. C. §811, RELATING TO COMPETITIVE BIDDING. (2/3 vote) Sponsors: Representatives Sills, DiPinto, George, Jonklert, Plant; Senators Holloway, Marshall, McDowell. Assigned to Administrative Services/Energy Committee.

HB 601 - AN ACT TO AMEND CHAPTER 216, VOLUME 27 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CITY OF NEW CASTLE. (2/3 vote) Sponsors: Representative Mack, Senator Connor. Assigned to Community Affairs Committee.

HB 619 - AN ACT TO AMEND ONE-TIME LINE OF DUTY DEATH BENEFITS TO THE BENEFICIARIES OF PATROLMAN DONALD WALP AND DIRECTING THE STATE TREASURER TO ADMINISTER THE PAYMENT OF THE AWARD. Sponsors: Representative Oberle, Senator Martin. Assigned to Finance Committee.

HB 626 - AN ACT TO AMEND CHAPTER 21, TITLE 23, DELAWARE CODE RELATING TO ARRESTS MADE WITHOUT WARRANTS. Sponsors: Representatives Buckworth, Bunting. Assigned to Administrative Services/Energy Committee.

HB 649 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO RECORDATION OF DOCUMENTS. Sponsors: Representatives Roy, DiPinto, B. Ennis; Senators Vaughn, Minner, Bane, Hauge. Assigned to Community Affairs Committee.

HB 651 - AN ACT TO AMEND SECTION 9611, CHAPTER 96, TITLE 9 OF THE DELAWARE CODE RELATING TO RECORDATION OF DOCUMENTS BEARING CERTIFICATES OF NOTARIAL ACTS. Sponsors: Representatives Roy, DiPinto, B. Ennis; Senators Vaughn, Minner, Bane, Hauge. Assigned to Community Affairs Committee.

SCR 161 was introduced:

SCR 161 - COMMENDING TIMOTHY YOUNG FOR BEING SELECTED DELAWARE TEACHER OF THE YEAR. Sponsors: Senator McBride, Representative Fallon, all Senators, all Representatives.

Pursuant to the Resolution, Senator McBride introduced various officials of the Department of Public Instruction who were present in the Chamber and the privilege of the floor was extended to Mr. Young who addressed the Senate.

Senator Neal requested that Mr. Young's speech be transcribed and given to each member of the Senate. So ordered.

The roll call vote on SCR 161 was then taken and revealed 19 Senators voting YES and 2 (Connor, Martin) ABSENT; therefore, the Resolution was declared adopted by the Senate and sent to the House for consideration.

The Secretary announced that a message from the House informed the Senate that it had passed HB 505 w HA 1, 2, 3; HB 544; HB 601; HB 529; HB 626; HB 619; HB 469 w HA 1, 2; HB 564; HB 649; HB 651; HB 652; SB 385 and adopted HCR 172; HCR 173; SCR 160; HCR 171.

The following legislation was introduced:

HB 652 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO SATISFACTION OF MORTGAGES. Sponsors: Representatives Roy, DiPinto, B. Ennis; Senators Vaughn, Minner, Bane, Hauge. Assigned to Administrative Services/Energy Committee.

SA 4 to SB 102. Sponsor: Senator Hauge. Placed with the Bill.

SA 1 to SB 427. Sponsor: Senator Hauge. Placed with the Bill.

SA 2 to SB 427. Sponsors: Senators Hauge, Bair. Placed with the Bill.

SA 3 to SB 427. Sponsors: Senators Hauge, Bair. Placed with the Bill.

SA 4 to SB 427. Sponsor: Senator Bair. Placed with the Bill.

SA 5 to SB 427. Sponsors: Senators Hauge, Bair. Placed with the Bill.

SA 6 to SB 427. Sponsor: Senator Bair. Placed with the Bill.

SA 7 to SB 427. Sponsors: Senators Bair, Hauge. Placed with the Bill.

SA 4 to HB 448. Sponsor: Senator Torbert. Placed with the Bill.

At 3:32 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 37th Legislative Day.

37TH LEGISLATIVE DAY June 7, 1990

The Senate convened at 3:32 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, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

The Secretary announced that HB 255 had been placed as #5 on the Agenda of the Day.

LEGISLATIVE ADVISORIES #53, 54 received from the Office of the Counsel to the Governor were partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #53 (May 30, 1990): on May 30, 1990 the Governor signed HS 1 for HB 193 w HA 1, HA 2 w HA 1, HA 3, 4 (Volume 67, Chapter 223, Laws of Delaware); SB 415 w SA 1, 3 (Volume 67, Chapter 224, Laws of Delaware).

LEGISLATIVE ADVISORY #54 (June 4, 1990): on June 4, 1990 the Governor signed SB 319 (Volume 67, Chapter 225, Laws of Delaware).

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The Secretary announced that a message from the Chief Clerk of the House informed the Senate that Representative Ewing signed SB 154 as a co-sponsor while the Bill was in the House.

SB 280 was taken up for consideration on motion of Senator R. Still:

SB 280 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO REGULATING CAMPGROUND RESORTS MEMBERSHIP AND VACATION TIME SHARING PLANS SALES.

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

Senators McBride, Holloway, Martin marked PRESENT during the above roll call.

SS 1 for SB 356 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Torbert.

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

The roll call vote on SS 1 for SB 356 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 18.

NO: Senators Cordrey, Venables - 2.

ABSENT: Senator Connor - 1.

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

SB 198 which was next on the Agenda of the day was removed from the Agenda on motion of Senator Marshall.

HB 255 was taken up for consideration on motion of Senator Holloway with permission of the Chairman of the Administrative Services/Energy Committee:

HB 255 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO GAMBLING. (2/3 vote).

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

SB 397 was taken up for consideration on motion of Senator Vaughn:

SB 397 - AN OMNIBUS ACT TO AMEND TITLE 11 AND TITLE 16 TO PROVIDE CLARIFICATION AND CONSISTENT APPLICATION OF THE INTENT OF THE TRUTH IN SENTENCING ACT OF 1989.

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

At 4:08 p.m., on motion of Senator Sharp, the Senate recessed and reconvened at 4:28 p.m., Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 616 w HA 1, 3, 4; HS 1 for HB 541 and adopted SCR 161.

The following legislation was introduced:

HS 1 to HB 541 - AN ACT TO AMEND TITLE 14, CHAPTER 40 AND TITLE 19, CHAPTER 13, OF THE DELAWARE CODE RELATING TO THE RIGHT OF SCHOOL EMPLOYEES TO ORGANIZE. Sponsors: Representative Davis, Senator Cordrey; Representatives Buckworth, Petrilli, Spence, Amick, Carey, Caulk, Corrozi, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Bennett, Brady, Bunting, Clark, B. Ennis, Gilligan, Houghton, Jester, Jonkier, Outten, Plant, Schroeder, Soles, VanSant, West; Senators Adams, Cook, Holloway, Martin, Minner, Torbert, Venables, Bair, Bane, Neal, J. Still. Assigned to Education Committee.

HB 616 w HA 1, 3, 4 - AN ACT TO AMEND CHAPTER 11, TITLE 24, DELAWARE CODE RELATING TO DENTISTRY AND DENTAL HYGIENE. Sponsors: Representative Amick, Senator Venables. Assigned to Sunset Committee.

SB 397 was lifted from the table for consideration on motion of Senator Vaughn.

SA 1 to the Bill (sponsor: Senator Vaughn) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 397 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 461 w HA 1 was taken up for consideration on motion of Senator Sharp:

HB 461 w HA 1 - AN ACT TO AMEND TITLE 11 RELATING TO BAIL IN DRUG-RELATED CASES.

The privilege of the floor was extended to John Cordrey (Senate Attorney) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 17.

NO: Senators Holloway, Venables - 2.

ABSENT: Senators Connor, McDowell - 2.

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

SENATE CONSENT CALENDAR #38A was introduced:

SR 85 - EXTENDING THE LIFE OF THE JUVENILE JUSTICE OVERSIGHT COMMITTEE UNTIL JANUARY 31, 1991. Sponsor: Senator McDowell.

SCR 159 - MOURNING THE DEATH OF FORMER LEGISLATOR, DONALD G. CAREY, OF DOVER, DELAWARE WHO PASSED AWAY ON SUNDAY, MAY 27, 1990 AT THE AGE OF 73. Sponsors: Senator Cook, Representative Bennett, Senator Vaughn.

HCR 171 - MOURNING THE UNTIMELY DEATH OF ONE OF DELAWARE'S MOST DISTINGUISHED ATTORNEYS, MR. H. JAMES CONAWAY, JR., WHO DIED ON TUESDAY, MAY 29, 1990 AT THE AGE OF SIXTY-SEVEN. Sponsors: Representatives Maroney, Oberle; Senator Bair; Representatives Corrozi, Hebner, Smith, DiPinto, Petrilli, Caulk, Carey, Ewing, Davis, Reynolds, D. Ennis, Mack, Amick, Boykin, Lee, Outten, Jester, Gilligan, Houghton, Brady, Plant, Soles, VanSant, Bunting, Jonkier, Campanelli, West, B. Ennis; Senators Hauge, Knox, R. Still, Cordrey, Sharp.

HCR 172 - ENDORSEMENT OF THE 1990 SUMMER PROGRAM ENTITLED "MAKE TRACKS TO YOUR LIBRARY" BEING HELD UNDER THE AUSPICES OF THE DELAWARE DIVISION OF LIBRARIES, THE DELAWARE LIBRARY ASSOCIATION, AND A CONSORTIUM OF PUBLIC LIBRARIES THROUGHOUT THE STATE, AND HELD ANNUALLY TO ENCOURAGE CHILDREN TO ENJOY THE PLEASURES OF READING WHILE SIMULTANEOUSLY DEVELOPING GOOD READING SKILLS. Sponsors: Representatives Soles, Jester, Boykin, Fallon, Maroney, Smith; Senators Cook, Minner, Bair, Bane.

HCR 173 - HONORING MILFORD'S JEREMY KAISER UPON ATTAINING THE RANK OF EAGLE SCOUT. Sponsors: Representative Carey, Senator Minner, Representative Ewing, Senator Adams.

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The roll call vote on the Calendar was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT: therefore, the Resolutions were declared adopted. The Senate Concurrent Resolution was sent to the House for consideration and the House Concurrent Resolution was returned to the House.

Senator Martin requested that he be added as co-sponsor of HCR 171.

SB 462 was introduced:

SB 462 - AN ACT TO AMEND CHAPTER 16, TITLE 29 OF THE DELAWARE CODE RELATING TO LOBBYING AND EXPENDITURES OF STATE FUNDS. Sponsor: Senator Hauge.

Senator Hauge moved that the necessary rules be suspended and the Bill be placed on the Ready List.

Senator Cordrey objected to the motion and the roll call vote on Senator Cordrey's objection was taken and revealed:

YES: Senators Bair, Bane, Hauge, Knox, McDowell, Neal, Sharp, J. Still, R. Still - 9.

NO: Senators Adams, Cook, Cordrey, Holloway, McBride, Minner, Torbert, Venables - 8.

NOT VOTING: Senators Marshall, Martin, Vaughn - 3.

ABSENT: Senator Connor - 1.

Therefore, the Chair ruled that the objection was defeated and the Original motion to place the Bill on the Ready List prevailed.

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

SR 87 - ASKING THE DELAWARE DEPARTMENT OF TRANSPORTATION TO REFRAIN FROM CONSTRUCTION OF THE HOPKINS ROAD BRIDGE AND URGING THE DEPARTMENT TO DEVELOP A MORE MODEST DESIGN TO PRESERVE THE SANCTITY OF THE WHITE CLAY PRESERVE. Sponsors: Senators Martin, Marshall, McDowell, Vaughn.

Several Senator commented on the Resolution after which the roll call vote was taken and revealed:

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

NO: Senators Bair, Bane, Hauge, Knox, Neal, J. Still, R. Still - 7.

ABSENT: Senators Connor, Marshall - 2.

Therefore, the Resolution was declared adopted.

Senator Minner commented on Senate Rule #24 and moved that the Chair's ruling to place SB 462 on the Ready List be overridden.

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

YES: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, Minner, Torbert, Vaughn, Venables - 11.

NO: Senators Bair, Bane, Hauge, Knox, McDowell, Neal, Sharp, J. Still, R. Still - 9.

ABSENT: Senator Connor - 1.

Therefore, the motion carried and the Bill was not placed on the Ready List.

Senator Hauge moved that SB 462 be placed in the Insurance and Elections Committee.

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

YES: Senators Bair, Bane, Hauge, Knox, Marshall, McDowell, Neal, Sharp, J. Still, R. Still, Vaughn - 11.

NO: Senators Adams, Cook, Cordrey, Holloway, Martin, McBride, Minner, Torbert, Venables - 9.

ABSENT: Senator Connor - 1.

Therefore, the motion carried and SB 462 was assigned to Insurance and Elections Committee.

The following legislation was introduced:

SB 464 - AN ACT TO AMEND CHAPTER 68, TITLE 18 OF THE DELAWARE CODE, RELATING TO HEALTH CARE MALPRACTICE INSURANCE AND LITIGATION. Sponsors: Senators McDowell, Marshall, Sharp; Representatives Spence, Jonklert, Roy, Campanelli, West, Plant, Buckworth, Quillen, Reynolds, Caulk, Clark, Carey. Assigned to Insurance and Elections Committee.

SB 463 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, RELATING TO DRIVING VEHICLE WHILE LICENSE IS SUSPENDED OR REVOKED; PENALTY. Sponsors: Senators Sharp, Cordrey, Vaughn, Neal. Assigned to Public Safety Committee.

At 5:15 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 12, 1990.

The Senate reconvened at 2:27 p.m., June 12, 1990, Senator Cordrey presiding.

The Committee Report on SB 446 was reannounced: 1 Favorable, 3 Merits.

The following Committee reports were announced:

From the Community Affairs Committee: SB 430 - 4 Merits; HB 601 - 4 Merits; HB 649 - 4 Merits; HB 651 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 514; HB 585 w HA 1; HB 612; HB 602; SB 154; HB 565 w HA 1; HB 591; HB 572 w HA 1; HB 496 w HA 1; HB 592; HS 1 for HB 391; SB 236; SB 169; SB 359; HB 587 w HA 1 and adopted HJR 22; HJR 23.

The following legislation was introduced:

HB 587 w HA 1 - AN ACT TO AMEND CHAPTER 11 TITLE 16 OF THE DELAWARE CODE RELATING TO SANATORIA, REST HOMES, NURSING HOMES, BOARDING HOMES AND RELATED INSTITUTIONS. Sponsors: Representative Maroney, Senator Holloway. Assigned to Health-Social Services/Aging Committee.

SB 465 - AN ACT TO AMEND CHAPTER 5, TITLE 22 OF THE DELAWARE CODE RELATING TO PARKING AUTHORITIES. (2/3 vote). Sponsor: Senator Neal. Assigned to Community Affairs Committee.

SB 466 - AN ACT TO AMEND CHAPTER 80, TITLE 7 OF THE DELAWARE CODE RELATING TO THE APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT. Sponsor: Senator Knox. Assigned to Natural Resources and Environmental Control Committee.

SA 5 to HB 448. Sponsor: Senator Torbert. Placed with the Bill.

SA 6 to SB 408. Sponsor: Senator Neal. Placed with the Bill.

SA 8 to SB 427. Sponsors: Senator Minner, Representative Soles. Placed with the Bill.

SR 86 was introduced and laid on the table on motion of Senator Torbert:

SR 86 - RESPECTFULLY REQUESTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO INVESTIGATE AND TAKE APPROPRIATE ACTION TO CORRECT LATE-NIGHT ROWDYISM, LOITERING, NOISE, AND OTHER NON-FISHING ACTIVITIES IN THE PARKING LOT AND PARK ADJOINING THE PUBLIC FISHING AREAS OF MOORE'S LAKE. Sponsor: Senator Torbert.

At 2:33 p.m. Lt. Governor Wolf presiding.

At 2:33 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 38th Legislative Day.

38TH LEGISLATIVE DAY June 12, 1990

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

A Prayer was offered by Senator Bane.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

LEGISLATIVE ADVISORY #55 received from the Office of the Counsel to the Governor was read:

LEGISLATIVE ADVISORY #55 (June 7, 1990): On June 7, 1990 the Governor signed HS 1 to HB 111 w HA 1, SA 2, 5 (Volume 67, Chapter 226, Laws of Delaware).

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Senators Minner, Neal marked PRESENT.

SS 1 for SB 110 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Minner (no objection):

SS 1 for SB 110 - AN ACT TO AMEND CHAPTER 54, TITLE 30, DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX.

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

Senators Marshall, McBride, Hauge marked PRESENT during the above roll call.

Senator Cordrey announced that Senator Holloway would not be in Attendance today.

SB 429 was taken up for consideration on motion of Senator Cordrey:

SB 429 - AN ACT TO AMEND CHAPTER 84, TITLE 11, DELAWARE CODE, RELATING TO THE POWERS AND DUTIES OF THE COUNCIL ON POLICE TRAINING UNDER THE DELAWARE POLICE TRAINING PROGRAM.

The privilege of the floor was extended to James L. Ford, Jr. (Council on Police Training) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Adams marked PRESENT during the above roll call.

HB 63 w SA 1, 2 was lifted from the table for consideration on motion of Senator Marshall and immediately again laid on the table on further motion of the Senator.

At 2:50 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 4:20 p.m., Lt. Governor Wolf presiding.

At 2:50 p.m. immediately adjourned.

The following Committee reports were announced:

From the Public Safety Committee: SB 416 - 1 Favorable, 4 Merits; SS 1 for SB 432 - 1 Favorable, 3 Merits; SB 463 - 2 Favorable, 3 Merits; HB 216 - 1 Favorable, 4 Merits; HB 557 - 1 Favorable, 4 Merits.

SB 467 was introduced and assigned to Judiciary Committee:

SB 467 - AN ACT TO AMEND TITLE 8, DELAWARE CODE, RELATING TO THE GENERAL CORPORATION LAW OF THE STATE OF DELAWARE. (2/3 vote) Sponsors: Senators Sharp, Vaughn; Representatives Spence, Hebner.

HB 63 w SA 1, 2 was lifted from the table for consideration on motion of Senator Marshall.

SA 4 to the Bill (sponsor: Senators Torbert, Adams; Representative B. Ennis) was introduced and considered for adoption.

The privilege of the floor was extended to Dale A. Shuirmen (Division of Motor Fuel Tax) after which the roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT; therefore, the Amendment was declared adopted.

SA 3 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Torbert and the roll call vote taken which revealed 17 Senators voting YES, 1 (Venables) voting NO and 3 (Connor, Cook, Holloway) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on HB 63 w SA 1, 2, 4, 3 was then taken and revealed:

YES: Senators Bair, Bane, Hauge, Knox, Marshall, Martin, Neal, Sharp, R. Still, Torbert - 10.

NO: Senators Adams, Cordrey, McBride, McDowell, Minner, J. Still, Vaughn, Venables - 8.

NOT VOTING: Senator Cook - 1.

ABSENT: Senators Connor, Holloway - 2.

Therefore, the Bill was declared defeated.

SB 420 was taken up for consideration on motion of Senator Sharp:

SB 420 - AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO FAMILY COURT PROCEEDINGS.

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

A messenger from the Governor was announced and admitted.

SB 435 was taken up for consideration on motion of Senator Sharp:

SB 435 - AN ACT TO AMEND CHAPTER 47, TITLE 16, DELAWARE CODE, RELATING TO TRAFFICKING IN DRUGS.

The privilege of the floor was extended to John Cordrey (Senate Attorney) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 437 was taken up for consideration on motion of Senator Sharp:

SB 437 - AN ACT TO AMEND CHAPTER 9, TITLE 4, DELAWARE CODE, RELATING TO PENALTIES FOR POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUORS BY THOSE UNDER THE AGE OF 21. (2/3 vote)

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

SB 441 was taken up for consideration on motion of Senator Sharp:

SB 441 - AN ACT TO AMEND CHAPTER 41, TITLE 14, DELAWARE CODE, RELATING TO ANNUAL, UNANNOUNCED SEARCHES OF DELAWARE SCHOOLS BY DELAWARE STATE POLICE OR LOCAL LAW ENFORCEMENT AGENCY.

SA 1 to the Bill (sponsor: Senator Sharp) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Connor, Holloway) ABSENT; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator Sharp) was introduced and considered for adoption; however, after considerable discussion by several Senators on the Amendment, it was stricken on motion of Senator Sharp.

During a lengthy discussion on the Bill, the privilege of the floor was extended to William Wallis (Senate Attorney).

The roll call vote on SB 441 w SA 1 was then taken and revealed:

YES: Senators Adams, Bane, Cook, Cordrey, Hauge, Marshall, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn, Venables - 14.

NO: Senators Knox, Martin, J. Still, R. Still - 4.

NOT VOTING: Senator Bair - 1.

ABSENT: Senators Connor, Holloway - 2.

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

At 5:57 p.m. on motion of Senator Sharp, the Senate recessed until 3:30 p.m., June 13, 1990.

The Senate reconvened at 3:54 p.m., June 13, 1990, Lt. Governor Wolf presiding.
The following Committee reports were announced:
From the Sunset Committee: SB 411 - 5 Merits.
From the Judiciary Committee: SB 459 - 4 Merits; SB 467 - 4 Merits; SB 102 - 4 Merits.
From the Labor and Industrial Relations Committee: HB 281 - 6 Merits; HB 520 - 4 Merits (Correction: 5 Merits).
Senator Holloway marked PRESENT.

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

STATE OF DELAWARE
Office of the Governor
June 12, 1990

To the Senate of the 135th 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: Joyce L. Wright, P. O. Box 114, Woodside, DE 19980, to be reappointed as a member of the Industrial Accident Board to serve a six year term.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 12, 1990

To the Senate of the 135th 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: Rachel G. Draper, 227 Second Street, Lewes, DE 19958, to be reappointed as a member of the Board of Trustees of the University of Delaware to serve a six year term.

Your consideration of this nomination is appreciated

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 12, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Linda P. Konowitz, 55 Beloit Avenue, Dover, DE 19901, to be appointed as a member of the Industrial Accident Board to serve a six year term to succeed Calvin Boggs, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
The following legislation was introduced:
SA 1 to SB 377. Sponsor: Senator Holloway. Placed with the Bill.
SA 1 to SB 390. Sponsor: Senator Minner. Placed with the Bill.
SA 1 to SB 406. Sponsor: Senator Sharp. Placed with the Bill.
SA 2 to SB 406. Sponsor: Senator Sharp. Placed with the Bill.

SA 9 to SB 427. Sponsor: Senator Minner. Placed with the Bill.

SA 1 to SB 446. Sponsor: Senator Sharp. Placed with the Bill.

SA 2 to SB 446. Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to SB 452. Sponsor: Senator Vaughn. Placed with the Bill.

SB 468 - AN ACT AUTHORIZING AND APPROVING THE ACQUISITION OF CERTAIN LANDS BY THE DEPARTMENT OF CORRECTION AND AUTHORIZING AND APPROVING THE CONSTRUCTION, MAINTENANCE AND OPERATION BY THE Department of AN ADDITION OR ADDITIONS TO THE EXISTING MULTI-PURPOSE CRIMINAL JUSTICE CENTER FACILITY OR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF AN ADDITIONAL CORRECTIONAL FACILITY OR FACILITIES ON SAID LANDS. Sponsors: Senator Vaughn, Representative Davis. Assigned to Corrections Committee.

The Secretary announced that a message from the House informed the Senate that it had passed HB 9 w HA 2; HS 1 for HB 527 w HA 1; HB 638; HB 642; SB 267 and adopted HCR 153.

The following legislation was introduced:

HB 9 w HA 2 - AN ACT TO AMEND CHAPTER 21, PART III, TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS LICENSES. Sponsors: Representative Oberle, Senator Marshall; Representatives Davis, Campanelli. Assigned to Revenue and Taxation Committee.

HS 1 for HB 527 w HA 1 - AN ACT TO AMEND TITLE 16, DELAWARE CODE, RELATING TO NOTIFICATION OF FIRE FIGHTERS, AMBULANCE ATTENDANTS, EMERGENCY MEDICAL TECHNICIANS, CORRECTIONAL OFFICERS, LAW ENFORCEMENT OFFICERS, AND OTHER PERSONNEL OF EXPOSURE TO CONTAGIOUS OR INFECTION DISEASE OR VIRUS. Sponsors: Representatives B. Ennis, Davis; Senator Vaughn; Representatives Plant, VanSant, Campanelli, Houghton, Jester, Jonkier, Clark, Brady, D. Ennis, Caulk, Oberle, West, Gilligan, Corrozi; Senators McBride, Holloway. Assigned to Health-Social Services/Aging Committee.

HB 638 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO INA W. HOPKINS, 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. Assigned to Finance Committee.

HB 642 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE RELATING TO THE POSSESSION LIMITS OF CERTAIN FISH. (2/3 vote) Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

At 4:05 p.m. on motion of Senator Sharp the Senate adjourned to immediately convene for the 39th Legislative Day.

39TH LEGISLATIVE DAY
June 13, 1990

The Senate convened at 4:05 p.m., 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, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 20.

ABSENT: Senator Connor - 1.

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

The following communication from Senator Torbert was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19903

TO: Bernard J. Brady
Secretary of the Senate
FROM: William C. Torbert
State Senator
DATE: June 13, 1990

Please record for the purpose of the Senate Journal the following have signed onto Senate Bill No. 451 as additional co-sponsors: Senators Adams, Cordrey, Minner, Bair; Representatives Bennett, Corrozi, George, Spence.

* * * * *

HB 255 was lifted from the table for consideration on motion of Senator McDowell under suspension of the necessary rules

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

YES: Senators Adams, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn - 16.

NO: Senators Neal, Venables - 2.

ABSENT: Senators Bair, Connor, R. Still - 3.
Therefore, the Bill was declared passed by the Senate and returned to the House.
Senator McBride marked PRESENT during the above roll call.
SB 442 was taken up for consideration on motion of Senator Sharp:
SB 442 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION RELATING TO INTERPRETATION OF SAID CONSTITUTION IN CRIMINAL CASES. (2/3 vote)
The privilege of the floor was extended to Rodman Ward, Jr. (Delaware State Bar Association) after which the Bill was laid on the table on motion of Senator Sharp.
SB 446 was taken up for consideration on motion of Senator Sharp:
SB 446 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE BY DELETING IN ITS ENTIRETY PRESENT SECTION 4764 RELATING TO CONDITIONAL DISCHARGE FOR POSSESSION AS FIRST OFFENSE AND ESTABLISHING IN LIEU THEREOF A NEW SECTION 4764 RELATING TO FIRST OFFENDERS CONTROLLED SUBSTANCES DIVERSION PROGRAM.
The privilege of the floor was extended to Patrick Murray (Secretary, Department of Public Safety).
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 19 Senators voting YES and 2 (Connor, McDowell) ABSENT; therefore, the Amendment was declared adopted.
Senators Bair, R. Still marked PRESENT during the above roll call.
SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Sharp and the roll call vote taken which revealed 19 Senators voting YES and 2 (Connor, McDowell) ABSENT; therefore, the Amendment was declared adopted.
The roll call vote on SB 446 w SA 1, 2 was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.
SB 452 was taken up for consideration on motion of Senator Vaughn:
SB 452 - AN ACT TO AMEND CHAPTER 38 OF TITLE 12 OF THE DELAWARE CODE RELATING TO BUSINESS TRUSTS.
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 19 Senators voting YES and 2 (Connor, McDowell) ABSENT; therefore, the Amendment was declared adopted.
The privilege of the floor was extended to Donna Lee Harpster Williams (Commercial Law Section, Delaware State Bar Association) after which the roll call vote on SB 452 w SA 1 was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.
On motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 5:31 p.m., Lt. Governor Wolf presiding.
SB 469 was introduced and assigned to Finance Committee:
SB 469 - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS. (3/5 vote). Sponsors: Senators Sharp, Vaughn; Representatives Hebner, Spence.
HB 490 was taken up for consideration on motion of Senator Sharp:
HB 490 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO DEATH OR SERIOUS PHYSICAL INJURY CAUSED BY A DRIVER OF A MOTOR VEHICLE. (2/3 vote)
The privilege of the floor was extended to Stephen R. Welch, Jr. (Department of Justice).
While the witness was on the floor, SA 1 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 (Connor) ABSENT; therefore, the Amendment was declared adopted.
The witness was still on the floor and the debate on the Bill continued among several Senators. The witness was then excused and the roll call vote on HB 490 w SA 1 was taken and revealed:
YES: Senators Bair, Bane, Hauge, Knox, Marshall, Martin, Minner, J. Still, R. Still, Torbert, Vaughn - 11.
NO: Senators Adams, Cook, Cordrey, McBride, McDowell, Neal, Venables - 7.
NOT VOTING: Senators Holloway, Sharp - 2.
ABSENT: Senator Connor - 1.
Therefore, the Bill was declared defeated since a 2/3 vote was required.
A messenger from the Governor was announced and admitted.
SR 88 was introduced and considered for adoption on motion of Senator McDowell:
SR 88 - BIDDING A FOND FAREWELL TO LORRAINE "LORIE" MAHON COYLE OF DOVER AS SHE PREPARES TO GIVE UP HER DELAWARE CITIZENSHIP IN FAVOR OF A VISITOR'S VISA TO FLORIDA. Sponsor: Senator McDowell.
The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Resolution was declared adopted.
The following letters of nomination for appointment from the Governor were read and assigned to Executive Committee:

STATE OF DELAWARE
Office of the Governor
June 13, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: C. Raeford Minix, 617 Berwick Road, Wilmington, DE 19803, to be appointed as Chairman of the Board of Pension Trustees to serve a term during the pleasure of the Governor to succeed Ernst Dannemann.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

STATE OF DELAWARE
Office of the Governor
June 13, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Ernst Dannemann, 135 Lakeview Avenue, Dover, DE 19901, to be appointed as a member of the Board of Pension Trustees to serve a term expiring September 24, 1990 to succeed C. Raeford Minix.

Your consideration of this nomination will is appreciated.

Sincerely,
Michael N. Castle, Governor

Senator Bair reported that Senator Connor's health was much improved and that the Senate hoped to return to session on June 19.

Senator Sharp introduced to the Senate Frank Harrison, husband of staffer, Lorilee Harrison.

At 6:11 p.m. on motion of Senator Sharp the Senate recessed until 2:00 p.m., June 14, 1990.

The Senate reconvened at 2:05 p.m. June 14, Senator Cordrey presiding.

The following Committee reports were announced:

From the Sunset Committee: SB 57 - 5 Merits; SB 434 - 5 Merits; HB 444 - 5 Merits; HB 616 w HA 1, 3, 4 - 5 Merits.

From the Natural Resources and Environmental Control Committee: SB 265 - 3 Merits, 1 Favorable; SB 304 - 4 Merits; SB 389 - 1 Favorable, 3 Merits; SB 466 - 1 Favorable, 3 Merits; HB 409 w HA 1 - 4 Merits; HB 585 w HA 1 - 1 Favorable, 3 Merits; HB 602 - 1 Favorable, 3 Merits.

From the Administrative Services/Energy Committee: SB 286 - 4 Merits; SB 388 - 4 Merits; SB 409 - 4 Merits; SB 428 - 4 Merits; SB 454 - 4 Merits; SB 457 - 4 Merits; SB 461 - 4 Merits; HB 564 - 4 Merits; HB 565 w HA 1 - 4 Merits; SB 448 - 4 Merits.

From the Public Safety Committee: SB 451 - 1 Favorable, 5 Merits.

From the Highways and Transportation Committee: SB 453 - 6 Merits; SCR 151 - 6 Merits.

From the Revenue and Taxation Committee: HB 9 w HA 2 - 4 Merits; HB 562 - 4 Merits; HB 578 w HA 1 - 3 Merits; HB 579 - 3 Merits.

From the Corrections Committee: SB 468 - 1 Favorable, 4 Merits.

From the Education Committee: HS 1 for HB 541 - 2 Favorable, 1 Merits.

At 2:15 p.m., Lt. Governor Wolf presiding.

The following legislation was introduced:

SA 19 and SA 20 to HS 1 for HB 339. Sponsor: Senator Adams. Placed with the Bill.

SA 2 to SB 373. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 421. Sponsor: Senator Cordrey. Placed with the Bill.

A corrected Committee Report from the Corrections Committee on SB 102 was read: 4 Merits.

The following legislation was introduced:

SA 1 to SB 430. Sponsor: Senator Minner. Placed with the Bill.
SA 1 to SS 1 for SB 432. Sponsor: Senator Torbert. Placed with the Bill.
SA 1 to SB 445. Sponsor: Senator McBride. Placed with the Bill.
SB 469 which had been assigned to Finance Committee was reassigned to Judiciary Committee.
At 2:20 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 40th Legislative Day.

40TH LEGISLATIVE DAY
June 14, 1990

The Senate convened at 2:20 p.m., Lt. Governor Wolf presiding.
A Prayer was offered by Senator Torbert.
Pledge of Allegiance to the Flag.
Call of the roll revealed the following attendance:
PRESENT: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.
The Journal of the previous day was approved as read on motion of Senator Sharp.
The Secretary announced that a message from the House informed the Senate that it had adopted HCR 177, HCR 178, HCR 179, HCR 180, SCR 159.
LEGISLATIVE ADVISORY #56 received from the Office of the Counsel to the Governor was partially read and a copy made available to each Senator:
LEGISLATIVE ADVISORY #56 (June 12, 1990): On June 11 the Governor signed HB 546 (Volume 67, Chapter 227, Laws of Delaware); HB 363 (Volume 67, Chapter 228, Laws of Delaware); on June 12 the Governor signed HB 628 w SA 1 (Volume 67, Chapter 229, Laws of Delaware).

* * * * *

Senator Knox introduced to the Senate a constituent who was present in the Chamber.
Senator Bane introduced to the Senate her mother, Ann Ewing, and friends who were present in the Chamber.

Senator Holloway made a statement in honor of Flag Day and a moment of silence was observed.

HB 514 was taken up for consideration on motion of Senator Sharp:
HB 514 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SUBSTANCE ABUSE; AND PROVIDING FOR A DELAWARE DRUG-FREE SCHOOL ACT.

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

Senators Cook and McBride marked PRESENT during the above roll call.
HB 521 w HA 2 was taken up for consideration on motion of Senator Sharp:
HB 521 w HA 2 - AN ACT TO AMEND TITLE 11, DELAWARE CODE RELATING TO THE PLANNING PROCESS FOR CORRECTIONAL FACILITY CONSTRUCTION.

Several Senators commented on the Bill after which the roll call vote was taken and revealed:

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

NO: Senators Bair, Bane, Cordrey, Hauge, Knox, Neal, J. Still, R. Still - 8.

ABSENT: Senator Connor - 1.

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

HB 580 was taken up for consideration on motion of Senator Sharp:
HB 580 - AN ACT TO AMEND CHAPTER 11, TITLE 12 OF THE DELAWARE CODE RELATING TO SALE OF ABANDONED PROPERTY.

Senators Neal and Martin marked PRESENT.

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

HB 582 was taken up for consideration on motion of Senator Sharp:
HB 582 - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO RECEIVING STOLEN PROPERTY.

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

HB 612 was taken up for consideration on motion of Senator Sharp:
HB 612 - AN ACT TO AMEND CHAPTER 92, TITLE 11 OF THE DELAWARE CODE RELATING TO LAW-ENFORCEMENT OFFICERS' BILL OF RIGHTS.

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

HJR 11 w HA 1 was taken up for consideration on motion of Senator Sharp:

HJR 11 w HA 1 - ESTABLISHING A COMMITTEE TO STUDY AND DRAFT LEGISLATION REGARDING THE CONSOLIDATION OF THE MUNICIPAL COURT OF THE CITY OF WILMINGTON WITH THE COURT OF COMMON PLEAS.

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

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

SB 377 - AN ACT TO AMEND TITLE 10, DELAWARE CODE RELATING TO REDRESS FOR CIVIL RIGHTS VIOLATIONS.

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

Senator Holloway had a piece of literature concerning the Bill distributed to each Senator after which the roll call vote on SB 377 w SA 1 was taken and revealed 19 Senators voting YES and 2 (Connor, Marshall) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 416 was taken up for consideration on motion of Senator Sharp:

SB 416 - AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE CODE, CHAPTER 9, TITLE 10, DELAWARE CODE, AND CHAPTER 41, TITLE 21, DELAWARE CODE, RELATING TO DRIVER LICENSE QUALIFICATIONS, REVOCATION OF DRIVING PRIVILEGES, AND REVOCATION OF LICENSE.

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

The privilege of the floor was extended to Martin W. Johnson (Coordinator, Delaware Police Chiefs Council) and several Senators entered into discussion of the Bill. Senator McDowell offered a statement regarding the Bill.

The roll call vote on SB 416 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Marshall, Martin, McBride, Minner, Neal, Sharp, Vaughn - 13.

NO: Senators Knox, McDowell, J. Still, Venables - 4.

NOT VOTING: Senators Holloway, R. Still, Torbert - 3.

ABSENT: Senator Connor - 1.

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

SS 1 for SB 432 was taken up for consideration on motion of Senator Torbert:

SS 1 for SB 432 - AN ACT TO AMEND CHAPTER 43, TITLE 21 OF THE DELAWARE CODE RELATING TO THE CONSTRUCTION AND EQUIPMENT OF VEHICLES TO PREVENT ESCAPE OF CONTENTS. (2/3 vote)

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

From 3:41 p.m. to 3:45 p.m. the Chair called for a standing recess.

The roll call vote on SA 1 to SS 1 for SB 432 was then taken and revealed 17 Senators voting YES and 4 (Connor, Holloway, Knox, Minner) ABSENT; therefore, the Amendment was declared adopted.

Several Senators commented on the Bill and Senator R. Still announced that he would be recorded as NOT VOTING.

The roll call vote on SS 1 for SB 432 w SA 1 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Torbert.

SB 463 which was next on the Agenda of the day was moved to the bottom of the Agenda at the request of Senator Sharp.

HB 216 was taken up for consideration on motion of Senator Torbert:

HB 216 - AN ACT TO AMEND CHAPTER 27, TITLE 21, OF THE DELAWARE CODE RELATING TO THE ESTABLISHING OF A FEE FOR THE ISSUANCE OF A CONDITIONAL OR OCCUPATIONAL DRIVER LICENSE. (3/5 vote).

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

HB 557 was taken up for consideration on motion of Senator Torbert:

HB 557 - AN ACT TO AMEND TITLE 21 SECTION 4402 RELATING TO ABANDONED VEHICLES AND PRIVATE RIGHTS-OF-WAY.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bair and the privilege of the floor was extended to Richard Dillard (Senate Attorney) after which the roll call vote on the Amendment was taken and revealed 19 Senators voting YES and 2 (Adams, Connor) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to William Walls (Senate Attorney) after which HB 557 w SA 1 was laid on the table on motion of Senator Torbert.

SB 430 was taken up for consideration on motion of Senator Minner:

SB 430 - AN ACT TO AMEND CHAPTER 156, VOLUME 61 LAWS OF DELAWARE AS AMENDED, ENTITLED, "AN ACT TO REINCORPORATE THE CITY OF MILFORD" RELATING TO VARIOUS MISCELLANEOUS MATTERS TO INCLUDE INCREASE CONTRACT LIMITS, MEETINGS AND MEMBERS OF COUNCIL, MUNICIPAL ELECTIONS, ANNEXATION, CHANGE OF MUNICIPAL DISTRICTS AND REALTY TRANSFER TAX. (2/3 vote)

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 which revealed 19 Senators voting YES and 2 (Connor, Martin) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 430 w SA 1 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Minner.

On motion of Senator Torbert and without objection, HB 557 w SA 1 was lifted from the table and taken up for consideration

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

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, McBride, McDowell, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 17.

NOT VOTING: Senators Minner, Venables - 2.

ABSENT: Senators Connor, Martin - 2.

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

Senator Minner announced that she was not voting on the above Bill due to possible conflict of interest.

Senator McBride moved that the necessary rules be suspended for consideration of SB 445; however, Senator Sharp objected and Senator McBride withdrew his motion.

SB 454 was taken up for consideration on motion of Senator Cordrey:

SB 454 - 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 and 2 (Connor, Martin) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 427 was taken up for consideration on motion of Senator Marshall:

SB 427 - AN ACT TO AMEND CHAPTER 80, TITLE 15, DELAWARE CODE, RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES, AND TO AMEND CHAPTER 101, TITLE 29, DELAWARE CODE, RELATING TO ADMINISTRATIVE PROCEDURES.

At 4:31 p.m., Senator Cordrey presiding.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Hauge and the roll call vote taken which revealed:

YES: Senators Bair, Bane, Hauge, Knox, McBride, Neal, J. Still, R. Still - 8.

NO: Senators Adams, Cook, Cordrey, Marshall, Martin, Minner, Sharp, Torbert, Vaughn, Venables - 10.

NOT VOTING: Senator McDowell - 1.

ABSENT: Senators Connor, Holloway - 2.

Therefore, the Amendment was declared defeated.

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Hauge and the roll call vote taken which revealed:

YES: Senators Bair, Bane, Hauge, Knox, McDowell, Neal, J. Still, R. Still - 8.

NO: Senators Adams, Cook, Cordrey, Marshall, Martin, McBride, Minner, Sharp, Torbert, Vaughn, Venables - 11.

ABSENT: Senators Connor, Holloway - 2.

Therefore, the Amendment was declared defeated.

SA 3 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Hauge and the roll call vote taken which revealed:

YES: Senators Bair, Bane, Hauge, Knox, McDowell, J. Still, R. Still - 7.

NO: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, Minner, Neal, Sharp, Torbert, Vaughn, Venables - 13.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared defeated.

SA 4 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bair.

Senator Sharp recognized and introduced to the Senate, former Senator Jake Zimmerman.

The roll call vote on SA 4 to SB 427 was then taken and revealed:

YES: Senators Bair, Bane, Hauge, Knox, Neal, J. Still, R. Still, Venables - 8.

NO: Senators Adams, Cook, Cordrey, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn - 11.

ABSENT: Senators Connor, Holloway - 2.

Therefore, the Amendment was declared defeated.

SA 5 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Hauge.

At 5:04 p.m., Lt. Governor Wolf presiding.

Several Senators commented on SA 5 after which the roll call vote was taken and revealed:

YES: Senators Bair, Bane, Hauge, Knox, McDowell, J. Still, R. Still - 7.

NO: Senators Adams, Cook, Cordrey, Marshall, Martin, McBride, Minner, Neal, Sharp, Torbert, Vaughn, Venables - 12.

ABSENT: Senators Connor, Holloway - 2.

Therefore, the Amendment was declared defeated.

Senator McBride acknowledged and welcomed to the Senate, Speaker of the House, Terry Spence.

SA 6 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bair.

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

1306 W. Newport Pike
Wilmington, DE 19804
June 1, 1990

The Honorable Myrna Bair
Carvel State Office Building
820 N. French Street
Wilmington, Delaware 19801

Dear Senator Bair:

Thank you for inquiring about my views on various campaign finance laws being proposed at the State level.

It is my understanding that the proposals contain different contribution limits for candidates for the offices of County Executive and County Council President. Quite frankly, I have never understood the rationale for such differences. Candidates for both offices must reach the same number of voters in the same "district" (the seventh councilmanic district). My campaigns for the office of County Council President involved all of the same activities and expenses as the campaigns for the office of County Executive.

Some people contend that the campaign contribution differential is based on the relative importance of the positions themselves. That difference, however, is reflected in the salaries assigned to each of the positions.

I wholeheartedly support any efforts to make the contribution limitations identical for both offices.

Respectfully yours,
Karen E. Peterson

* * * * *

NEW CASTLE COUNTY
COUNCIL
Phillip D. Cloutier
Council President
800 N. French St.
Wilmington, DE. 19801

June 12, 1990

Senator Myrna Bair, Minority Leader
Legislative Hall
Dover, Delaware

Dear Myrna:

I have reviewed the proposed legislation known as Senate Bill 427 and I would like to take this opportunity to react to a provision in the Bill which is particularly troublesome for me.

In its current form Senate Bill 427 calls for significant contributions to the campaigns for elected office by the political party. In the case of County Council President (of New Castle County) the amount is the same as for a District Councilman, that is \$5,000. By contrast, the amount allowed for the County Executive is \$25,000.

I believe that the effort to be elected County Council President is no less than the effort to be elected County Executive of New Castle County. My experience in the campaign of '88 and the effort of my opponents in that election show that the cost of such a county-wide campaign are roughly the same. Former Presidents of New Castle County Council, regardless the party, have told me that their experience was the same.

For these reasons I would like to ask that you move to amend SB 427 to increase the amount allowed to be contributed by the political party to the County Council President to be the same as that allowed to the New Castle County Executive.

Thank you for your consideration of this issue.

Sincerely,
Phil

* * * * *

The roll call vote on SA 6 was then taken and revealed:

YES: Senators Bair, Bane, Hauge, Neal, J. Still, R. Still, Venables - 7.

NO: Senators Adams, Cordrey, Holloway, Marshall, McBride, McDowell, Minner, Sharp, Torbert, Vaughn - 10.

ABSENT: Senators Connor, Cook, Knox, Martin - 4.

Therefore, the Amendment was declared defeated.

SA 7 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bair and the roll call vote taken which revealed:

YES: Senators Bair, Bane, Hauge, Knox, McDowell, Neal, J. Still, Torbert - 9.

NO: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, Minner, Sharp, Vaughn, Venables - 11.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared defeated.

SA 8 to the Bill which had been placed with the Bill was stricken on motion of Senator Minner.

SA 9 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Minner and the roll call vote taken which revealed:

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

NO: Senators Bair, Bane, Hauge, Knox, J. Still, R. Still - 6.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared adopted.

SA 10 to the Bill (sponsor: Senator Bair) was introduced and considered for adoption on motion of the Senator. The roll call vote was taken and revealed:

YES: Senators Bair, Bane, Hauge, Knox, McDowell, Neal, J. Still, R. Still - 8.

NO: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, Minner, Sharp, Torbert, Vaughn, Venables - 12.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared defeated.

SA 11 (sponsors: Senator Minner, Representative Soles) was introduced and immediately stricken on motion of Senator Minner.

SA 12 to the Bill (sponsor: Senator McDowell) was introduced.

There was considerable discussion of the Amendment and the privilege of the floor was extended to John Cordrey (Senate Attorney) after which the Amendment was laid on the table on further motion of Senator McDowell.

SA 13 to the Bill (sponsor: Senator Minner) was introduced and considered for adoption.

The privilege of the floor was extended to William Walls (Senate Attorney) after which the roll call vote was taken and revealed:

YES: Senators Bair, Bane, Cook, Hauge, Knox, McDowell, Minner, Neal, J. Still, R. Still, Torbert - 11.

NO: Senators Adams, Cordrey, Holloway, Marshall, Martin, McBride, Sharp, Venables - 8.

NOT VOTING: Senator Vaughn - 1.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared adopted.

At 6:02 p.m., Senator Cordrey presiding.

Discussion of the legislation continued among several Senators.

SA 14 to the Bill (Senator McDowell) was introduced and considered for adoption.

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

YES: Senators Bair, Bane, Cook, Holloway, Martin, McDowell, Neal, Sharp, J. Still, Vaughn, Venables - 11.

NO: Senators Adams, Cordrey, Hauge, Knox, Marshall, McBride, Minner, R. Still, Torbert - 9.

ABSENT: Senator Connor - 1.

Therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Jan Konesey (Common Cause) and several Senators entered into discussion of the Bill.

The roll call vote on SB 427 w SA 9, 13, 14 was then taken and revealed:

YES: Senators Adams, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, R. Still, Torbert, Vaughn, Venables - 15..

NO: Senators Neal, J. Still - 2.

NOT VOTING: Senators Bair, Bane, Hauge - 3.

ABSENT: Senator Connor - 1.

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

On motion of Senator Minner and without objection, the roll call vote on SB 430 w SA 1 was lifted and announced:

YES: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, McBride, McDowell, Minner, Neal, Sharp, R. Still, Torbert, Vaughn, Venables - 18.

NO: Senator J. Still - 1.

ABSENT: Senators Connor, Martin - 2.

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

SJR 15 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Venables (no objection):

SJR 15 - ESTABLISHING A BI-PARTISAN COMMISSION TO EXAMINE THE PROMULGATION AND IMPLEMENTATION OF STATE REGULATIONS AND FEES AND TO RECOMMEND LEGISLATION TO PROVIDE FOR LEGISLATIVE AND EXECUTIVE OVERSIGHT OF THIS PROCESS. Sponsors: Senators Venables, Minner, R. Still; Representatives Bennett, Corrozi, Carey.

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

SJR 14 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Martin (no objection):

SJR 14 - DIRECTING DELAWARE DEPARTMENT OF TRANSPORTATION OFFICIALS TO INTENSIFY CONSULTATIONS WITH THEIR COUNTERPARTS IN MARYLAND AND PENNSYLVANIA TO RESOLVE TRAFFIC PROBLEMS IN THE NEWARK, DELAWARE, AREA, SUCH CONSULTATIONS TO INCLUDE CONSIDERATION OF A REGIONAL BELTWAY TO FACILITATE MOVEMENT OF TRAFFIC IN SAID AREA. Sponsors: Senators Martin, Neal, Bane, Vaughn; Representatives Petrilli Davis, Amick, Oberle, Jester, Soles, Roy, Taylor.

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

SENATE CONSENT CALENDAR #39 was introduced:

SCR 162 - DESIGNATING OCTOBER 1990 AS INFLUENZA/PNEUMOCOCCAL PNEUMONIA IMMUNIZATION AWARENESS MONTH. Sponsors: Senators Bair, Holloway; Representatives Gilligan, Maroney, Roy.

SCR 163 - EXPRESSING THANKS TO JOSHUA M. TWILLEY OF DOVER FOR HIS EFFORTS TO STRENGTHEN THE TWO-PARTY POLITICAL SYSTEM IN DELAWARE THROUGH HIS CONTRIBUTIONS TO THE DEMOCRATIC PARTY AND COMMENDING HIM FOR HIS UNSELFISH SERVICE TO THE CITIZENS OF KENT COUNTY AND THE STATE OF DELAWARE. Sponsors: Senators Minner, Adams, Cook, Torbert, Vaughn; Representatives Bennett, Clark, B. Ennis, Jester, Outten.

HCR 153 - 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.

HCR 178 - CELEBRATING THE 100TH BIRTHDAY OF SUPER SPORTS FAN MARIE K. BERL. Sponsors: Representative Boykin, Senator Bair; Representatives DiPinto, Hebner, Mack, Reynolds; Senator Bane.

HCR 179 - COMMENDING DR. JOSEPH E. JOHNSON, SUPERINTENDENT OF THE RED CLAY CONSOLIDATED SCHOOL DISTRICT, ON HIS IMPENDING RETIREMENT, EFFECTIVE JULY 31, 1990, AND EXTENDING TO HIM "THANKS" FOR HIS MANY-SIDED, POSITIVE, AND CONSTRUCTIVE CONTRIBUTIONS TO PUBLIC EDUCATION IN THE FIRST STATE, PARTICULARLY IN THE GREATER WILMINGTON AREA. Sponsors: Representatives George, Plant, Sills, DiPinto, Jonkiert, Gilligan, Corrozi, VanSant, Campanelli, Boykin, Spence, Roy, Petrilli, Taylor, Reynolds; Senators Holloway, McDowell, Marshall, McBride, R. Still, Bane, Knox, Sharp.

HCR 180 - WELCOMING THE MCCLENDON FAMILY AS THEY PREPARE FOR THEIR 39TH ANNUAL REUNION. Sponsors: Representative Spence, Senator McBride.

HCR 153 was removed from the Calendar at the request of Senator Sharp.

The roll call vote on the Calendar was then taken and revealed 20 Senators voting YES and 1 (Connor) ABSENT; therefore, the Amendments were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolutions were sent to the House for consideration.

On motion of Senator McBride the roll call vote on HB 490 was rescinded and the Bill laid on the table - no objection.

At 6:40 p.m. on motion of Senator Sharp, the Senate recessed until June 19, 1990 at 2:00 p.m.

The Senate reconvened at 2:50 p.m., June 19, 1990, Lt. Governor Wolf presiding.

On motion of Senator Cordrey, the roll call vote on HB 63 w SA 1, 2, 4, 3 was rescinded and the Bill laid on the table - no objection.

Senator Connor was marked PRESENT and introduced to the Senate his wife, Dori, and his sons.

The President pro Tempore's List of Pre-Filed Legislation was introduced:

PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

June 19, 1990

SB 470 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATIVE TO THE COMPUTATION OF PENSIONS AND THE DEFINITION OF WHAT CONSTITUTES AN EMPLOYEE. Sponsors: Senator Adams, Representative Ewing. Assigned to Executive Committee.

SB 471 - AN ACT TO AMEND CHAPTER 29, TITLE 25, DELAWARE CODE TO CLARIFY THE PROPERTY TO WHICH STATUTORY LIENS FOR TAXES AND OTHER GOVERNMENTAL CHARGES RELATE AND TO PROVIDE FOR A NOTICE OF LIEN FOR SUCH CHARGES. Sponsors: Senator Vaughn, Representative Hebner. Assigned to Judiciary Committee.

SB 472 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE BY CREATING A PRIVATE WORKPLACE DRUG AND ALCOHOL TESTING ACT. Sponsors: Senators Neal, Sharp, Cordrey, Vaughn; Representative Amick. Assigned to Committee to Combat Drug Abuse.

SB 473 - AN ACT TO AMEND TITLE 7, DELAWARE CODE RELATING TO PROHIBITION AGAINST SUNDAY HUNTING AND SHOOTING PRESERVES. Sponsor: Senator Vaughn. Assigned to Natural Resources and Environmental Control Committee.

SB 474 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PROVISION OF TELEPHONE SERVICE FOR PERSONS WITH SPEECH AND HEARING IMPAIRMENTS. Sponsors: Senator McBride; Representative Caulk. Assigned to Judiciary Committee.

SB 475 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, CREATING A NEW CHAPTER 64 RELATING TO BUDGET APPROPRIATION BILL POLICIES AND PROCEDURES. Sponsors: Senator Cook, Representative Corrozi; Senators Hauge, Holloway, McBride, R. Still, Vaughn; Representatives Davis, Quillen, Smith, Soles, West. Assigned to Finance Committee.

SB 476 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE AUTHORITY OF THE ENVIRONMENTAL APPEALS BOARD. Sponsors: Senators Venables, Adams, Cook, Cordrey, McDowell, Minner, J. Still, Torbert, Vaughn; Representatives Bunting, Carey, Schroeder. Assigned to Natural Resources and Environmental Control Committee.

SB 477 - AN ACT TO AMEND TITLE 11, DELAWARE CODE RELATING TO ESTABLISHING A CRIMINAL OFFENSE OF LOOTING. Sponsor: Senator Torbert. Assigned to Judiciary Committee.

SB 478 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO SCHOOL BUS DRIVER LICENSES. Sponsors: Senator Adams, Representative Ewing; Senators Minner, McDowell, R. Still; Representatives Fallon, D. Ennis, B. Ennis. Assigned to Public Safety Committee.

SB 479 - AN ACT TO AMEND CHAPTER 61 OF TITLE 29 OF THE DELAWARE CODE BY ADDING TO SECTION 6102 A NEW SUBSECTION ALLOWING FOR THE CREATION OF A SPECIAL DELAWARE INSURANCE AND MEDICAL BENEFITS ACCOUNT. Sponsor: Senator McDowell. Assigned to Insurance and Election Committee.

SB 480 - AN ACT TO AMEND CHAPTER 85, TITLE 11, DELAWARE CODE, RELATING TO THE DESTRUCTION OF CRIMINAL IDENTIFICATION RECORDS BY THE STATE BUREAU OF IDENTIFICATION. Sponsors: Senator Adams, Representative Ewing. Assigned to Executive Committee.

SB 481 - AN ACT TO AMEND CHAPTER 4, TITLE 11, SECTION 408, DELAWARE CODE RELATING TO DEFENSES TO CRIMINAL LIABILITY. Sponsors: Senator Holloway; Representatives Maroney, Jonktert. Assigned to Judiciary Committee.

SB 482 - AN ACT TO MAKE AN APPROPRIATION AND AUTHORIZE POSITIONS FOR THE DELAWARE HEALTH CARE COMMISSION AND RELATED PROGRAMS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 1991; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT AND STATUTORY PROVISIONS. Sponsors: Senator Holloway; Representatives Maroney, Jonktert. Assigned to Finance Committee.

SB 483 - AN ACT TO AMEND CHAPTER 3, TITLE 24 DELAWARE CODE RELATING TO THE BOARD OF ARCHITECTS. (2/3 vote) Sponsor: Senator Venables. Assigned to Sunset Committee.

SB 484 - AN ACT TO AMEND CHAPTER 69 AND CHAPTER 88, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE PROCUREMENT OF MATERIAL AND AWARD OF CONTRACTS FOR PUBLIC WORKS, AND THE DIVISION OF PURCHASING, DEPARTMENT OF ADMINISTRATIVE SERVICES. Sponsors: Senator McDowell, Representative Roy, Senator Cook, Representative Corrozi. Assigned to Administrative Services/Energy Committee.

SJR 13 - CREATING A TASK FORCE TO STUDY AND PREPARE A VICTIM AND WITNESS BILL OF RIGHTS. Sponsors: Senator McBride; Representatives Amick, Bunting, B. Ennis, Jonktert, Schroeder. Assigned to Executive Committee.

SA 1 to SB 451. Sponsor: Senator Torbert. Placed with the Bill.

SA 1 to SB 463. Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to SB 466. Sponsor: Senator Knox. Placed with the Bill.

HB 447 w HA 1, 2 - AN ACT TO AMEND CHAPTER 1, PART I, TITLE 16 OF THE DELAWARE CODE BY ADDING SECTION 122(3)(R) CONCERNING SANITARY CONTROL OF MOBILE/MANUFACTURED HOME PARKS AND OTHER SIMILAR HOUSING. Sponsors: Representatives Carey, Bunting, Schroeder. Assigned to Community Affairs Committee.

HB 606 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO THE DISSEMINATION OF CRIME STATISTICS AND OTHER INFORMATION TO STUDENTS, PROSPECTIVE STUDENTS AND EMPLOYEES OF INSTITUTIONS OF HIGHER EDUCATION. Sponsors: Representative Jester, Senator McBride; Representatives Fallon, Oberle. Assigned to Education Committee.

The Secretary announced that a message from the House informed the Senate that it had passed HB 447 w HA 1, 2; HB 388 w HA 1 w SA 1 w HA 2; SB 115 w SA 1, 2, 3, HA 1; SB 41 w SA 1 w SA 1; HB 629; HB 606.

The following Committee reports were announced:

From the Committee to Combat Drug Abuse: SB 445 - 2 Favorable, 1 Unfavorable.

From the Finance Committee: HB 104 w HA 1 - 6 Merits; SB 460 - 6 Merits; SB 312 - 6 Merits; HB 131 - 6 Merits; HB 619 - 5 Merits; HB 638 - 6 Merits; SB 425 - 6 Merits; SB 381 - 6 Merits.

From the Health and Social Services/Energy Committee: HB 385 - 6 Merits; HS 1 for HB 527 w HA 1 - 4 Merits; HB 543 - 5 Merits; HB 587 w HA 1 - 4 Merits; HJR 22 - 5 Merits; SB 353 - 4 Merits.

From the Community Affairs Committee: HB 394 w SA 1, 2, 3, 4 - 3 Merits.

From the Education Committee: HB 606 - 4 Merits.

From the Public Safety Committee: SB 287 - 1 Favorable, 2 Merits.

SA 21 to HS 1 for 339 w HA 1, 2 (sponsor: Senator Connor) was introduced and placed with the Bill.

At 3:09 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 41st Legislative Day.

41ST LEGISLATIVE DAY

June 19, 1990

The Senate convened at 3:09 p.m., 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, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

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

On motion of Senator Marshall, SB 115 w SA 1, 2, 3 was taken up for reconsideration as now further amended by HA 1 under suspension of the necessary rules (no objection).

Several Senators commented on the Bill and the privilege of the floor was extended to William Walls (Senate Attorney) after which the roll call vote on SB 115 w SA 1, 2, 3, HA 1 was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Knox, Marshall, Martin, Neal, R. Still, Torbert, Vaughn, Venables - 13.

NO: Senators Cordrey, Hauge, McBride, McDowell, Minner, Sharp, J. Still - 7.

NOT VOTING: Senator Holloway - 1.

Therefore, the Bill was declared passed and sent to the Governor for his consideration. Senator McDowell marked PRESENT during the above roll call.

HS 1 for HB 338 w HA 3, 4, 5, 6 was taken up for consideration on motion of Senator Adams:

HS 1 for HB 338 w HA 3, 4, 5, 6 - AN ACT TO AMEND SECTION 1701, TITLE 17 OF THE DELAWARE CODE THE "DELAWARE-NEW JERSEY COMPACT" CREATING THE DELAWARE RIVER AND BAY AUTHORITY.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority and several Senators commented.

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

SA 2 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bair.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority after which the roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

HS 1 for HB 338 w HA 3, 4, 5, 6, SA 2 was then laid on the table on motion of Senator Adams.

HS 1 for HB 339 w HA 2 was taken up for consideration on motion of Senator Adams:

HS 1 for HB 339 w HA 2 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO THE DELAWARE RIVER AND BAY AUTHORITY REGARDING (1) RECEIPT OF PROJECT PROPOSALS FROM THE GOVERNOR; (2) REVIEW OF PROPOSED PROJECTS BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL; (3) PUBLIC NOTICE AND PUBLIC HEARINGS ON MAJOR PROJECTS; (4) PRIOR LEGISLATIVE APPROVAL OF MAJOR PROJECTS; (5) PRIOR LEGISLATIVE APPROVAL OF THE CONDEMNATION OF PUBLIC LAND; AND (6) REGULATION OF INCREASES IN VOLUME DISCOUNT BRIDGE TOLL RATES; AND TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND PROCEDURES TO BE FOLLOWED BY THE DEPARTMENT IN REVIEWING OR APPROVING PROJECTS.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority who made introductory remarks concerning the Bill.

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 Minner.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority after which the Amendment was stricken on motion of Senator Minner.

SA 3 and SA 4 to the Bill which had been placed with the Bill were stricken on motion of Senator Sharp.

SA 5 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bair.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority after which the roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 6 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bair.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority.

At 4:55 p.m., Senator Cordrey presiding.

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

SA 7 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bair and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 8 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Bair and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 9 to the Bill which had been placed with the Bill was stricken on motion of Senator Minner.

SA 11 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator McDowell.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Connor, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn, Venables - 8.

NO: Senators Adams, Bair, Bane, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, Neal - 11.

ABSENT: Senators Holloway, R. Still - 2.

Therefore, the Amendment was declared defeated.

On motion of Senator Minner and without objection, SA 9 to the Bill which had been stricken was reinstated and considered for adoption.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority after which the roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 12, SA 13 and SA 14 to the Bill which had been placed with the Bill were deferred for consideration on motion of Senator J. Still.

SA 15 to the Bill which had been placed with the Bill was stricken on motion of Senator Connor.

SA 16 and SA 17 to the Bill which had been placed with the Bill were deferred for consideration on motion of Senator J. Still.

SA 18 to the Bill which had been placed with the Bill was stricken on motion of Senator Connor.

SA 19 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Adams and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 20 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Adams and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 21 to the Bill (sponsor: Senator Connor) was introduced and immediately stricken on motion of the sponsor.

SA 22 to the Bill (sponsors: Senators Connor, J. Still, Bair) was introduced and considered for adoption.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority after which the Amendment was laid on the table on motion of Senator Connor.

SA 10 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator McDowell.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Holloway, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn - 8.

NO: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Neal, J. Still, R. Still, Venables - 13.

Therefore, the Amendment was declared defeated.

SA 23 to the Bill (sponsor: Senator McDowell) was introduced and deferred for consideration on motion of Senator McDowell.

SA 16 to the Bill was taken up for consideration on motion of Senator J. Still.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority after which the Amendment was laid on the table on motion of Senator J. Still.

SA 24 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption.

The privilege of the floor was extended to O. Francis Biondi representing the Delaware River and Bay Authority after which the roll call vote on the Amendment was taken and revealed:

YES: Senators McBride, McDowell, Sharp, Torbert, Vaughn, Venables - 6.

NO: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, Minner, Neal, J. Still, R. Still - 14.

NOT VOTING: Senator Holloway - 1.

Therefore, the Amendment was declared defeated.

Several Senators commented on the Bill.

The privilege of the floor was extended to Grace W. Pierce-Beck (Delaware Audubon Society) and Michael Harkins (Secretary of State).

From 6:49 to 6:51 p.m. the Chair called for a standing recess for purpose of changing the tape.

The roll call vote on HS 1 for HB 339 w HA 1, 2, SA 5, 6, 7, 8, 9, 19, 20 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, Neal, R. Still, Venables - 14.

NO: Senators McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn - 7.

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

HS 1 for HB 338 w HA 3, 4, 5, 6, 7, SA 2 was lifted from the table for consideration on motion of Senator Adams and the roll call vote taken which revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, Neal, R. Still, Venables - 14.

NO: Senators McBride, McDowell, Minner, Sharp, J. Still, Torbert, Vaughn - 7.

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

A messenger from the Governor was announced and admitted.

HB 384 w HA 1 was taken up for consideration on motion of Senator Adams:

HB 384 w HA 1 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO THE DELAWARE RIVER AND BAY AUTHORITY RELATING TO THE COMMISSIONERS OF THE DELAWARE RIVER AND BAY AUTHORITY.

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

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, Minner, Neal, J. Still, R. Still, Torbert, Venables - 17.

NO: Senators McBride, McDowell, Sharp, Vaughn - 4.

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

HB 515 was taken up for consideration on motion of Senator Sharp:

HB 515 - AN ACT TO AMEND THE DELAWARE CODE RELATING TO VEHICULAR HOMICIDE AND PERSONS AGED 16 YEARS OR OLDER.

The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (Venables) voting NO and 1 (McDowell) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

At 7:05 p.m., on motion of Senator Sharp, the Senate recessed until 3:30 p.m., June 20, 1990.

The Senate reconvened at 3:16 p.m. June 30, Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed SB 9 w SA 1; SS 1 for SB 361 w SA 1; HB 381; SB 347; SB 239 w SA 1, 2, HA 1, 2; HB 608 w HA 1; HB 666; HB 575 w HA 1, 5; HB 622 w HA 2; SB 417 w HA 1, 2, 3.

A corrected Committee Report was announced on SB 287 - 1 Favorable, 3 Merits.

The following Committee reports were announced:

From the Finance Committee: SB 469 - 4 Merits; SB 475 - 5 Merits; HB 356 - 4 Merits; HB 448 w HA 1, SA 3 - 6 Merits.

From the Executive Committee: SB 470 - 2 Favorable, 4 Merits; SB 480 - 1 Favorable, 5 Merits.

From the Judiciary Committee: SB 471 - 4 Merits; SB 474 - 4 Merits; SB 477 - 4 Merits.

The President pro Tempore's Pre-File list was introduced and a copy made available to each Senator:

PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

June 20, 1990

SB 485 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, BY ADDING THERETO A NEW CHAPTER 105 TO BE KNOWN AS "THE RIGHT TO AN INTERPRETER ACT." Sponsor: Senator Holloway. Assigned to Health and Social Services Committee.

SB 486 - AN ACT TO AMEND CHAPTER 5, TITLE 11 AND CHAPTER 86, TITLE 29 OF THE DELAWARE CODE RELATING TO PAYMENTS BY CREDIT CARDS. (2/3 vote) Sponsors: Senators Connor, Marshall, Torbert, Venables, R. Still; Representatives Boykin, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Hebner, Mack, Maroney, Oberle, Reynolds, Roy, Smith, Spence, Taylor, Brady, Bunting, Jonkiert, Plant. Assigned to Community Affairs Committee.

SB 487 - AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO THE REPORTING OF CERTAIN INJURIES AND WOUNDS SUSTAINED IN A FIRE AND INVESTIGATIONS THEREOF. Sponsors: Senators McDowell, Holloway; Representatives Gilligan, Soles, West, B. Ennis, Jonkiert, Reynolds. Assigned to Judiciary Committee.

SB 488 - AN ACT TO AMEND CHAPTER 83, TITLE 11, CHAPTER 39, TITLE 14, AND CHAPTERS 55 AND 56, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED ON OR BEFORE JULY 1, 1989. Sponsors: Senator Cook, Representatives Corrozi, George; Senators Vaughn, McBride, Holloway, Adams, Cordrey, Marshall, Martin, McDowell, Minner, Sharp, J. Still, Torbert, Venables, Hauge, R. Still, Bair, Bane, Connor, Knox, Neal; Representatives Smith, Davis, Quillen, West, Soles, Bennett, Oberle, Plant, Amick, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Clark, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hebner, Houghton, Jester, Jonkiert, Lee, Mack, Maroney, Outten, Petrilli, Reynolds, Roy, Schroeder, Sills, Spence, Taylor, VanSant. Assigned to Finance Committee.

SJR 16 - CREATING A TASK FORCE TO STUDY AND PREPARE A VICTIM AND WITNESS BILL OF RIGHTS. Sponsors: Senator McBride; Representatives Amick, Bunting, B. Ennis, Jonkiert, Schroeder. Assigned to Executive Committee.

SJR 17 - URGING IMPLEMENTATION OF THE NEWARK AREA TRANSPORTATION STUDY RECOMMENDATIONS AND URGING THE DEPARTMENT OF TRANSPORTATION TO CONSIDER RESTORING THE ORIGINAL TIMETABLE FOR DEVELOPMENT OF THE RT. 301 CONNECTOR AND IMPROVEMENTS OF RT. 896. Sponsors: Senators Neal, Martin, Bane, Vaughn; Representatives Amick, Davis, Jester, Oberle, Petrilli, Roy, Soles, Taylor. Assigned to Highways & Transportation Committee.

HB 381 - AN ACT TO AMEND CHAPTER I, PART 1, TITLE 16; CHAPTER 53, PART 5, TITLE 16; CHAPTER 79, TITLE 29; AND CHAPTERS I AND 28, TITLE 31 OF THE DELAWARE CODE RELATING TO STATE BOARD OF HEALTH, GOVERNOR BACON HEALTH CENTER, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, AND DELAWARE HOSPITAL FOR THE CHRONICALLY ILL. Sponsors: Representatives Maroney, Quillen; Senators Minner, Cook, Torbert, Bane, Knox, Hauge, Bair. Assigned to Health and Social Services Committee.

HB 575 w HA 1, 5 - AN ACT TO AMEND CHAPTER 84, TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON TRANSPORTATION AND THE CAPITAL IMPROVEMENTS PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION. Sponsors: Representative Roy, Senator Martin. Assigned to Highways and Transportation Committee.

HB 608 w HA 1 - AN ACT TO AMEND CHAPTER 5 OF TITLE 13 OF THE DELAWARE CODE RELATING TO DOMESTIC RELATIONS. Sponsors: Representative Maroney, Senator Holloway. Assigned to Health and Social Services Committee.

HB 622 w HA 2 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO MOVING VIOLATIONS COMMITTED IN CONSTRUCTION AND MAINTENANCE AREAS. Sponsors: Representative Roy, Senator Martin. Assigned to Highways and Transportation Committee.

HB 629 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE INCREASING CERTAIN FEES CHARGED BY THE INSURANCE COMMISSIONER. (3/5 vote) Sponsors: D. Ennis, Lee; Senator Marshall; Representative VanSant; Senator Hauge. Assigned to Insurance and Elections Committee.

HB 666 - AN ACT TO AMEND CHAPTER 51, TITLE 24 OF THE DELAWARE CODE RELATING TO AESTHETICIANS. (2/3 vote) Sponsors: Representatives Jonkiert, Amick; Senators Marshall, Venables. Assigned to Sunset Committee.

SA 1 to SB 265. Sponsor: Senator Hauge. Placed with the Bill.

SA 1 to SB 304. Sponsors: Senators J. Still, Bane, Cook,, Hauge, Vaughn, Venables.
Placed with the Bill.

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

SA 2 to SB 387. Sponsor: Senator Marshall. Placed with the Bill.

SA 1 to SB 449. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 to SB 458. Sponsor: Senator Adams. Placed with the Bill.

SA 5 to HS 1 to HB 264 as Amended. Sponsor: Senator Hauge. Placed with the Bill.

The following letters of nomination for appointment were assigned to Executive Committee:

STATE OF DELAWARE
Office of the Governor
June 19, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William L. Boddy, III, 9 Elizabeth Street, Milford, DE 19963, to be appointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term to succeed Edward G. Pollard, Jr., resigned.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 19, 1990

To the Senate of the 135th 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: Bonita N. Lee, 802 E. 22nd Street, Wilmington, DE 19802, to be appointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term to succeed Anna A. Lewis, resigned.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 19, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Joseph B. Melson, Jr., 34 Sabrina Drive, Rehoboth Beach, DE 19971, to be appointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term to succeed Jeffrey Hague, resigned.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 19, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Steven M. Ward, 209 W. Division Street, Dover, DE 19901, to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware, to serve a four year term to succeed Ellis Parrott, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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The following withdrawals of nominations for appointment by the Governor were read:

STATE OF DELAWARE
Office of the Governor
June 19, 1990

To the Senate of the 135th General Assembly of the State of Delaware:

The following nomination, submitted to the Senate on June 8, 1989, is hereby formally withdrawn: William L. Boddy, III to be appointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term to succeed William Hopkins, Jr.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 19, 1990

To the Senate of the 135th General Assembly of the State of Delaware:

The following nomination, submitted to the Senate on June 8, 1989, is hereby formally withdrawn: James C. Pope, II to be appointed as a Justice of the Peace, in and for Sussex County, State of Delaware, to serve a four year term to succeed Edward G. Pollard, Jr.

Sincerely,
Michael N. Castle, Governor

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Committee Report on SB 478 from the Public Safety Committee was inadvertently read as an introduction. Properly noted in the 42nd Legislative Day (below).

At 3:24 on motion of Senator Sharp, the Senate adjourned to immediately convene for the 42nd Legislative Day.

42ND LEGISLATIVE DAY
June 20, 1990

The Senate convened at 3:24 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Knox.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

LEGISLATIVE ADVISORIES #57, 58, 59 received from the Office of Counsel to the Governor were partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #57 (June 13, 1990): On June 13, 1990 the Governor signed SB 154 (Volume 67, Chapter 230, Laws of Delaware); SB 169 (Volume 67, Chapter 231, Laws of Delaware); SB 358 (Volume 67, Chapter 232, Laws of Delaware); HB 497 w HA 1 (Volume 67, Chapter 233, Laws of Delaware).

* * * * *

LEGISLATIVE ADVISORY #58 (June 19, 1990): On June 15, 1990 the Governor signed SB 359 (Volume 67, Chapter 234, Laws of Delaware); SB 236 (Volume 67, Chapter 235, Laws of Delaware); HB 30 w HA 2, 3, SA 3 (Volume 67, Chapter 236, Laws of Delaware).

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LEGISLATIVE ADVISORY #59 (June 19, 1990): On June 15, 1990 the Governor vetoed HB 470.

* * * * *

On motion of Senator Sharp (no objection) SB 417 was taken up for reconsideration as now further amended by HA 1, 2, 3. The roll call vote on SB 417 w HA 1, 2, 3 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Hauge, Holloway, Marshall, Martin, McDowell, Minner, Sharp, Torbert, Vaughn - 15.

NO: Senators Knox, Neal, J. Still - 3.

NOT VOTING: Senators R. Still, Venables - 2.

ABSENT: Senator Cordrey - 1.

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

Senators Marshall, McBride, McDowell marked PRESENT during the above roll call.

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

SB 411 - AN ACT TO AMEND TITLES 24 AND 29 OF THE DELAWARE CODE RELATING TO OCCUPATIONS AND PROFESSIONS; AND PROVIDING FOR THE REGULATION OF PERSONS PRACTICING NUTRITION. (3/5 vote)

During a lengthy discussion of the Bill among various Senators the privilege of the floor was extended to Dr. Louise Little (Delaware Dietetic Association), Patricia Heydlauff (National Nutritional Foods Association), Sam Swinger (Nature's Way) and Patricia Hausman (American Nutritionists Association).

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 Minner.

At 5:05 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:55 p.m., Lt. Governor Wolf presiding.

SS 1 for SB 102 was introduced, adopted in lieu of the Original and taken up for consideration under suspension of the necessary rules on motion of Senator Hauge (no objection):

SS 1 for SB 102 - AN ACT TO AMEND DELAWARE CODE, TITLE 11, CHAPTER 65 RELATING TO CORRECTIONS. Sponsor: Senator Hauge.

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

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

The roll call vote on SS 1 for SB 102 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 353 was taken up for consideration on motion of Senator Bair:

SB 353 - AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF AN ELDER CARE INFORMATION AND SUPPORT SYSTEM FOR DELAWARE FAMILIES WITHIN THE DIVISION OF AGING, DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

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

Senator Cordrey marked PRESENT.

SB 445 was taken up for consideration on motion of Senator McBride:

SB 445 - AN ACT TO AMEND CHAPTER 27, PART II, TITLE 21 OF THE DELAWARE CODE RELATING TO REFUSAL TO SUBMIT TO A CHEMICAL TEST.

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

The privilege of the floor was extended to Eugene M. Hall (Department of Justice) and several Senators entered into discussion of the Amendment after which the roll call vote was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Hauge, Holloway, Knox, McBride, Minner, Neal, J. Still, R. Still, Torbert - 13.

NO: Senators Cook, Cordrey, Marshall, Martin, McDowell, Sharp, Vaughn, Venables - 8.

Therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator Holloway) was introduced and considered for adoption.

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

The roll call vote on SB 445 w SA 1, 2 was then taken and revealed:

YES: Senators Bair, Bane, Connor, Hauge, Knox, McBride, J. Still, R. Still, Torbert - 9.

NO: Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McDowell, Minner, Neal, Sharp, Vaughn, Venables - 12.

Therefore, the Bill was declared defeated.

SB 475 was taken up for consideration on motion of Senator Cook:
SB 475 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, CREATING A NEW CHAPTER 64 RELATING TO BUDGET APPROPRIATION BILL POLICIES AND PROCEDURES.

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 491 was introduced and taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

SB 491 - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO CERTAIN FEES AND CHARGES PAYABLE TO THE SECRETARY OF STATE. (3/5 vote) Sponsor: Senator Sharp.

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

SENATE CONSENT CALENDAR #40 was introduced:

SR 89 - SALUTING DR. ROBERT B. BENNETT FOR RISKING HIS WELL BEING TO PROTECT THE INTEGRITY OF THE WHITE CLAY CREEK VALLEY. Sponsor: Senator Martin.

SCR 164 - CONTINUING THE FLEXIBLE BENEFIT PLAN STUDY COMMISSION. Sponsors: Senators J. Still, Connor, Hauge, Holloway, Knox, Neal, R. Still; Representatives Buckworth, Quillen.

SCR 165 - EXTENDING CONGRATULATIONS TO STEPHEN P. AUSTIN IN NEWARK ON BEING AWARDED THE GEORGE H. PARKER DISTINGUISHED SERVICE AWARD FOR HIS OUTSTANDING SERVICE TO THE INTERNATIONAL ASSOCIATION OF ARSON INVESTIGATORS. Sponsors: Senator Bane, Representative Petrilli.

SCR 166 - COMMENDING MRS. LILLIAN SMITH OF CLAYTON, DELAWARE WHO TURNS NINETY YEARS OF AGE IN JULY AND WHO IS VERY ACTIVE IN HER ROLE AS DIRECTOR OF THE CLAYTON-SMYRNA SENIOR CENTER. Sponsors: Senator Vaughn, Representative B. Ennis, Senator Cook.

SCR 167 - DIRECTING THE STATE EMPLOYEES' PENSION BENEFITS REVIEW COMMITTEE TO REVIEW THE PENSION BENEFITS OF CORRECTIONS OFFICERS OF THE DEPARTMENT OF CORRECTIONS. Sponsors: Senator Vaughn, Representative Oberle.

HCR 177 - URGING THE U. S. CONGRESS TO PASS THE DOLPHIN PROTECTION AND CONSUMER INFORMATION ACT OF 1990. Sponsors: Representative Smith, Senator McDowell.

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The roll call vote on the Calendar was 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 Resolution was returned to the House.

SJR 17 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Neal (no objection):

SJR 17 - URGING IMPLEMENTATION OF THE NEWARK AREA TRANSPORTATION STUDY RECOMMENDATIONS AND URGING THE DEPARTMENT OF TRANSPORTATION TO CONSIDER RESTORING THE ORIGINAL TIMETABLE FOR DEVELOPMENT OF THE RT. 301 CONNECTOR AND IMPROVEMENTS OF RT. 896. Sponsors: Senators Neal, Martin, Bane, Vaughn; Representatives Amick, Davis, Jester, Oberle, Petrilli, Roy, Soles, Taylor.

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

At 7:14 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 21, 1990.

The Senate reconvened at 2:18 p.m., June 21, 1990 Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 636 w HA 1 w HA 1; HA 3 w HA 1, HA 4, 5; HB 491 w HA 2 w HA 1 and adopted HCR 182, HCR 183, SCR 162; SCR 163.

The President pro Tempore's Pre-file list of legislation was partially read and a copy made available to each Senator:

PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

June 21, 1990

SB 489 - 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 REVISE THE PROCEDURE FOR CERTAIN IMPROVEMENTS TO THE SIDEWALKS, CURBS AND GUTTERS. (2/3 vote) Sponsors: Senator Minner, Representative Schroeder. Assigned to Community Affairs Committee.

SB 490 - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO AQUACULTURAL ACTIVITIES IN THE STATE OF DELAWARE. Sponsors: Senator Adams, Representative Caulk. Assigned to Agriculture Committee.

SB 492 - AN ACT TO AMEND CHAPTER 33 OF TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION BENEFITS. Sponsors: Senators Venables, Marshall; Representative Oberle. Assigned to Labor and Industrial Relations Committee.

HB 491 w HA 2 w HA 1 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO VOCATIONAL REHABILITATION SERVICES. Sponsors: Representatives Campanelli, Oberle. Assigned to Labor and Industrial Relations Committee.

HB 636 w HA 1 w HA 1; HA 3 w HA 1; HA 4, 5 - AN ACT TO AMEND CHAPTER 9, TITLE 3, DELAWARE CODE RELATING TO AGRICULTURAL DISTRICTS. Sponsors: Representative Caulk, Senator Adams; Representative Clark, Senator Minner; Representative West, Senator Cordrey; Representatives Carey, Spence, Petrilli, DiPinto, Corrozi, Fallon, Lee, Ewing, Buckworth, Quillen, Oberle, Smith, Bunting, B. Ennis, Jester, Schroeder; Senators Cook, Vaughn, Venables, Torbert, Connor, J. Still. Assigned to Agriculture Committee.

SA 1 to SB 434. Sponsor: Senator McDowell. Placed with the Bill.

SA 1 to SB 469. Sponsor: Senator Sharp. Placed with the Bill.

SA 1 to HB 385. Sponsor: Senator Bair. Placed with the Bill.

SA 1 to HS 1 for HB 527. Sponsor: Senator Holloway. Placed with the Bill.

SA 1 HB 587. Sponsor: Senator Bair. Placed with the Bill.

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

STATE OF DELAWARE
Office of the Governor
June 19, 1990

To the Senate of the 135th 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: Lawrence M. Sullivan, Esq., 1003 N. Bancroft Parkway, Wilmington, DE 19805, to be reappointed the Public Defender of the State of Delaware to serve a six year term.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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The following Committee reports were announced:

From the Public Safety Committee: SB 478 - 1 Favorable, 3 Merits.

From the Judiciary Committee: SB 469 - 4 Merits (Corrected).

From the Finance Committee: SB 488 - 6 Merits.

From the Sunset Committee: HB 666 - 5 Merits.

From the Health-Social Services/Aging Committee: HB 608 w HA 1 - 4 Merits; SB 449 - 5 Merits.

SCR 170 was introduced and considered for adoption on motion of Senator McBride:

SCR 170 - CONGRATULATING BRIAN COPE OF NEWARK HIGH SCHOOL ON ATTAINING THE RANK OF EAGLE SCOUT. Sponsors: Senators McBride, Bane; Representative Petrilli.

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

Pursuant to the above Resolution the privilege of the floor was extended to Brian Cope. SR 90 was introduced and laid on the table on motion of Senator Sharp:

SR 90 - REQUESTING THE ATTORNEY-GENERAL OF THE STATE OF DELAWARE IN COOPERATION WITH THE CRIMINAL LAW SECTION OF THE DELAWARE BAR ASSOCIATION PREPARE AND SUBMIT A REPORT REGARDING THE STATE BILL OF RIGHTS AND ITS APPLICATION IN CRIMINAL PROSECUTIONS. Sponsor: Senator Sharp.

SB 489 was reported out the Community Affairs Committee: 3 Merits.

At 2:30 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 43rd Legislative Day.

43RD LEGISLATIVE DAY
June 21, 1990

The Senate convened at 2:30 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Marshall.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

SR 90 was lifted from the table for consideration on motion of Senator Sharp:

SR 90 - REQUESTING THE ATTORNEY-GENERAL OF THE STATE OF DELAWARE IN COOPERATION WITH THE CRIMINAL LAW SECTION OF THE DELAWARE BAR ASSOCIATION PREPARE AND SUBMIT A REPORT REGARDING THE STATE BILL OF RIGHTS AND ITS APPLICATION IN CRIMINAL PROSECUTIONS.

Senator Connor marked PRESENT.

The privilege of the floor was extended to Charles M. Oberly III, Attorney General after which the roll call vote on the Resolution was taken and revealed 21 Senators voting YES; therefore, the Resolution was declared adopted.

SB 458 was taken up for consideration on motion of Senator Adams:

SB 458 - AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO THE DISTRIBUTION OF CIVIL DAMAGES.

SA 1 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Adams and the roll call vote taken which revealed 20 Senators voting YES and 1 (Sharp) voting NO; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to Joseph Robillard, representing Farm Family Insurance Company and several Senators questioned the witness.

SA 2 to the Bill (sponsor: Senator J. Still) was introduced and the privilege of the floor extended to William Walls (Senate Attorney) after which the Amendment was laid on the table on motion of Senator J. Still.

SA 3 to the Bill (sponsors: Senators Connor, J. Still) was introduced.

The privilege of the floor was extended to Austin P. Olney representing the Petroleum Council after which the Amendment was laid on the table on motion of Senator Connor.

SA 4 to the Bill (sponsors: Senators Hauge, J. Still) was introduced.

The privilege of the floor was extended to W. Laird Stabler, III, representing Conrail and several Senators questioned the witness.

At 4:07 p.m., Senator Cordrey presiding.

The roll call vote on SA 4 to SB 458 w SA 1 was then taken and revealed:

YES: Senators Bane, Connor, Hauge, J. Still - 4.

NO: Senators Adams, Bair, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, R. Still, Torbert, Vaughn, Venables - 16.

ABSENT: Senator Minner - 1.

Therefore, the Amendment was declared defeated.

SA 5 to the Bill (sponsor: Senator Hauge) was introduced and immediately stricken on motion of the sponsor.

SA 6 to the Bill (sponsor: Senator Venables) was introduced and considered for adoption.

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

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Knox, J. Still, R. Still, Venables - 9.

NO: Senators Cook, Hauge, Holloway, Marshall, Martin, Minner, Neal, Sharp, Torbert, Vaughn - 10.

ABSENT: Senators McBride, McDowell - 2.

Therefore, the Amendment was declared defeated.

SA 7 to the Bill (sponsor: Senator J. Still) was introduced and considered for adoption.

The roll call on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Knox, J. Still, R. Still, Venables - 9.

NO: Senators Cook, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn - 12.

Therefore, the Amendment was declared defeated.

The privilege of the floor was extended to James A. Erisman (Delaware Trial Lawyers Association).

At 4:23 p.m., Lt. Governor Wolf presiding.

During a lengthy discussion of the Bill, the privilege of the floor was extended to Charles Oberly (Attorney General), John Bowman, Esq. (representing DuPont Company) and Austin Olney (Petroleum Council).

SA 3 to the Bill was lifted from the table for consideration on motion of Senator Connor and the privilege of the floor was again extended to Austin Olney after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Knox, Neal, J. Still, R. Still, Venables - 10.

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

NOT VOTING: Senators Cook, Minner - 2.

Therefore, the Amendment was declared defeated.

The roll call vote on SB 458 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Cordrey, Knox, Neal, J. Still, R. Still, Venables - 9.

NO: Senators Connor, Cook, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn - 12.

Therefore, the Bill was declared defeated.

SENATE CONSENT CALENDAR #41 was introduced:

SR 91 - ENCOURAGING THE DEPARTMENT OF PUBLIC INSTRUCTION TO PROMOTE LACROSSE AS A SPORT WORTHY OF INTERSCHOLASTIC COMPETITION AND STATE CHAMPIONSHIP PLAY. Sponsor: Senator McBride.

SCR 168 - CONGRATULATING LISA MUNZERT OF NEW CASTLE, DELAWARE, WINNER OF THE ESTEEMED TITLE OF "MISS DELAWARE" ON SATURDAY, JUNE 16, 1990 AT REHOBOTH'S CONVENTION CENTER, WHO WILL REPRESENT THE FIRST STATE IN THE MISS AMERICA PAGEANT IN ATLANTIC CITY, NEW JERSEY ON SEPTEMBER 8, 1990, AND WISHING LISA THE BEST IN HER EFFORTS TO WIN THE NATIONAL CROWN OF MISS AMERICA. Sponsors: Senators Connor, Bane; Representative Mack.

SCR 171 - EXTENDING BEST WISHES FOR A SPEEDY RECOVERY TO GEORGE JARVIS, FORMER MEMBER OF THE SENATE AND HOUSE OF REPRESENTATIVES AND LEGISLATIVE AGENT PAR EXCELLENCE. Sponsors: Senator Minner, all Senators; Representative Corrozi, all Representatives.

HCR 182 - HONORING THE 1990 PARTICIPANTS IN THE BOY'S STATE PROGRAM, SPONSORED BY THE DELAWARE AMERICAN LEAGION. Sponsors: Representative Fallon, Senator McBride.

HCR 183 - COMMENDING J. BENJAMIN ROY, JR., STATE FIRE MARSHAL, ON HIS RE-ELECTION, FOR THE SECOND TIME, AS PRESIDENT OF THE FIRE MARSHAL'S ASSOCIATION OF NORTH AMERICA. Sponsors: Representative B. Ennis; Senator Vaughn; Representatives Lee, DiPinto.

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

SR 92 was introduced and considered for adoption on motion of Senator Martin:

SR 92 - WISHING A HAPPY BIRTHDAY TO JOSEPH PETER RAUBENHEIMER, OF STERLING, VA., ON THE SECOND ANNIVERSARY OF HIS BIRTH ON JUNE 29, 1988. Sponsor: Senators Martin, McDowell.

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

The roll call vote on SENATE CALENDAR #41 was lifted on motion of Senator Minner 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.

At 5:58 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 26, 1990.

The Senate reconvened at 3:10 p.m., June 26, 1990 Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Natural Resources and Environmental Control Committee: SB 476 - 3 Merits; SB 473 - 3 Merits.

From the Labor and Industrial Relations Committee; SB 492 - 4 Merits; HB 22 - 4 Merits; HB 261 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 588 w HA 1, 3, 4; SB 23 w HA 6; SB 475; and adopted SCR 171.

The following legislation was introduced:

SB 493 - AN ACT TO AMEND CHAPTER 61 OF TITLE 29 OF THE DELAWARE CODE BY ADDING TO SECTION 6102 A NEW SUBSECTION ALLOWING FOR THE CREATION OF A SPECIAL DELAWARE INSURANCE AND MEDICAL BENEFITS ACCOUNT. Sponsor: Senator McDowell. Assigned to Insurance and Elections Committee.

SB 494 - AN ACT TO AMEND CHAPTER 7, TITLE 13 OF THE DELAWARE CODE RELATING TO CUSTODY. Sponsors: Senators Bair, Hauge. Assigned to Judiciary Committee.

At 3:15 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 44th Legislative Day.

44TH LEGISLATIVE DAY June 26, 1990

The Senate convened at 3:15 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Minner.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

Senator Bair commented on a newspaper article concerning water pipe breakage at Emily P. Bissell Hospital and at the request of Senator Bair the following Statement from Muriel B. Rusten, Director of Planning, Research and Evaluation was read and made part of this Journal:

STATEMENT OF CORRECTION REGARDING THE WATER PIPE BREAKAGE AT EMILY P. BISSELL HOSPITAL

Erroneous information was given to the New Journal papers concerning the water pipe break at Emily P. Bissell Hospital.

The facts and chronology of response are as follows:

The break occurred in the Tallman Building late Wednesday, June 20, 1990. The water was turned off in the building on Thursday, June 21.

Batta Environmental Inc. joined Delaware Health and Social Services (DBAGS) representatives to view the problem on Friday morning. They confirmed that presence of asbestos. Repairs cannot be made until asbestos is removed from the area. Five companies were contacted for bid proposals. GNB Environmental, Inc. was selected. The Department of Administrative Services working with DNREC and DHSS have expedited the bid and selection process.

It will not take six weeks to begin - that is a policy which applies to non-emergency repairs. Actions followed in this situation were for emergency repairs. It is unfortunate that this was neither communicated accurately to the employees nor the newspaper.

The contractor is being notified this afternoon and the necessary asbestos removal should be underway tomorrow morning and completed by Saturday, with the water pipe repaired by Monday.

Steps have been taken to communicate the correct information to employees as well as to the newspaper.

* * * * *

SB 23 which had been returned from the House as further amended by HA 6 was reconsidered under suspension of the necessary rules on motion of Senator Torbert. The roll call vote on SB 23 w HA 6 was then taken and revealed 20 Senators voting YES and 1 (Bane) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

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

Senator J. Still was added as co-sponsor to SB 23 w HA 6 at his request.

HB 619 was taken up for consideration on motion of Senator Martin:

HB 619 - AN ACT TO AWARD ONE-TIME LINE OF DUTY DEATH BENEFITS TO THE BENEFICIARIES OF PATROLMAN DONALD WALP AND DIRECTING THE STATE TREASURER TO ADMINISTER THE PAYMENT OF THE AWARD.

The roll call vote on the Bill was taken and revealed YES: Senators Connor, Cook, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn, Venables - 14.

NOT VOTING: Senators Adams, Bair, Bane, Cordrey, Knox, J. Still, R. Still - 7.

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

Senator Bane marked PRESENT during the above roll call.

SB 466 was taken up for consideration on motion of Senator Knox:

SB 466 - AN ACT TO AMEND CHAPTER 80, TITLE 7 OF THE DELAWARE CODE RELATING TO THE APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT.

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

The roll call vote on SB 466 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 451 was taken up for consideration on motion of Senator Torbert:

SB 451 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE BY CHANGING VEHICLE REGISTRATIONS AND INSPECTIONS FROM AN ANNUAL TO A BIENNIAL REQUIREMENT.

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

The privilege of the floor was extended to Robert J. Voshell, Director, Division of Motor Vehicles who was questioned on the Bill.

The roll call vote on SB 451 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Connor, J. Still) voting NO; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 384 was taken up for consideration on motion of Senator Marshall:

SB 384 - AN ACT TO AMEND CHAPTERS 11, 14, 19, AND 23 OF TITLE 30 OF THE DELAWARE CODE RELATING TO VARIOUS REFERENCES TO THE FEDERAL INTERNAL REVENUE CODE.

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

The privilege of the floor was extended to Robert Chastant (Division of Revenue) after which the roll call vote on the Amendment was taken and revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

The roll call vote on SB 384 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 387 was taken up for consideration on motion of Senator Marshall:

SB 387 - AN ACT TO AMEND CHAPTER 11, TITLE 30, AND CHAPTER 96, TITLE 9, OF THE DELAWARE CODE RELATING TO DELAWARE TAXES.

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

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

Several Senators entered into discussion of the Bill and the privilege of the floor was extended to Robert Chastant (Division of Revenue) after which SB 387 w SA 1, 2 was laid on the table on motion of Senator Marshall.

SB 410 was taken up for consideration on motion of Senator Marshall:

SB 410 - AN ACT TO AMEND CHAPTER 23, TITLE 19 DELAWARE CODE, RELATING TO WORKMAN'S COMPENSATION.

The privilege of the floor was extended to Robert Aulgur, Jr. (Delaware Trial Lawyers Association) and several Senators entered into discussion of the Bill after which the roll call vote on the Bill was taken and revealed:

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

NO: Senators Adams, Bane, Cordrey, Knox, Neal, J. Still, R. Still, Venables - 8.

NOT VOTING: Senators Bair, Connor - 2.

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

SB 453 which was next on the Agenda of the day was deferred for consideration on motion of Senator Minner.

SB 468 was taken up for consideration on motion of Senator Vaughn:

SB 468 - AN ACT AUTHORIZING AND APPROVING THE ACQUISITION OF CERTAIN LANDS BY THE DEPARTMENT OF CORRECTION AND AUTHORIZING AND APPROVING THE CONSTRUCTION, MAINTENANCE AND OPERATION BY THE DEPARTMENT OF AN ADDITION OR ADDITIONS TO THE EXISTING MULTI-PURPOSE CRIMINAL JUSTICE CENTER FACILITY OR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF AN ADDITIONAL CORRECTIONAL FACILITY OR FACILITIES ON SAID LANDS.

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

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senators McBride, McDowell, Minner, Neal - 4.

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

At 4:27 p.m. on motion of Senator Sharp the Senate recessed for Party Caucus and reconvened at 5:40 p.m., Lt. Governor Wolf presiding.

SB 500 was introduced and laid on the table on motion of Senator Cook:

SB 500 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1991; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. Sponsors: Senator Cook, Representative Corrozi; Senators Hauge, Holloway, McBride, R. Still, Vaughn; Representatives Davis, Quillen, Smith, Soles, West.

On motion of Senator Torbert, the roll call vote on SB 373 w SA 1 was lifted and announced:

YES: Senators Adams, Marshall, Martin, McDowell, Minner, Torbert, Venables - 7.

NO: Senators Cook, Cordrey, Hauge, McBride, Neal, Sharp, J. Still, R. Still, Vaughn - 9.

NOT VOTING: Senators Bair, Bane, Knox - 3.

ABSENT: Senators Connor, Holloway - 2.

Therefore, the Bill was declared defeated.

Senator Cook moved that SB 373 w SA 1 be restored to the Calendar. There was no objection.

Senator Torbert moved that the roll call vote on the Bill be stricken. No objection.

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

Several Senators entered into discussion of the Bill during which the privilege of the floor was extended to Richard Dillard (Senate Attorney) and Jack K. Russell (Assistant to the Majority Caucus).

SB 373 w SA 1, 2 was then laid on the table on motion of Senator Torbert.

SS 1 for SB 484 was introduced and adopted in lieu of the Original on motion of Senator McDowell:

SS 1 for SB 484 - AN ACT TO AMEND CHAPTER 69 AND CHAPTER 88, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE PROCUREMENT OF MATERIAL AND AWARD OF CONTRACTS FOR PUBLIC WORKS, AND THE DIVISION OF PURCHASING DEPARTMENT OF ADMINISTRATIVE SERVICES. Sponsors: Senator McDowell, Representative Roy, Senator Cook, Representative Corrozi.

SB 459 was stricken at the request of the sponsor, Senator Adams.

SB 460 was taken up for consideration on motion of Senator Cook:

SB 460 - AN ACT TO AMEND CHAPTER 75, TITLE 29, OF THE DELAWARE CODE, RELATING TO EQUALIZATION OF SCHOOL CONSTRUCTION FUNDS.

The privilege of the floor was extended to James Spartz and several Senators entered into discussion of the Bill after which the roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Bair, Hauge, McDowell) NOT VOTING; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 425 was taken up for consideration on motion of Senator Vaughn:

SB 425 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO ELSIE EVERETT, 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.

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

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

NO: Senators Adams, Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still - 9.

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

SB 312 was taken up for consideration on motion of Senator Cook:

SB 312 - AN ACT AUTHORIZING AND DIRECTING THE INSURANCE COMMISSIONER TO WAIVE THE STATUTORY PROVISIONS OF \$6750, CHAPTER 67A OF TITLE 18, DELAWARE CODE, WITH RESPECT TO JOSEPH R. GRIFFITH'S TENURE WITH THE FELTON VOLUNTEER FIRE COMPANY AND TO PROCESS THE NECESSARY PAPERWORK TO PAY THE FUNERAL EXPENSES OF JOSEPH R. GRIFFITH, NOT TO EXCEED \$800.00, WHO WAS KILLED IN AN AUTOMOBILE ACCIDENT ON DECEMBER 13, 1988.

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

SB 381 was taken up for consideration on motion of Senator Marshall:

SB 381 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX. (3/5 vote)

The privilege of the floor was extended to Robert Chastant (Division of Revenue) and 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 sent to the House for consideration.

SB 434 was taken up for consideration on motion of Senator McDowell:

SB 434 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE APPOINTMENT OF MEMBERS TO CERTAIN BOARDS AND COMMISSIONS.

SA 1 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 which revealed 21 Senators voting YES: 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 20 Senators voting YES and 1 (Cook) ABSENT; therefore, the Amendment was declared adopted.

Several Senators commented on the Bill after which the roll call vote on SB 434 w SA 1, 2 was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Hauge, Knox, Martin, McBride, McDowell, Neal, J. Still, R. Still, Torbert, Vaughn, Venables - 16.

NO: Senators Marshall, Minner, Sharp - 3.

ABSENT: Senators Cook, Holloway - 2.

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

On motion of Senator Venables and without objection, the roll call vote on SB 445 was rescinded, the Bill restored to the Calendar and laid on the table.

SB 271 was stricken on motion of Senator Adams.

At 7:22 p.m. on motion of Senator Sharp, the Senate recessed until 2:00 p.m., June 27, 1990.

The Senate reconvened at 2:52 p.m., June 27, 1990 Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Agriculture Committee: SB 490 - 1 Favorable, 3 Merits; HB 636 w HA 1 w HA 1; HA 3 w HA 1; HA 4, 5 - 4 Merits.

From the Community Affairs Committee: HB 447 w HA 1, 2 - 3 Merits.

From the Labor and Industrial Relations Committee: HB 491 w HA 2 w HA 1 - 4 Merits.

From the Natural Resources and Environmental Control Committee: HB 642 - 4 Merits; HS 1 for HB 391 - 1 Favorable, 3 Merits; HB 286 w HA 1 - 4 Merits; HB 714 - 3 Merits; HB 710 - 3 Merits; HB 614 - 3 Merits.

From the Health-Social Services/Aging Committee: HB 311 w HA 1 - 4 Merits; HB 194 w HA 1 - 3 Merits, 1 Unfavorable.

From the Natural Resources and Environmental Control Committee: HB 721 - 3 Merits; HB 708 - 3 Merits.

From the Community Affairs Committee HJR 24 - 3 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 52 w HA 1, 2, 4; HB 620; HB 621; HB 647; HB 434 w HA 1; HB 674 w HA 1, 2, 3, 4, 5; SB 332 w SA 1, 2; HB 714; HB 708 w HA 1, 2; HB 710; HB 721; HB 640 w HA 1; HB 604; HB 614; HB 671 w HA 1; HB 627; SS 1 for SB 356 w SA 1 and adopted HJR 24 w HA 1.

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that Representative Sills signed SS 1 for SB 102 as co-sponsor on June 26, 1990.

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

PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

June 27, 1990

SB 495 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO FRANK J. CARELLO, JR. 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: Senator McBride, Adams; Representative Houghton. Assigned to Finance Committee.

SB 496 - AN ACT TO AMEND CHAPTER 5, TITLE 11 AND CHAPTER 86, TITLE 29 OF THE DELAWARE CODE RELATING TO PAYMENTS BY CHECK. (2/3 vote) Sponsors: Senators Connor, R. Still; Representatives Boykin, DiPinto, Ewing, Mack, Roy, Brady, Jonklert. Assigned to Judiciary Committee.

SB 497 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, CONCERNING LEGISLATIVE CONFLICTS OF INTEREST AND ESTABLISHING HOUSE AND SENATE ETHICS COMMITTEE. Sponsors: Senator Minner, Representative Buckworth; Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Neal, Sharp, Torbert, Vaughn, Venables, Bair, Bane, Connor, Hauge, Knox, J. Still, R. Still; Representatives Amick, Boykin, Bennett, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Taylor, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jester, Jonklert, Outten, Plant, Schroeder, Sills, Soles, VanSant, West. Assigned to Ethics Committee.

SB 498 - AN ACT TO AMEND CHAPTER 58, TITLE 29 OF THE DELAWARE CODE RELATING TO FINANCIAL DISCLOSURE REQUIREMENTS OF PUBLIC OFFICIALS. Sponsors: Senator Minner; Representative Buckworth; Senators Adams, Cook, Cordrey, Holloway, Marshall, Martin, McBride, McDowell, Neal, Sharp, Torbert, Vaughn, Venables, Bair, Bane, Connor, Hauge, Knox, J. Still, R. Still; Representatives Amick, Boykin, Bennett, Carey, Caulk, Corrozi, Davis, DiPinto, D. Ennis, Ewing, Fallon, Hebner, Lee, Mack, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Taylor, Brady, Bunting, Campanelli, Clark, B. Ennis, George, Gilligan, Houghton, Jester, Jonklert, Outten, Plant, Schroeder, Sills, Soles, VanSant, West. Assigned to Ethics Committee.

SB 499 - AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE RELATING TO MAIL-IN FINES. Sponsors: Senators Minner, Vaughn, Holloway; Representatives Houghton, Mack, Ewing, Hebner, Spence. Assigned to Judiciary Committee.

SB 501 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE TO REQUIRE LABELING OF CERTAIN PLASTIC PRODUCTS. Sponsors: Senators Minner, Neal, Hauge; Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

SA 1 to SB 424. Sponsors: Senator Cordrey, Representative Carey. Placed with the Bill.

SA 2 to SB 424. Sponsor: Senator Cordrey. Placed with the Bill.

SA 6 to HB 448. Sponsor: Senator Cook. Placed with the Bill.

SA 1 to SB 461. Sponsor: Senator Vaughn. Placed with the Bill.

SA 1 to SB 470. Sponsor: Senator Adams. Placed with the Bill.

SA 1 to SB 473. Sponsor: Senator Vaughn. Placed with the Bill.

SA 1 to SB 476. Sponsor: Senator Minner. Placed with the Bill.

SA 1 to SB 486. Sponsor: Senator Connor. Placed with the Bill.

SA 1 to SS 1 for SB 484. Sponsors: Senator Martin; Representatives Roy, Corrozi. Placed with the Bill.

SA 6 to HS 1 to HB 264 as amended. Sponsor: Senator Hauge. Placed with the Bill.

SA 7 to HS 1 to HB 264. Sponsor: Senator Hauge. Placed with the Bill.

SA 3 to SB 445. Sponsor: Senator Holloway. Placed with the Bill.

HB 52 w HA 1, 2, 4 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE TO ALLOW SPECIAL PLATES FOR THE DELAWARE NATIONAL GUARD AND FIREMEN. Sponsor: Representative Oberle. Assigned to Finance Committee.

HB 434 w HA 1 - AN ACT TO AMEND CHAPTERS 3, 15, 17, 20, 30, 31, 47, AND 49 OF TITLE 15, OF THE DELAWARE CODE RELATING TO REGISTRATION, REGISTRATION OFFICERS, ELECTION OFFICERS, TIME DIRECTIVE AND AGE RESTRICTIONS, AND ELECTION LAWS. Sponsor: Representative Petrilli. Assigned to Insurance and Elections Committee.

HB 588 w HA 1, 3, 4 - AN ACT TO AMEND TITLE 11, DELAWARE CODE RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SALES OF FIREARMS. Sponsors: Representatives VanSant, Amick, Bennett, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiPinto, B. Ennis, George, Gilligan, Houghton, Jester, Jonkiert, Oberle, Outten, Plant, Quillen, Spence, West; Senators McBride, Minner, Neal, Torbert, Vaughn. Assigned to Judiciary Committee.

HB 604 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE BY PROVIDING FOR EMPLOYEE RECOGNITION PROGRAMS. Sponsors: Representative Reynolds, Senator R. Still; Representatives Boykin, Buckworth, Davis, DiPinto, Fallon, Lee, Mack, Maroney, Oberle, Quillen, Roy, Smith, Amick, Taylor, Plant, Soles, Schroeder, Jonkiert, B. Ennis, Jester, Houghton; Senators Cook, Holloway, Marshall, Martin, Minner, Torbert, Venables, Bair, Bane, Hauge, Knox, Neal, J. Still. Assigned to Labor and Industrial Relations Committee.

HB 614 - AN ACT TO AMEND CHAPTER 80, TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON SHELL FISHERIES. Sponsor: Representative Mack. Assigned to Natural Resources and Environmental Control Committee.

HB 620 - AN ACT TO AMEND CHAPTER 43, TITLE 11, DELAWARE CODE RELATING TO PAROLE. Sponsors: Representative Davis, Senator Vaughn. Assigned to Judiciary Committee.

HB 621 - AN ACT TO AMEND CHAPTER 43, TITLE 11, DELAWARE CODE RELATING TO THE PAROLE BOARD AND COMPENSATION. Sponsors: Representative Davis, Senator Vaughn. Assigned to Judiciary Committee.

HB 627 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE BOARD OF EDUCATION AND THE STATEWIDE EDUCATIONAL TESTING PROGRAM. Sponsors: Representative Fallon, Senator Hauge. Assigned to Education Committee.

HB 640 w HA 1 - AN ACT TO AMEND CHAPTER 88, TITLE 11, DELAWARE CODE AND CHAPTER 7, TITLE 18, DELAWARE CODE RELATING TO THE DISTRIBUTION OF INSURANCE PREMIUM TAXES AND FEES. Sponsors: Representative Spence, Senators Holloway, McBride; Representatives Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Corrozi, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Hebner, Houghton, Jonkiert, Lee, Mack, Maroney, Oberle, Petrilli, Reynolds, Roy, Schroeder, Taylor, VanSant, West; Senators Cordrey, Cook, Sharp, Minner, McDowell, Marshall, Martin, Vaughn, Venables, Torbert, Bair, Bane, Hauge, R. Still, Knox. Assigned to Insurance and Elections Committee.

HB 647 - AN ACT TO AMEND AN ACT, BEING CHAPTER 63, VOLUME 12, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK", AS AMENDED, BY ADDING THERETO A NEW SECTION 7 TO PROVIDE FOR INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS; AND BEING AN ACT TO AMEND CHAPTER 42, VOLUME 61, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND AN ACT, BEING CHAPTER 63, VOLUME 12, LAWS OF DELAWARE, ENTITLED 'AN ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK', BY AMENDING SECTION 2 THEREOF TO PROVIDE FOR THE ELECTION OF NOT LESS THAN 13 NOR MORE THAN 20 DIRECTORS", BY AMENDING SECTION 1 THEREOF TO PROVIDE FOR THE ELECTION OF NOT LESS THAN NINE NOR MORE THAN NINETEEN DIRECTORS. (2/3 vote). Sponsors: Representative D. Ennis, Senator Cordrey. Assigned to Banking Committee.

HB 671 w HA 1 - AN ACT TO AMEND CHAPTER 36, TITLE 14 OF THE DELAWARE CODE RELATING TO THE EDUCATIONAL BENEFITS FOR CHILDREN OF DECEASED MILITARY AND STATE POLICE. Sponsors: Representatives Schroeder, Bennett, B. Ennis, Ewing, VanSant; Senator Adams. Assigned to Public Safety Committee.

HB 674 w HA 1, 2, 3, 4, 5 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, REQUIRING CONTINUING CARE FACILITIES TO REGISTER AND FILE FINANCIAL DISCLOSURE STATEMENTS WITH THE SECRETARY OF STATE AND REQUIRING TRUTH IN ADVERTISING REGARDING SUCH FACILITIES. (3/5 vote) Sponsors: Representatives Gilligan, Corrozi, VanSant, Fallon, George, Ewing. Assigned to Executive Committee.

HB 708 w HA 1, 2 - AN ACT TO AMEND CHAPTERS 21 AND 29 OF TITLE 30 AND CREATING A NEW CHAPTER 91 OF TITLE 7 OF THE DELAWARE CODE RELATING TO THE CLEANUP OF HAZARDOUS SUBSTANCE SITES IN THE STATE OF DELAWARE. (3/5 vote) Sponsors: Representatives Mack, Spence, D. Ennis, Corrozi, Caulk, Carey, Davis, Oberle, B. Ennis, Brady, Clark, Bunting, Soles; Senators Minner, Hauge, Knox. Assigned to Natural Resources and Environmental Control Committee.

HB 710 - AN ACT TO AMEND CHAPTER 29, TITLE 30 OF THE DELAWARE CODE AND ENACTING ADDITIONAL PROVISIONS RELATING TO THE TAX ON WHOLESALERS AND RETAILERS OF PETROLEUM PRODUCTS. (3/5 vote) Sponsors: Representatives Mack, Brady. Assigned to Natural Resources and Environmental Control Committee.

HB 714 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE PROVIDING FOR THE CONSERVATION OF LAND, WATER AND OTHER NATURAL AND HISTORICAL RESOURCES WITHIN THE STATE AND ESTABLISHING ORGANIZATIONAL, REGULATORY AND FINANCIAL MEANS THEREFORE AND TO AMEND CHAPTER 34, TITLE 29 AND CHAPTER 47, TITLE 7 OF THE DELAWARE CODE TO CONFORM THEREWITH. Sponsors: Representatives Carey, Taylor, Davis, Amick, DiPinto, Buckworth, Petrilli, Mack, Lee, Boykin, Quillen, Caulk, Smith, Fallon, D. Ennis, Spence, Corrozi, Roy, Reynolds, Bunting, Schroeder, Houghton, Soles, Brady, B. Ennis; Senators Minner, Cordrey, Sharp, Marshall, McDowell, Venables, Martin, Vaughn, McBride, Cook, Holloway, Torbert, Adams, Bair, Neal, J. Still, Bane, Hauge, R. Still, Connor, Knox. Assigned to Natural Resources and Environmental Control Committee.

HB 721 - AN ACT TO AMEND CHAPTER 80, TITLE 29, DELAWARE CODE TO EMPOWER THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ESTABLISH AND ADMINISTER A STATE REVOLVING LOAN PROGRAM FOR WASTEWATER TREATMENT AND DISPOSAL FACILITIES AND OTHER QUALIFYING PROJECTS. Sponsors: Representatives Carey, Bunting; Senator Knox. Assigned to Natural Resources and Environmental Control Committee.

HJR 24 w HA 1 - ESTABLISHING A PENSION TASK FORCE TO STUDY FIREFIGHTER AND LAW ENFORCEMENT PENSION SYSTEMS AND PROVIDING FOR A FINAL REPORT. Sponsors: Representative Spence, Senator McBride. Assigned to Community Affairs Committee.

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

STATE OF DELAWARE
Office of the Governor
June 26, 1990

To the Senate of the 135th 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: Barry B. Newstadt, 21 Wheatfield Drive, Wilmington, DE 19810, to be appointed as a Justice of the Peace, in and for New Castle County, State of Delaware, to serve a four year term to succeed Ruth MaIm, who has resigned.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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On motion of Senator Holloway SB 239 w SA 1, 2 was taken up for reconsideration under suspension of the necessary rules (no objection) as returned from the House further amended by HA 1, 2. The roll call vote on SB 239 w SA 1, 2, HA 1, 2 was then taken and revealed 19 Senators voting YES and 2 (Cook, McBride) ABSENT; therefore, the Bill was declared passed and sent to the Governor for his consideration.

On motion of Senator Minner and without objection, the roll call vote on SB 411 was lifted under suspension of the necessary rules and announced:

YES: Senators Adams, Bane, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, Minner, Neal, Sharp, Torbert, Vaughn, Venables - 15.

NO: Senators Bair, Connor, Hauge, McDowell, J. Still, R. Still - 6.

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

At 3:07 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 45th Legislative Day.

45TH LEGISLATIVE DAY
June 27, 1990

The Senate convened at 3:07 p.m., Lt. Governor Wolf presiding.

A Prayer was offered by Senator Neal.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

SB 448 was taken up for consideration on motion of Senator Vaughn:

SB 448 - AN ACT TO AMEND CHAPTER 27 OF TITLE 25 OF THE DELAWARE CODE RELATING TO MECHANICS' LIENS.

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.

Senators R. Still and Marshall marked PRESENT during the above roll call.

SB 388 was stricken on motion of Senator Knox.

SB 461 was taken up for consideration on motion of Senator Vaughn:

SB 461 - AN ACT TO AMEND CHAPTER 27, TITLE 25, DELAWARE CODE RELATING TO THE DUTY OF CONTRACTORS TO GIVE NOTICE TO SUBCONTRACTORS OF THE DATE OF SETTLEMENT WITH THE OWNERS OR PROSPECTIVE OWNERS OF REAL ESTATE TO WHICH THE SUBCONTRACTORS HAVE PROVIDED LABOR AND/OR MATERIAL AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

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

SB 461 w SA 1 was then laid on the table on motion of Senator Vaughn.

SB 265 was taken up for consideration on motion of Senator Hauge:

SB 265 - AN ACT TO AMEND CHAPTER 88, TITLE 29 OF THE DELAWARE CODE RELATING TO THE PROCUREMENT AND PURCHASE OF RECYCLED PRODUCTS.

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

The roll call vote on SB 265 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 Holloway marked PRESENT during the above roll call.

SB 389 was taken up for consideration on motion of Senator Hauge:

SB 389 - AN ACT TO AMEND CHAPTER 47, TITLE 7, AND CHAPTER 80, TITLE 29, DELAWARE CODE RELATING TO THE ABOLITION OF THE RECREATIONAL ASSISTANCE FUND AND THE RECREATIONAL ADVISORY COUNCIL AND THE ESTABLISHMENT OF THE PARKS AND RECREATION COUNCIL.

Several Senators entered into discussion of the Bill and the privilege of the floor was extended to Mark Chira representing the Division of Natural Resources and Environmental Control.

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 457 was taken up for consideration on motion of Senator Torbert:

SB 457 - AN ACT TO AMEND CHAPTER 85, TITLE 14, DELAWARE CODE, RELATING TO APPLICATION COMMITMENTS AND BOND REQUIRED OF PRIVATE BUSINESS AND TRADE SCHOOLS.

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 287 was taken up for consideration on motion of Senator Torbert:

SB 287 - AN ACT TO PROVIDE THAT A REFERENDUM BE HELD IN THE NOVEMBER 1990 GENERAL ELECTION ON THE QUESTION OF MANDATORY MOTOR VEHICLE SEAT BELT USE IN THE STATE OF DELAWARE.

Several Senators commented on the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Connor, Cook, Cordrey, Marshall, Martin, McDowell, Minner, Neal, Sharp, J. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Bair, Bane, Hauge, Holloway, Knox, McBride, R. Still - 7.

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

SB 424 was taken up for consideration on motion of Senator Cordrey:

SB 424 - AN ACT TO AMEND CHAPTER 63 & 64, TITLE 7 OF THE DELAWARE CODE TO ESTABLISH A COMPREHENSIVE STATEWIDE PROGRAM FOR RECYCLING AND WASTE REDUCTION.

The following were added as co-sponsors to the Bill: Senators Torbert, McDowell, R. Still, Hauge, Neal; Representatives Carey, Schroeder.

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

SA 3 to the Bill (sponsor: Senator Vaughn) was introduced and considered for adoption.

The privilege of the floor was extended to N. C. Vasuki (Delaware Solid Waste Authority) and William Walls (Senate Attorney) after which the Amendment was laid on the table on motion of Senator Vaughn.

SB 424 w SA 1, 2 was then laid on the table on motion of Senator Vaughn.

At 4:30 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:21 p.m., Lt. Governor Wolf presiding.

SA 3 to SB 424 which had been laid on the table was stricken on motion of Senator Vaughn.

SB 424 w SA 1, 2 was lifted from the table for consideration on motion of Senator Cordrey for consideration and the privilege of the floor was extended to N. C. Vasuki (Delaware Solid Waste Authority) after which the roll call vote on the Bill was 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 461 w SA 1 was lifted from the table for consideration on motion of Senator Vaughn.

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

The roll call vote on SB 461 w SA 1, 2 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn - 18.

NO: Senator Neal - 1.

NOT VOTING: Senator Venables - 1.

ABSENT: Senator Knox - 1.

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

SB 487 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules (no objection):

SB 487 - AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO THE REPORTING OF CERTAIN INJURIES AND WOUNDS SUSTAINED IN A FIRE AND INVESTIGATIONS THEREOF.

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 477 was taken up for consideration on motion of Senator Torbert:

SB 477 - AN ACT TO AMEND TITLE 11, DELAWARE CODE RELATING TO ESTABLISHING A CRIMINAL OFFENSE OF LOOTING.

The privilege of the floor was extended to John Cordrey (Senate Attorney) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed 20 Senators voting YES and 1 (Knox) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 470 was taken up for consideration on motion of Senator Adams:

SB 470 - AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATIVE TO THE COMPUTATION OF PENSIONS AND THE DEFINITION OF WHAT CONSTITUTES AN EMPLOYEE.

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

The roll call vote on SB 470 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 478 was taken up for consideration on motion of Senator Adams:

SB 478 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO SCHOOL BUS DRIVER LICENSES.

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

The roll call vote on SB 478 w SA 1 was then taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 480 was taken up for consideration on motion of Senator Adams:

SB 480 - AN ACT TO AMEND CHAPTER 85, TITLE 11, DELAWARE CODE, RELATING TO THE DESTRUCTION OF CRIMINAL IDENTIFICATION RECORDS BY THE STATE BUREAU OF IDENTIFICATION.

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

The roll call vote on SB 480 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 471 was taken up for consideration on motion of Senator Vaughn:

SB 471 - AN ACT TO AMEND CHAPTER 29, TITLE 25, DELAWARE CODE TO CLARIFY THE PROPERTY TO WHICH STATUTORY LIENS FOR TAXES AND OTHER GOVERNMENTAL CHARGES RELATE AND TO PROVIDE FOR A NOTICE OF LIEN FOR SUCH CHARGES. (3/5 vote)

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

The privilege of the floor was extended to John Cordrey after which the roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (R. Still) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 471 w SA 1 was then taken and revealed 20 Senators voting YES and 1 (McBride) ABSENT; therefore, the Bill was declared passed and sent to the House.

SB 449 was taken up for consideration on motion of Senator Holloway:

SB 449 - AN ACT TO AMEND SUBCHAPTER III, CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF DEPENDENT, NEGLECTED OR DELINQUENT CHILDREN.

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

The privilege of the floor was extended to Dr. Patrick McCarthy (Department of Services for Children, Youth and Their Families).

The roll call vote on SB 449 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 488 was taken up for consideration on motion of Senator Cook:

SB 488 - AN ACT TO AMEND CHAPTER 83, TITLE 11, CHAPTER 39, TITLE 14, AND CHAPTERS 55 AND 56, TITLE 29, DELAWARE CODE, TO PROVIDE POST-RETIREMENT INCREASES TO PENSIONERS WHO RETIRED ON OR BEFORE JULY 1, 1989.

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 438 which was next on the Agenda for the day was reassigned to Administrative Services/Energy Committee on motion of Senator McDowell.

SB 489 was taken up for consideration on motion of Senator Minner:

SB 489 - 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 REVISE THE PROCEDURE FOR CERTAIN IMPROVEMENTS TO THE SIDEWALKS, CURBS AND GUTTERS. (2/3 vote)

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

SB 472 was taken up for consideration on motion of Senator Neal under suspension of the necessary rules:

SB 472 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE BY CREATING A PRIVATE WORKPLACE DRUG AND ALCOHOL TESTING ACT.

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 18 Senators voting YES and 3 (Holloway, Marshall, Venables) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 472 w SA 1 was taken after a short discussion among several Senators and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 14.

NO: Senators Holloway, Marshall, Martin, McBride, McDowell, Minner, Venables - 7.

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

SB 474 was taken up for consideration on motion of Senator McBride:

SB 474 - AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PROVISION OF TELEPHONE SERVICE FOR PERSONS WITH SPEECH AND HEARING IMPAIRMENTS.

At 7:00 p.m., Senator Cordrey presiding.

Senator J. Still commented on 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.

SB 473 was taken up for consideration on motion of Senator Vaughn:

SB 473 - AN ACT TO AMEND TITLE 7, DELAWARE CODE RELATING TO PROHIBITION AGAINST SUNDAY HUNTING AND SHOOTING PRESERVES.

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

At 7:07 p.m., Lt. Governor Wolf presiding.

Several Senators commented on the Bill.

The roll call vote on SB 473 w SA 1 was then taken and revealed:

YES: Senators Adams, Bair, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Martin, McBride, McDowell, Sharp, R. Still, Vaughn - 14.

NO: Senators Bane, Marshall, Minner, Neal, J. Still, Torbert, Venables - 7.

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

SS 1 for SB 476 was introduced, adopted in lieu of the Original and taken up for consideration under suspension of the necessary rules on motion of Senator Venables:

SS 1 for SB 476 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE AUTHORITY OF THE ENVIRONMENTAL APPEALS BOARD. Sponsors: Senators Venables, Adams, Cook, Cordrey, McDowell, Minner, J. Still, Torbert, Vaughn; Representatives Bunting, Carey, Schroeder.

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 286 was laid on the table on motion of Senator McDowell.

SENATE CONSENT CALENDAR #42 was introduced:

SCR 169 - REQUESTING THE SECRETARY OF FINANCE AND THE BUDGET DIRECTOR, OR THEIR DESIGNEE(S), TO STUDY AND REPORT RECOMMENDATIONS ON POTENTIAL COUNTY AND/OR STATEWIDE FUNDING SOURCES AND MECHANISMS FOR STATEWIDE PARAMEDIC SERVICES. Sponsors: Senators J. Still, Torbert; Representatives Buckworth, B. Ennis, Spence, Lee, Quillen, Caulk, Ewing, Carey, Fallon.

SCR 172 - CONGRATULATING JAMES W. BELL OF THE HOLLOWAY TERRACE VOLUNTEER FIRE COMPANY ON HIS ELECTION AS PRESIDENT OF THE NATIONAL EMERGENCY NUMBER ASSOCIATION. Sponsors: Senator McBride; Representatives Houghton, B. Ennis, DiPinto.

SCR 173 - COMMENDING MR. PAUL S. JULIAN, PRINCIPAL OF EVAN G. SHORTLIDGE ELEMENTARY SCHOOL, RED CLAY CONSOLIDATED SCHOOL DISTRICT, ON HIS IMPENDING RETIREMENT EFFECTIVE AUGUST 31, 1990, HAVING SUCCESSFULLY COMPLETED THIRTY YEARS OF DEDICATED SERVICE IN PUBLIC EDUCATION IN DELAWARE. Sponsors: Senator R. Still, Representative Roy; Senators Bane, Holloway, Knox, Marshall, McBride, McDowell, Sharp; Representatives Boykin, Campanelli, Corrozi, DiPinto, George, Gilligan, Jonkier, Petrilli, Plant, Reynolds, Sills, Spence, Taylor, VanSant.

SCR 174 - EXPRESSING CONDOLENCES TO THE FAMILY OF MR. WILLIE G. DAVIS OF DOVER, DELAWARE WHO DIED FRIDAY, JUNE 22, 1990. Sponsors: Senators J. Still, Vaughn, Cook, Torbert, Minner; Representatives B. Ennis, Clark, Quillen, Outten, Bennett, Caulk, Buckworth.

SCR 175 - ENDORSING THE POSITION OF THE DELAWARE POLICE CHIEFS COUNCIL AND THE DELAWARE STATE LODGE, FRATERNAL ORDER OF POLICE, IN OPPOSITION TO LEGISLATION GRANTING THE NATIONAL INSTITUTE OF JUSTICE OR THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY REGULATORY AUTHORITY OVER SOFT BODY ARMOR AND OTHER ARTICLES OF POLICE EQUIPMENT. Sponsors: Senator Vaughn, Representative Ewing; Senators Holloway, Sharp, Bane, Torbert, Neal; Representatives Lee, Amick, Spence, B. Ennis, Bennett, Oberle, Quillen, VanSant, West.

SCR 176 - COMMENDING ELISABETH (ELISA) S. POOLE FOR HER OUTSTANDING LEADERSHIP AS CHAIRMAN OF THE BOARD OF THE UNITED WAY OF DELAWARE, INC., 1988-1990. Sponsors: Senator Bair, Representative Maroney; Senators Holloway, McDowell; Representatives DiPinto, Corrozi.

SCR 177 - COMMENDING THE THOMAS MCKEAN HIGH SCHOOL BAND, THE "HIGHLANDER" ON THEIR UPCOMING TOUR STARTING FRIDAY, JUNE 29, 1990, AS HONORARY GOOD WILL AMBASSADORS TO THE COUNTRIES OF ENGLAND AND ITALY AND EXTENDING TO THE STUDENTS AND THEIR BAND DIRECTOR, MR. JOSEPH VILLANELLI, A HAPPY BON VOYAGE AND A SAFE JOURNEY HOME ON MONDAY, JULY 23, 1990. Sponsors: Senators R. Still, Bane; Representatives Roy, Corrozi, Gilligan.

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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.

HCR 187 was introduced and considered for adoption on motion of Senator McBride:

HCR 187 - HONORING THE 1990 PARTICIPANTS IN THE GIRL'S STATE PROGRAM, SPONSORED BY THE DELAWARE AMERICAN LEGION. Sponsors: Representative Fallon, Senator McBride; Representatives Jester; Senators Minner, Torbert.

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

At 7:23 p.m. on motion of Senator Sharp, the Senate recessed until 1:00 p.m., June 28, 1990.

The Senate reconvened at 1:15 p.m., June 28, 1990 Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Ethics Committee: SB 497 - 4 Merits; SB 498 - 4 Merits.

From the Banking Committee: HB 647 - 4 Merits.

From the Finance Committee: SB 391 - 6 Merits; SB 495 - 4 Merits.

At 1:16 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 46th Legislative Day.

46TH LEGISLATIVE DAY June 28, 1990

The Senate convened at 1:16 p.m., 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, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

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

Senator McDowell marked PRESENT.

HB 574 w HA 2, 7, 8 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

HB 574 w HA 2, 7, 8 - AN ACT TO AUTHORIZE THE SALE OF CERTAIN SURPLUS LANDS HELD BY THE STATE OF DELAWARE AS TRUSTEES OF THE JOHN FERRIS TRUST UNDER CERTAIN CONDITIONS AND TO EXEMPT SUCH SALE FROM THE PROVISIONS OF 7 DEL. C. CHAPTER 45 AND 29 DEL. C. CHAPTER 94.

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 Thomas Lauhon (Hewlett-Packard) after which the Amendment was laid on the table on motion of Senator Sharp.

SA 2 to the Bill (sponsor: Senator McDowell) was introduced and considered for adoption.

Senators Neal, Hauge, Adams, R. Still marked PRESENT.

The roll call vote on SA 2 was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Martin, McBride, McDowell, Minner, Sharp, Torbert, Vaughn, Venables - 11.

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still - 8.

ABSENT: Senators Holloway, Marshall - 2.

Therefore, the Amendment was declared adopted.

Senator McBride marked PRESENT during the above roll call.

SA 1 to the Bill was lifted from the table for consideration on motion of Senator Sharp.

The privilege of the floor was extended to Thomas Lauhon.

At 1:35 p.m. Senator Cordrey presiding.

The roll call vote on SA 1 was taken and revealed 19 Senator voting YES, 1 (Marshall) voting NO and 1 (Holloway) ABSENT; therefore, the Amendment was declared adopted.

Senator Bane marked PRESENT.

SA 3 to the Bill (sponsor: Senator McDowell) was introduced and laid on the table on motion of Senator McDowell.

During an extended discussion of the Bill which followed the privilege of the floor was extended to John Casey and Kenneth L. Mulholland (Ferris Open Space Alliance).

At 1:48 p.m. Lt. Governor Wolf presiding.

The privilege of the floor was extended to Gwendoline B. Angalet (Department of Services for Children, Youth and their families), Robert McKinnon (Appraisal Associates), Patricia Blevins (Mayor, Town of Elsmere), Thomas Lauhon (Hewlett-Packard), Denise Blevins (employee of Hewlett-Packard Company), Paul Lauhon.

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

YES: Senators McBride, Sharp, Torbert, Vaughn - 4.

NO: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McDowell, Minner, Neal, J. Still, R. Still, Venables - 17.

Therefore, the Amendment was declared defeated.

The roll call vote on HB 574 w HA 2, 7, 8, SA 2, 1 was then taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, Minner, Neal, J. Still, R. Still, Venables - 15.

NO: Senators Holloway, McBride, McDowell, Sharp, Torbert, Vaughn - 6.

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

SB 490 was taken up for consideration on motion of Senator Adams:

SB 490 - AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO AQUACULTURAL ACTIVITIES IN THE STATE OF DELAWARE.

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

Senator J. Still requested that he be added as co-sponsor of the Bill after which the roll call vote on SB 490 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 304 was taken up for consideration on motion of Senator Vaughn:

SB 304 - AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE, RELATING TO THE HUNTING OF RED FOXES.

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

The roll call vote on SB 304 w SA 1 was then taken and revealed:

YES: Senators Bane, Connor, Hauge, Holloway, Knox, Marshall, Martin, Neal, Sharp, R. Still, Torbert, Vaughn, Venables - 13.

NO: Senators Adams, Cook, McBride, McDowell, Minner - 5.

ABSENT: Senators Bair, Cordrey, J. Still - 3.

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

SB 497 was taken up for consideration on motion of Senator Minner:

SB 497 - AN ACT TO AMEND TITLE 29, DELAWARE CODE, CONCERNING LEGISLATIVE CONFLICTS OF INTEREST AND ESTABLISHING HOUSE AND SENATE ETHICS COMMITTEES.

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

SB 498 was taken up for consideration on motion of Senator Minner:

SB 498 - AN ACT TO AMEND CHAPTER 58, TITLE 29 OF THE DELAWARE CODE RELATING TO FINANCIAL DISCLOSURE REQUIREMENTS OF PUBLIC OFFICIALS.

The privilege of the floor was extended to William Walls (Senate Attorney) after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Venables) 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 a short period for a group photo of the legislators and reconvened at 4:05 p.m., Lt. Governor Wolf presiding.

SB 467 was taken up for consideration on motion of Senator Sharp:

SB 467 - AN ACT TO AMEND TITLE 8, DELAWARE CODE, RELATING TO THE GENERAL CORPORATION LAW OF THE STATE OF DELAWARE. (2/3 vote)

The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Holloway, Neal, J. Still, R. Still) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 469 was taken up for consideration on motion of Senator Sharp:

SB 469 - AN ACT TO AMEND CHAPTER 17, TITLE 6 OF THE DELAWARE CODE RELATING TO THE CREATION, REGULATION, OPERATION AND DISSOLUTION OF DOMESTIC LIMITED PARTNERSHIPS AND THE REGISTRATION AND REGULATION OF FOREIGN LIMITED PARTNERSHIPS. (3/5 vote)

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

The roll call vote on SB 469 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Holloway, McDowell) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

Senator Neal requested that a transcript of the remarks made by the Teacher of the Year be given to each Senator.

SB 492 was taken up for consideration on motion of Senator Venables:

SB 492 - AN ACT TO AMEND CHAPTER 33 OF TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION BENEFITS.

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.

SS 1 for SB 484 was taken up for consideration on motion of Senator McDowell:

SS 1 for SB 484 - AN ACT TO AMEND CHAPTER 69 AND CHAPTER 88, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE PROCUREMENT OF MATERIAL AND AWARD OF CONTRACTS FOR PUBLIC WORKS, AND THE DIVISION OF PURCHASING, DEPARTMENT OF ADMINISTRATIVE SERVICES.

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

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

SA 3 to the Bill (sponsor: Senator Cook) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 20 Senators voting YES and 1 (R. Still) ABSENT; therefore, the Amendment was declared adopted.

The privilege of the floor was extended to George E. Hale (Department of Administrative Services).

On motion of Senator McDowell, the necessary rules were suspended for consideration of the Bill.

The roll call vote on SS 1 for SB 484 w SA 1, 2, 3 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 444 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

SB 444 - AN ACT TO AMEND TITLE 29, DELAWARE CODE BY CREATING A DELAWARE PUBLIC LIBRARY CONSTRUCTION ASSISTANCE ACT.

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

The roll call vote on SB 444 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 495 was taken up for consideration on motion of Senator McBride:

SB 495 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO FRANK J. CARELLO, JR. 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.

The privilege of the floor was extended to Donald F. McArdle (State Pension Office) during a short discussion of the Bill among several Senators. The roll call vote on the Bill was taken; however, the roll call was laid on the table before being announced on motion of Senator McBride.

At 4:48 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:17 p.m., Senator Cordrey presiding.

The President pro Tempore's Pre-file list of legislation was introduced and a copy made available to each Senator:

PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

June 28, 1990

HB 552 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO PREEMPTION DEVICES. (2/3 vote). Sponsors: Representatives Lee, B. Ennis. Assigned to Public Safety Committee.

HB 560 - AN ACT TO AMEND CHAPTER 1, TITLE 19, DELAWARE CODE RELATING TO THE DUTIES AND POWERS OF THE DEPARTMENT OF LABOR INCLUDING THE CHARGING OF FEES FOR RESEARCH SERVICES. (3/5 vote) Sponsors: Representatives Corrozi, Spence, Buckworth, Petrilli, Boykin, Davis, D. Ennis, Carey, Hebner, Ewing, Fallon, Caulk, DiPinto, Quillen, Mack, Taylor, Reynolds, Oberle, Maroney, Lee, Bennett, Soles, Bunting, Jonklert, Houghton, VanSant; Senators Bair, R. Still. Assigned to Labor and Industrial Relations Committee.

HB 643 w HA 1 w HA 1 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PRONOUNCEMENTS OF DEATH. Sponsors: Representatives Boykin, Buckworth; Senators McBride, Holloway, Knox. Assigned to Health-Social Services/Aging Committee.

HB 646 - AN ACT TO AMEND CHAPTER 66, TITLE 28, DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS. Sponsors: Representatives Brady, Amick, Boykin, Buckworth, Campanelli, Carey, Clark, Davis, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Jester, Mack, Oberle, Outten, Plant, Quillen, Reynolds, Sills, Smith, Soles, VanSant, West. Assigned to Insurance and Elections Committee.

HB 648 - AN ACT AUTHORIZING AND DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ISSUE A COMMERCIAL GILL NET FISHING PERMIT TO LAWRENCE VOSS OF SMYRNA, DELAWARE, WHO IS PRESENTLY PROHIBITED FROM OBTAINING A PERMIT UNDER DELAWARE FISHING STATUTES. Sponsors: Representatives Clark, B. Ennis, West; Senator Cook. Assigned to Natural Resources and Environmental Control Committee.

HB 655 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES. (3/5 vote) Sponsor: Representative Lee. Assigned to Agriculture Committee.

HB 656 - AN ACT TO AMEND CHAPTER 76, TITLE 3 OF THE DELAWARE CODE RELATING TO LIVESTOCK DEALERS. (3/5 vote) Sponsor: Representative Lee. Assigned to Agriculture Committee.

HB 657 - AN ACT TO AMEND CHAPTER 72, TITLE 3 OF THE DELAWARE CODE RELATING TO FOREIGN ANIMALS AND REPTILES. (3/5 vote) Sponsor: Representative Lee. Assigned to Agriculture Committee.

HB 684 - AN ACT TO AMEND SUBCHAPTER IV, TITLE 31 OF THE DELAWARE CODE RELATING TO PRIVATE CHILD WELFARE AGENCIES. Sponsor: Representative Sills. Assigned to Health-Social Services/Aging Committee.

HB 685 - AN ACT TO AMEND TITLE 16 AND TITLE 24, DELAWARE CODE RELATING TO THE STATE BOARD OF HEALTH AND THE BOARD OF MEDICAL PRACTICE AND WARNINGS TO PREGNANT WOMEN REGARDING POSSIBLE PROBLEMS FROM USE OR CONSUMPTION OF ALCOHOL, COCAINE, MARIJUANA, HEROIN OR OTHER NARCOTICS. (2/3 vote) Sponsors: Representative Hebner, Senator Sharp. Assigned to Health-Social Services/Aging Committee.

HB 686 - AN ACT TO AMEND SECTION 2708 OF TITLE 21, DELAWARE CODE RELATING TO SCHOOL BUS DRIVER'S LICENSES AND THE TERM "SCHOOL BUS". Sponsors: Representatives Houghton, B. Ennis. Assigned to Public Safety Committee.

HB 692 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO APPLICATION FOR AN OPERATOR'S LICENSE BY A MINOR. Sponsors: Representative Buckworth, Senator Vaughn; Representatives Spence, Hebner, Reynolds, Mack, D. Ennis, Davis, Plant, Brady, Schroeder; Senators Holloway, Marshall. Assigned to Public Safety Committee.

HB 711 w HA 1 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE TO AUTHORIZE THE ESTABLISHMENT OF LINES OF CREDIT AND THE ISSUANCE OF PROMISSORY NOTES FOR AMOUNTS BORROWED PURSUANT TO SAID LINES OF CREDIT BY RESOLUTION OF THE SUSSEX COUNTY COUNCIL. Sponsors: Representatives Ewing, Carey, Lee, West; Senators Minner, Venables, J. Still. Assigned to Community Affairs Committee.

HB 719 w HA 1 - AN ACT TO AMEND CHAPTERS 11 AND 20 OF TITLE 30 OF THE DELAWARE CODE AND 64 DELAWARE LAWS CHAPTER 460 RELATING TO DELAWARE TAXES. Sponsors: Representatives Gilligan, Oberle, Sills, Spence. Assigned to Finance Committee.

HB 740 - AN ACT TO AMEND TITLE 15, DELAWARE CODE AND TITLE 14, DELAWARE CODE RELATING TO THE CONDITIONS UNDER WHICH ELECTIONS HELD PURSUANT TO TITLE 14, DELAWARE CODE MAY BE CONDUCTED USING PAPER BALLOTS. Sponsors: Representatives Davis, Soles, Sills, Gilligan, Amick, Petrilli, Oberle; Senators Neal, Martin. Assigned to Insurance and Elections Committee.

HB 744 - AN ACT TO AMEND CHAPTER 5, TITLE 13 OF THE DELAWARE CODE RELATING TO ALIMONY, SUPPORT AND CERTAIN AGREEMENTS, ATTORNEYS' FEES, JURISDICTION, PROPERTY DIVISION, AND ENFORCEMENT OF COURT ORDERS, FINANCIAL REPORTING AND RELATED MATTERS. Sponsors: Representatives Jester, Maroney; Senators Bane, Vaughn. Assigned to Judiciary Committee.

HB 756 - AN ACT TO AMEND TITLE 14, DELAWARE CODE RELATING TO ABSENTEE VOTING. Sponsors: Representatives Brady, Bunting, Caulk, Clark, Corrozi, Campanelli, Davis, B. Ennis, D. Ennis, Ewing, Fallon, Houghton, Jonkiert, Lee, Gilligan, George, Outten, Petrilli, Plant, Mack, Reynolds, Sills, Schroeder, Soles, Spence, VanSant, West. Assigned to Education Committee.

SA 1 to HB 708. Sponsor: Senator Minner. Placed with the Bill.

SA 1 to HB 574. Sponsors: Senators Sharp, Minner, McDowell. Placed with the Bill.

SA 1 to HB 281. Sponsor: Senator Venables. Placed with the Bill.

SA 8 to HS 1 for HB 264. Sponsor: Senator Minner. Placed with the Bill.

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

STATE OF DELAWARE
Office of the Governor
June 27, 1990

To the Senate of the 135th 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: Julie A. Wagner, RD 1, Box 407A, Milford, DE 19963, to be appointed as a member of Council on Tidal Finfisheries to serve a five year term to succeed Steven Dale Bennett, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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HB 714 was taken up for consideration on motion of Senator Minner:

At 5:19 p.m. Lt. Governor Wolf presiding.

HB 714 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE PROVIDING FOR THE CONSERVATION OF LAND, WATER AND OTHER NATURAL AND HISTORICAL RESOURCES WITHIN THE STATE AND ESTABLISHING ORGANIZATIONAL, REGULATORY AND FINANCIAL MEANS THEREFORE AND TO AMEND CHAPTER 34, TITLE 29 AND CHAPTER 47, TITLE 7 OF THE DELAWARE CODE TO CONFORM THEREWITH.

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 708 w HA 1, 2 was taken up for consideration on motion of Senator Minner:

HB 708 w HA 1, 2 - AN ACT TO AMEND CHAPTERS 21 AND 29 OF TITLE 30 AND CREATING A NEW CHAPTER 91 OF TITLE 7 OF THE DELAWARE CODE RELATING TO THE CLEANUP OF HAZARDOUS SUBSTANCE SITES IN THE STATE OF DELAWARE. (3/5 vote)

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

The privilege of the floor was extended to Edwin H. Clark, II (Department of Natural Resources).

The roll call vote on HB 708 w HA 1, 2, 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 710 was taken up for consideration on motion of Senator Minner:

HB 710 - AN ACT TO AMEND CHAPTER 29, TITLE 30 OF THE DELAWARE CODE AND ENACTING ADDITIONAL PROVISIONS RELATING TO THE TAX ON WHOLESALERS AND RETAILERS OF PETROLEUM PRODUCTS. (3/5 vote)

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

HB 721 was taken up for consideration on motion of Senator Minner:

HB 721 - AN ACT TO AMEND CHAPTER 80, TITLE 29, DELAWARE CODE TO EMPOWER THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ESTABLISH AND ADMINISTER A STATE REVOLVING LOAN PROGRAM FOR WASTEWATER TREATMENT AND DISPOSAL FACILITIES AND OTHER QUALIFYING PROJECTS.

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 614 was taken up for consideration on motion of Senator Minner:

HB 614 - AN ACT TO AMEND CHAPTER 80, TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON SHELL FISHERIES.

The privilege of the floor was extended to Bill Wagner (Division of Fish and Wild Life).

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 McDowell yielded to Senator Minner who moved that the necessary rules be suspended for consideration of HB 626 (no objection):

HB 626 - AN ACT TO AMEND CHAPTER 21, TITLE 23, DELAWARE CODE RELATING TO ARRESTS MADE WITHOUT WARRANTS.

The privilege of the floor was extended to William Walls (Senate Attorney) after which the Bill was laid on the table.

HS 1 for HB 391 was taken up for consideration on motion of Senator Minner:

HS 1 for HB 391 - AN ACT TO AMEND CHAPTER 60, TITLE 7, DELAWARE CODE RELATING TO THE REPORTING OF A DISCHARGE OF A POLLUTANT OR AN AIR CONTAMINANT.

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

HS 1 for HB 264 w HA 1, 2 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules:

HS 1 for HB 264 w HA 1, 2 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ESTABLISHING STATE WATER RESOURCE PROTECTION AREAS AND TO MANDATE COUNTY AND MUNICIPAL LAND USE REQUIREMENTS THEREFOR.

SA 1, SA 2 and SA 3 to the Bill which had been placed with the Bill were stricken on motion of the sponsor, Senator Bair.

SA 4, SA 5 to the Bill which had been placed with the Bill were stricken on motion of the Sponsor, Senator Hauge.

SA 6 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Hauge and the roll call vote taken which revealed:

YES: Senators Bair, Bane, Connor, Cook, Hauge, Knox, Marshall, Martin, Minner, Neal, Sharp, J. Still, Torbert, Venables - 14.

NO: Senators Adams, Cordrey, McBride, McDowell, Vaughn - 5.

ABSENT: Senators Holloway, R. Still - 2.

Therefore, the Amendment was declared adopted.

SA 7 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Hauge.

The privilege of the floor was extended to Gerard L. Esposito (Department of Natural Resources and Environmental Control) 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.

SA 8 to the Bill which had been placed with the Bill was stricken on motion of Senator Minner.

SA 9 to the Bill (sponsor: Senator Hauge) was introduced and immediately stricken.

SA 10 to the Bill (sponsor: Senator Minner) was introduced and considered for adoption.

The privilege of the floor was extended to Edwin H. Clark, II (Department of Natural Resources) and a lengthy discussion of the Amendment ensued involving several Senators after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Minner, J. Still, R. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Holloway, Marshall, Martin, McBride, McDowell, Neal, Sharp - 7.

Therefore, the Amendment was declared adopted.

There was a lengthy discussion of the Bill as amended during which the privilege of the floor was again extended to Edwin Clark, II (Department of Natural Resources).

Senator Minner then moved that the Bill be laid on the table. There was an objection to the motion so a roll call vote was taken and revealed:

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

NO: Senators Bair, Bane, Connor, Hauge, J. Still - 5.

NOT VOTING: Senators Knox, R. Still - 2.

Therefore, the motion carried and the Bill was laid on the table.

HB 642 was taken up for consideration on motion of Senator Minner:

HB 642 - AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE RELATING TO THE POSSESSION LIMITS OF CERTAIN FINFISH. (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 409 w HA 1 was taken up for consideration on motion of Senator Minner:

HB 409 w HA 1 - AN ACT TO AMEND PART I, TITLE 7 OF THE DELAWARE CODE RELATING TO FISHING. (2/3 vote)

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

HB 585 w HA 1 was taken up for consideration on motion of Senator Minner:

HB 585 w HA 1 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE CREATING THE WASTE MINIMIZATION/POLLUTION PREVENTION ACT.

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 602 was taken up for consideration on motion of Senator Minner:

HB 602 - AN ACT TO AMEND TITLE 7 RELATING TO BEVERAGE CONTAINERS.

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 444 was taken up for consideration on motion of Senator Venables:

HB 444 - AN ACT TO AMEND CHAPTER 73, TITLE 6, AND CHAPTER 61, TITLE 29, OF THE DELAWARE CODE RELATING TO THE REGULATION OF BROKER-DEALERS, INVESTMENT ADVISERS AND AGENTS. (3/5 vote).

There was some discussion of the Bill among several Senators after which the roll call vote was taken; however, the roll call was laid on the table before being announced on motion of Senator Venables.

HB 616 w HA 1, 3, 4 was taken up for consideration on motion of Senator Venables:

HB 616 w HA 1, 3, 4 - AN ACT TO AMEND CHAPTER 11, TITLE 24, DELAWARE CODE RELATING TO DENTISTRY AND DENTAL HYGIENE.

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 666 was taken up for consideration on motion of Senator Venables:

HB 666 - AN ACT TO AMEND CHAPTER 51, TITLE 24 OF THE DELAWARE CODE RELATING TO AESTHETICIANS.

The privilege of the floor was extended to Patricia John and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 579 was taken up for consideration on motion of Senator Marshall:

HB 579 - AN ACT TO AMEND CHAPTER 3, TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX RETURNS AND STATE TAX RETURN FORMS.

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 281 was taken up for consideration on motion of Senator Marshall:

HB 281 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 69, TITLE 29 OF THE DELAWARE CODE RELATING TO LICENSING REQUIREMENTS FOR SUBCONTRACTORS ON PUBLIC WORKS PROJECTS.

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

During an extended discussion of the Amendment, the privilege of the floor was extended to Edward Peterson and Robert Chastant (Division of Revenue) after which the roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, Bair, Bane, Cordrey, Hauge, Knox, Neal, J. Still, Venables - 9.

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

NOT VOTING: Senator R. Still - 1.

ABSENT: Senators Cook, Holloway - 2.

Therefore, the Amendment was declared defeated.

The roll call vote on HB 281 was then taken; however, the roll call was laid on the table before being announced on motion of Senator Marshall.

SB 412 w SA 1 was taken up for reconsideration as now further amended by HA 1 on motion of Senator Adams under suspension of the necessary rules. The roll call vote on SB 412 w SA 1, HA 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 Governor for his consideration.

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

SR 93 - MOURNING THE DEATH OF ADA V. VAUGHN, OF CLAYTON, AND EXTENDING SYMPATHY TO HER SON, SENATOR JAMES T. VAUGHN, AND OTHER SURVIVORS. Sponsors: Senator Minner, all Senators.

The roll call vote on the Resolution was taken and revealed 20 Senators voting YES and 1 (Vaughn) NOT VOTING; therefore, the Resolution was declared adopted.

SENATE CONSENT CALENDAR #43 was introduced:

SCR 178 - RELATING TO THE USE OF RECYCLED PRODUCTS BY THE GENERAL ASSEMBLY. Sponsor: Senator Hauge.

SCR 179 - REQUESTING THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF PUBLIC SAFETY AND THE DELAWARE STATE POLICE TO WORK WITH THE DOVER POLICE DEPARTMENT AND THE PLANNING AGENCIES OF THE CITY OF DOVER AND KENT COUNTY TO DEVISE SHORT-TERM AND LONG-RANGE PLANS FOR SAFE AND EXPEDITIOUS FLOW OF TRAFFIC EXITING DOVER DOWNS RACEWAY FOLLOWING WEEKEND AUTOMOBILE RACES. Sponsors: Senators J. Still, Cook, Torbert, Vaughn; Representatives Clark, Caulk, Outten.

HCR 184 - HONORING MARBROOK ELEMENTARY SCHOOL'S LINDA F. POOLE AS DELAWARE SCHOOL PRINCIPAL OF THE YEAR. Sponsors: Representative Smith, Senator Bair; Representative Fallon, Corrozi, Taylor, Roy, Mack, Reynolds, Gilligan; Senator McBride.

HCR 185 - CONGRATULATING THE HARRINGTON FIRE COMPANY, ON THE OCCASION OF ITS 85TH ANNIVERSARY CELEBRATION AND EXPRESSING THANKS TO ITS MEMBERS FOR THEIR MANY YEARS OF SERVICE TO THE COMMUNITY. Sponsors: Representative Quillen and Senator Minner.

HCR 186 - CREATING A STUDY COMMITTEE TO MAKE A COMPREHENSIVE ANALYSIS OF THE LANDLORD TENANT LAW AND PROPOSE NECESSARY REVISIONS AS IT RELATES TO MANUFACTURED HOUSING. Sponsors: Representatives DiPinto, Spence, Boykin, Davis, D. Ennis, Lee, Jonkiert, Sillis, VanSant; Senators Minner, McDowell, Bair, R. Still.

HCR 188 - CONGRATULATING MR AND MRS. ORLANDO J. GEORGE OF WILMINGTON, DELAWARE UPON CELEBRATING THEIR 50TH 'GOLDEN' WEDDING ANNIVERSARY' ON AUGUST 1, 1990, AND WISHING BOTH OF THEM MANY MORE AND THE BEST OF HEALTH AND HAPPINESS IN THEIR YEARS AHEAD. Sponsors: Representatives George, Gilligan. Senator McDowell added as co-sponsor at his request.

The roll call vote on the Calendar was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Resolutions were declared adopted. The House Concurrent Resolutions were returned to the House and the Senate Concurrent Resolutions were sent to the House for concurrence.

SB 57 was stricken on motion of Senator Minner.

At 7:43 p.m. on motion of Senator Sharp, the Senate recessed until 3:00 p.m., June 29, 1990.

The Senate reconvened at 3:08 p.m., June 29, 1990, Senator Cordrey presiding.

The following Committee reports were announced:

From the Finance Committee: SB 376 - 4 Merits.

From the Administrative Services/Energy Committee: HB 469 w HA 1, 2 - 5 Merits.

From the Public Safety Committee: HB 597 - 4 Merits; HB 671 w HA 1 - 4 Merits; HS 1 for HB 682 w HA 1 - 4 Merits; HJR 27 - 4 Merits; HB 692 - 4 Merits.

From the Education Committee: HB 627 - 3 Merits.

From the Health-Social Services/Aging Committee: HB 643 - 4 Merits; HB 684 - 4 Merits; HB 685 - 4 Merits.

At 3:10 p.m., Lt. Governor Wolf presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 643 w HA 1 w HA 1; HB 552; HB 719 w HA 1; SB 348; SB 288; SB 349 w SA 1; SB 355; HB 655; HB 656; HB 657; HB 560; SB 414; SB 336 w SA 1; SB 314; HB 692; HB 711 w HA 1; HB 684; SB 231; SB 396; SB 244; SB 397 w SA 1; HB 685; SB 203; SB 335 w SA 1; SB 429; HB 744; HB 646; HB 740; HB 648; SB 367; SB 420; SB 454; HB 756; HB 610 w HA 1, 2; HB 567 w HA 1; SB 380 w SA 1; SS 1 for SB 110; HB 706; HB 291 w HA 1; HB 676; HB 712 w HA 1; SB 412 w SA 1, HA 1; HB 706; HB 291 w HA 1; HB 676; HB 712 w HA 1; SB 412 w SA 1, HA 1; HB 425 w HA 1; HB 662 w HA 1; HB 492; HS 1 for HB 688; HS 1 for HB 682 w HA 1; HB 713; HB 559; HB 702; HB 597; HB 699; HB 654; HB 593; HB 696; SB 448; HB 693 w HA 1; HB 522; SB 375; SB 33; SB 8; HB 624 w HA 1; SB 404; SB 491; SB 366 w HA 1 and adopted HCR 184; HCR 185; HCR 186; HCR 187; HCR 188; SCR 165; SCR 166; SCR 168; SCR 170; HCR 174; SCR 173; SCR 177; HJR 25; HJR 27; SCR 85. The House DEFEATED SB 114 w SA 1, 3.

HB 624 w HA 1 was reported out of the Banking Committee: 3 Merits.

At 3:16 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 47th Legislative Day.

47TH LEGISLATIVE DAY June 29, 1990

The Senate convened at 3:16 p.m., 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, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

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

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

PRESIDENT PRO TEMPORE'S LIST OF PRE-FILED LEGISLATION

June 29, 1990

SB 502 - 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. Sponsor: Senator Vaughn. Assigned to Corrections Committee.

SB 503 - AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE TO REDUCE HEAVY METALS CONTENT IN PACKAGING. Sponsors: Senators Minner, Neal, Hauge; Representative Carey. Assigned to Natural Resources and Environmental Control Committee.

SB 504 - 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/EMPLOYEE PENSION CONTRIBUTIONS. Sponsors: Senator Cook, Representative Oberle. Assigned to Finance Committee.

SB 505 - AN ACT TO AMEND CHAPTER 31, TITLE 14 OF THE DELAWARE CODE RELATING TO EDUCATION OF GIFTED OR TALENTED CHILDREN. Sponsors: Senator Hauge; Representatives Hebner, Brady, Boykin. Assigned to Education Committee.

HB 291 w HA 1 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO EXAMINATIONS, QUALIFICATIONS FOR LICENSURE AND RECIPROCITY FOR PROFESSIONAL REGULATORY BOARDS AND COMMISSIONS. Sponsors: Representative Amick, Senator Torbert. Assigned to Sunset Committee.

HB 425 w HA 1 - AN ACT TO AMEND CHAPTERS 2, 13, 17, AND 31, TITLE 14, DELAWARE CODE, TO CHANGE THE TERMS USED FOR CERTAIN GROUPS OF HANDICAPPED STUDENTS. Sponsors: Representative Fallon, Senator McBride. Assigned to Education Committee.

HB 492 - AN ACT TO AMEND SUBCHAPTER 1, CHAPTER 17, TITLE 7, DELAWARE CODE, RELATING TO COMPENSATION FOR DOMESTICATED WILD DUCKS AND WILD GESE DESTROYED BY DOGS. Sponsors: Representatives West, B. Ennis, Brady, Campanelli, Plant, Schroeder, Clark, Lee, Carey, Caulk, Ewing, Reynolds; Senators Venables, Minner. Assigned to Natural Resources and Environmental Control Committee.

HB 522 - AN ACT TO AMEND CHAPTER 5, TITLE 11, DELAWARE CODE RELATING TO RECEIVING STOLEN PROPERTY. Sponsors: Representatives Roy, Hebner. Assigned to Judiciary Committee.

HB 559 - AN ACT TO AMEND TITLE 19, SECTION 2363 OF THE DELAWARE CODE RELATING TO EXPENSES OF RECOVERY IN THIRD PARTY ACTIONS. Sponsors: Representative Oberle, Senator Marshall; Representatives Mack, Davis, Reynolds, Campanelli, Plant; Senator Sharp. Assigned to Labor and Industrial Relations Committee.

HB 567 w HA 1 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 17, RELATING TO DIVISION III EQUALIZATION FUNDING IN THE REORGANIZED SCHOOL DISTRICTS. Sponsors: Representative Fallon, Senator McBride; Representatives Spence, Buckworth, Caulk, Corrozi, Davis, Ewing, Lee, Maroney, Quillen, Reynolds, Gilligan, Bennett, Outten, West; Senators Adams, Cook, Holloway, Marshall, McDowell, Minner, Torbert, Vaughn, Venables, Bair, Bane, Hauge, Knox, J. Still, R. Still. Assigned to Education Committee.

HB 593 - AN ACT TO AMEND CHAPTER 23, TITLE 19 OF THE DELAWARE CODE RELATING TO WORKMEN'S COMPENSATION. Sponsor: Representative Amick. Assigned to Labor and Industrial Relations Committee.

HB 597 - AN ACT TO AMEND CHAPTER 27 OF TITLE 21 OF THE DELAWARE CODE RELATING TO NOTIFICATION OF DRIVING VIOLATION POINTS TO APPLICANTS FOR RENEWAL OF DRIVERS' LICENSES. Sponsors: Representative Houghton, Amick, Bennett, Boykin, Brady, Campanelli, B. Ennis, Ewing, George, Hebner, Jonkiert, Lee, Oberle, Outten, Petrilli, Reynolds, Spence, VanSant; Senators Adams, Holloway, McBride, Sharp. Assigned to Public Safety Committee.

HB 610 w HA 1, 2 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO HOMEOWNERS PROTECTION. (2/3 vote) Representative Oberle, Senator Holloway. Assigned to Community Affairs Committee.

HB 624 w HA 1 - AN ACT TO AMEND CHAPTER 86, TITLE 29 AND CHAPTER 94, TITLE 16 OF THE DELAWARE CODE IN ORDER TO FORMALLY RECOGNIZE THE EXISTING ADMINISTRATIVE RELATIONSHIP BETWEEN THE STATE ADVISORY COUNCIL FOR THE COORDINATION OF SERVICES TO THE HANDICAPPED AND THE DEPARTMENT OF COMMUNITY AFFAIRS; TO CHANGE THE NAME OF THE COUNCIL TO THE "STATE COUNCIL FOR PERSONS WITH DISABILITIES"; TO CHANGE REFERENCES TO "THE HANDICAPPED" TO "PERSONS WITH DISABILITIES"; AND TO INCREASE THE NUMBER OF CONSUMERS ON THE COUNCIL FROM SIX TO TWELVE. Sponsors: Representative Oberle, Senator Holloway. Assigned to Banking Committee.

HB 654 - AN ACT TO AMEND CHAPTER 10 OF TITLE 14, DELAWARE CODE, RELATING TO CHANGES IN THE BOUNDARIES OF THE INDIAN RIVER SCHOOL DISTRICT BOARD OF EDUCATION REPRESENTATIVE DISTRICTS. Sponsors: Representative West; Senator Venables; Representatives Bunting, Schroeder, Caulk, Clark, B. Ennis, Houghton, Campanelli, Plant. Assigned to Education Committee.

HB 662 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO THE QUOTA OF DEER THAT CAN BE TAKEN BY RESIDENTIAL HUNTERS DURING THE REGULAR SHOTGUN SEASON, EXCLUSIVE OF THE SPECIAL SEASONS. (2/3 vote) Sponsors: Representatives West, Brady, Bunting, Campanelli, B. Ennis, Houghton, Jester, Plant, Quillen, VanSant; Senators Adams, Vaughn. Assigned to Natural Resources and Environmental Control Committee.

HB 676 - AN ACT TO AMEND TITLES 3, 4, 5, 7, 14, 16, 21, 29, 30, 31 DELAWARE CODE RELATING TO REGULATORY POWERS. Sponsors: Representatives Clark, Amick, Bennett, Boykin, Brady, Buckworth, Bunting, Campanelli, Carey, Caulk, Corrozi, DiPinto, B. Ennis, Ewing, Gilligan, Houghton, Jester, Jonkiert, Lee, Oberle, Outten, Petrilli, Plant, Quillen, Reynolds, Smith, Spence, VanSant, West; Senators Cook, Vaughn, R. Still. Assigned to Sunset Committee.

HS 1 for HB 682 w HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF HEAVY VEHICLES. Sponsors: Representative Buckworth, Senator Torbert. Assigned to Public Safety.

HS 1 for HB 688 - AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE RELATING TO THE WEIGHTS OF VEHICLES AND LOADS, IMPOSING FEES FOR PERMITS FOR EXCESSIVE SIZE AND WEIGHTS OF VEHICLES, AND DEDICATING THE REVENUE FROM SUCH FEES. (3/5 vote). Sponsors: Representative Roy, Senator Cordrey. Assigned to Public Safety Committee.

HB 693 w HA 1 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A RESPONSIBLE ALCOHOLIC BEVERAGE SERVER TRAINING PROGRAM. (3/5 vote). Sponsor: Representative Amick. Assigned to Sunset Committee.

HB 696 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE, RELATING TO THE BOARD OF VETERINARY MEDICINE. Sponsor: Representative Amick. Assigned to Sunset Committee.

HB 699 - AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATING TO THE SECRETARY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES. Sponsors: Representative Maroney, Senator Holloway. Assigned to Health-Social Services/Aging Committee.

HB 702 - AN ACT TO AMEND CHAPTER 5, TITLE 31, OF THE DELAWARE CODE RELATING TO EMERGENCY AND DISASTER ASSISTANCE. Sponsors: Representative Maroney, Senator Holloway. Assigned to Health-Social Services/Aging Committee.

HB 706 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO FLORENCE KNIEREM, 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. Assigned to Finance Committee.

HB 712 w HA 1 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO UNFAIR PRACTICES IN INSURANCE. Sponsors: Representatives Maroney, Spence, Petrilli, Buckworth, Amick, Fallon, Oberle, Lee, Carey, Hebner, Smith, Corrozi, Ewing, Mack, Reynolds, Davis, DiPinto, Quillen, Gilligan, Soles, Brady, Plant, West, Jester, Bunting; Senators Holloway, Cook, McBride, Vaughn, Bair, R. Still, Hauge, Bane. Assigned to Insurance and Elections Committee.

HB 713 - 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. Sponsors: Representative Buckworth, Senator J. Still. Assigned to Insurance and Elections Committee.

HJR 25 - DIRECTING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO NAME THE TRACT OF LAND ADJACENT TO BARKER'S LANDING OF THE ST. JONES RIVER THE PAUL E. SCOTTON TRACT, IN HONOR OF PAUL E. SCOTTON'S DEVOTED WORK FOR THE ST. JONES RIVER PROJECT. Sponsors: Representative Caulk, Senators Torbert, Vaughn, Representatives Buckworth, Quillen, Outten. Assigned to Natural Resources and Environmental Control Committee.

HJR 27 - DIRECTING THE STATE TREASURER TO DRAFT AND PRINT LANGUAGE WHICH PROMOTES BECOMING A VOLUNTEER FIREFIGHTER AT THE BOTTOM OF PAY STUBS FOR STATE EMPLOYEES, DIRECTING THE SECRETARY OF ADMINISTRATIVE SERVICES TO DESIGN AND POST POSTERS AND FLYERS IN STATE BUILDINGS WHICH PROMOTE BECOMING A VOLUNTEER FIREFIGHTER AND DIRECTING THE SECRETARY OF PUBLIC SAFETY TO CREATE AND DISTRIBUTE MATERIAL WITH MOTOR VEHICLE LICENSE APPLICATIONS, MOTOR VEHICLE TAGS AND MOTOR VEHICLE PERMITS WHICH PROMOTES BECOMING A VOLUNTEER FIREFIGHTER. Sponsors: Representatives Reynolds, Petrilli, Spence, Buckworth, Davis, Quillen, Maroney, Hebner, Lee, Boykin, D. Ennis, Smith, Corrozi, Fallon, Amick, Ewing, Oberle, Taylor, Mack, Caulk, Roy, Carey, DiPinto, Gilligan, Brady, Bunting, Jester, Clark, VanSant, Outten, Schroeder, Jonkiert, Soles, Plant, Bennett, West; Senators Cordrey, McBride, McDowell, Torbert, Holloway, Bair, Connor, Bane, J. Still, R. Still, Knox. Assigned to Public Safety Committee.

SA 1 to SB 494. Sponsor: Senator Bair. Placed with the Bill.

SA 1 to HB 253 as Amended. Sponsor: Senator Bair. Placed with the Bill.

SA 1 to HB 403 as Amended. Sponsor: Senator Bair. 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 28, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Norman G. Powell, 111 Sussex Avenue, Bridgeville, DE 19933, to be reappointed as a member of the Board of Parole to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 28, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

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

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 28, 1990

The Secretary announced that a message from the Chief Clerk of the House informed the Senate that Representative DiPinto signed SS 1 for SB 110 as a co-sponsor of June 28, 1990.

SCR 151 was taken up for consideration on motion of Senator J. Still:

SCR 151 - REQUESTING THE DELAWARE DEVELOPMENT OFFICE TO STUDY THE FEASIBILITY OF A "BUSINESS AND JOBS RETENTION PROGRAM" IN RELATION TO STATE FUNDED HIGHWAY PROJECTS AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY.

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.

LEGISLATIVE ADVISORIES #60, 61 and 62 received from the Office of the Counsel to the Governor were partially read and a copy made available to each Senator:

LEGISLATIVE ADVISORY #60 (June 20, 1990): On June 20, 1990 the Governor signed HB 612 (Volume 67, Chapter 237, Laws of Delaware); HB 582 (Volume 67, Chapter 238, Laws of Delaware); HB 216 (Volume 67, Chapter 239, Laws of Delaware); SB 267 (Volume 67, Chapter 240, Laws of Delaware). HB 255 (1st leg of a Constitutional Amendment does not require the Governor's signature) (Volume 67, Chapter 241, Laws of Delaware).

LEGISLATIVE ADVISORY #61 (June 25, 1990): On June 25, 1990 the Governor signed SB 9 w SA 1 (Volume 67, Chapter 242, Laws of Delaware); SS 1 for SB 361 w SA 1 (Volume 67, Chapter 243, Laws of Delaware); HB 514 (Volume 67, Chapter 244, Laws of Delaware); HB 580 (Volume 67, Chapter 245, Laws of Delaware). The Governor VETOED HB 570 w HA 1 on June 23, 1990.

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LEGISLATIVE ADVISORY #62 (June 27, 1990): On June 27, 1990 the Governor signed HB 515 (Volume 67, Chapter 246, Laws of Delaware); SB 115 w SA 1, 2, 3, HA 1 (Volume 67, Chapter 247, Laws of Delaware); SB 347 (Volume 67, Chapter 248, Laws of Delaware); HB 557 w SA 1 (Volume 67, Chapter 249, Laws of Delaware); SB 475 (Volume 67, Chapter 250, Laws of Delaware); HJR 11 w HA 1; HB 521 w HA 2 (Volume 67, Chapter 254, Laws of Delaware). On June 28, 1990 the Governor signed HB 384 w HA 1 (Volume 67, Chapter 251, Laws of Delaware); HS 1 for HB 338 w HA 3, 4, 5, 6, 7, SA 2 (Volume 67, Chapter 252, Laws of Delaware); HS 1 for HB 339 w HA 1, 2, SA 5, 6, 7, 8, 9, 19, 20 (Volume 67, Chapter 253, Laws of Delaware).

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HB 520 was taken up for consideration on motion of Senator Marshall:

HB 520 - AN ACT TO AMEND CHAPTER 70, PART VII, TITLE 7 OF THE DELAWARE CODE RELATING TO THE COASTAL ZONE ACT AND USES WHICH ARE PROHIBITED IN THE COASTAL ZONE.

During a lengthy discussion of the Bill which ensured the privilege of the floor was extended to Norman Hayman (United Steelworkers of America), Richard G. Elliott, Jr. (CITISTEEL) and John Cordrey (Senate Attorney).

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

HB 34 was taken up for consideration on motion of Senator Cook:

HB 34 - AN ACT TO AMEND CHAPTER 32, TITLE 29, OF THE DELAWARE CODE RELATING TO THE DELAWARE HERITAGE COMMISSION.

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 104 w HA 1 was taken up for consideration on motion of Senator Cook:

HB 104 w HA 1 - AN ACT TO AMEND CHAPTER 83, TITLE 29 OF THE DELAWARE CODE RELATING TO THE AUTHORIZATION OF COMPENSATORY PAYMENTS TO THE CITY OF DOVER FOR CERTAIN EXEMPT PROPERTIES OWNED BY THE STATE OF DELAWARE.

The privilege of the floor was extended to Representative E. Stuart Outten to speak on the Bill and several Senators entered into the discussion after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Cook, Cordrey, Martin, McBride, McDowell, Minner, Neal, J. Still, Torbert, Vaughn, Venables - 12.

NO: Senators Bair, Bane, Connor, Hague, Knox, Sharp, R. Still - 7.

NOT VOTING: Senator Marshall - 1.

ABSENT: Senator Holloway - 1.

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

HB 601 was taken up for consideration on motion of Senator Minner:

HB 601 - AN ACT TO AMEND CHAPTER 216, VOLUME 27 OF THE LAWS OF DELAWARE, AS AMENDED, RELATING TO THE CITY OF NEW CASTLE. (2/3 vote)

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

HB 649 was taken up for consideration on motion of Senator Minner:

HB 649 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO RECORDATION OF DOCUMENTS.

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 651 was taken up for consideration on motion of Senator Minner:

HB 651 - AN ACT TO AMEND SECTION 9611, CHAPTER 96, TITLE 9 OF THE DELAWARE CODE RELATING TO RECORDATION OF DOCUMENTS BEARING CERTIFICATES OF NOTARIAL ACTS.

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.

HS 1 for HB 541 was taken up for consideration on motion of Senator McBride:

HS 1 for HB 541 - AN ACT TO AMEND TITLE 14, CHAPTER 40 AND TITLE 19, CHAPTER 13, OF THE DELAWARE CODE RELATING TO THE RIGHT OF SCHOOL EMPLOYEES TO ORGANIZE.

Senator McBride requested that he be added as a co-sponsor of the Bill.

The privilege of the floor was extended to Dennis Crowley (Delaware State Education Association) and several Senators questioned the witness after which the roll call vote on the Bill was taken and revealed: 18 Senator voting YES, 2 (Connor, Knox) NOT VOTING and 1 (Holloway) ABSENT: therefore, the Bill was declared passed by the Senate and returned to the House.

HB 606 was taken up for consideration on motion of Senator McBride:

HB 606 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO THE DISSEMINATION OF CRIME STATISTICS AND OTHER INFORMATION TO STUDENTS, PROSPECTIVE STUDENTS AND EMPLOYEES OF INSTITUTIONS OF HIGHER EDUCATION.

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 448 w HA 1, SA 3 was taken up for consideration on motion of Senator Cook:

HB 448 w HA 1, SA 3 - AN ACT TO AMEND SUBCHAPTER I OF CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO THE ESTABLISHMENT OF FEES TO FUND THE LOCAL EMERGENCY PLANNING COMMITTEES; AND PROVIDING A SUPPLEMENTARY APPROPRIATION THEREFOR.

SA 4 to the Bill which had been placed with the Bill was considered for adoption on motion of Senator Torbert; however, the Amendment was laid on the table before final action was taken.

HB 448 w HA 1, SA 3 was then laid on the table on further motion of Senator Cook.

HB 131 was taken up for consideration on motion of Senator Cook:

HB 131 - AN ACT TO AMEND CHAPTER 65, TITLE 29 OF THE DELAWARE CODE RELATING TO ADVANCES TO STATE AGENCIES.

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 638 was taken up for consideration on motion of Senator Cook:

HB 638 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO INA W. HOPKINS, 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.

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

HB 356 was taken up for consideration on motion of Senator Cook:

HB 356 - AN ACT AWARDED SPECIAL PENSION BENEFITS TO LILLIAN A. JURAS, APPROPRIATING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

The privilege of the floor was extended to Donald F. McArdle (State Pension Office).

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

The roll call vote on HB 638 was lifted on motion of Senator Cook and revealed:

YES: Senators Adams, Blair, Cook, Marshall, Martin, McBride, McDowell, Minner, Neal, R. Still, Torbert, Vaughn - 12.

NO: Senators Bane, Connor, Cordrey, Hauge, Knox, Sharp, J. Still, Venables - 8.

ABSENT: Senator Holloway - 1.

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

HB 564 was taken up for consideration on motion of Senator McDowell:

HB 564 - AN ACT TO AMEND §8-200 OF THE CHARTER OF THE CITY OF WILMINGTON, PURSUANT TO 22 DEL.C. §811, RELATING TO COMPETITIVE BIDDING. (2/3 vote)

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

HB 9 w HA 2 was taken up for consideration on motion of Senator Marshall:

HB 9 w HA 2 - AN ACT TO AMEND CHAPTER 21, PART III, TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS LICENSES.

The privilege of the floor was extended to Robert Chastant (Division of Revenue) and several Senators spoke on 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.

At 5:20 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 5:45 p.m., Senator Cordrey presiding.

The Secretary announced that a message from the House informed the Senate that it had passed HB 512 w HA 1; HB 726; SS 1 for SB 308 w HA 1, 2.

The following communication from the Chief Clerk of the House was read:

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19903

June 29, 1990

The Honorable Bernard J. Brady
Secretary of the Senate
Delaware State Senate
Legislative Hall
Dover, DE 19901

RE: SS 1 for SB 308

Dear Bernard:

Due to a technical error a word was left out of House Amendment No. 1. I would respectfully request that the Senate return the above referenced bill as amended to the House of Representatives in order that House Amendment No. 1 can be corrected.

Thank you for your consideration.

Very truly yours,
Jo Ann
Chief Clerk

* * * * *

HB 565 w HA 1 was taken up for consideration on motion of Senator McDowell:

HB 565 w HA 1 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE, RELATING TO TENANT'S REMEDY OF REPAIR AND DEDUCTION FOR MINOR DEFECTS.

At 5:47 p.m., Lt. Governor Wolf presiding.

SA 1 to the Bill (sponsor: Senator R. Still) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed 19 Senators voting YES, 1 (Marshall) voting NO and 1 (Cook) ABSENT; therefore, the Amendment was declared adopted.

Senator Holloway marked PRESENT during the above roll call.

The roll call vote on HB 565 w HA 1, SA 1 was then taken and revealed:

YES: Senators Bair, Bane, Connor, Hauge, Holloway, Knox, Martin, McDowell, Minner, Neal, R. Still, Torbert - 12.

NO: Senators Adams, Cook, Cordrey, Marshall, McBride, Vaughn, Venables - 7.

NOT VOTING: Senator J. Still - 1.

ABSENT: Senator Sharp - 1.

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

HB 562 was taken up for consideration on motion of Senator Marshall:

HB 562 - AN ACT TO AMEND CHAPTER 51, TITLE 30, DELAWARE CODE RELATING TO MOTOR FUEL TAXES.

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 239 was taken up for consideration on motion of Senator Adams:

HB 239 - AN ACT TO AMEND PART VI, TITLE 3, CHAPTER 82 RELATING TO RABIES CONTROL.

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 63 w SA 1, 2, 4, 3 was lifted from the table for consideration on motion of Senator Marshall.

The privilege of the floor was extended to Dale A. Shuirmen (Division of Motor Fuel Tax) after which the roll call vote on the Bill was taken and revealed:

YES: Senators Bair, Bane, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, Minner, Neal, Sharp, J. Still, R. Still, Torbert - 16.

NO: Senators Adams, Cook, McBride, McDowell, Vaughn, Venables - 5.

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

HB 388 w HA 1, SA 1, HA 2 was taken up for consideration on motion of Senator Venables and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

The roll call vote on HB 129 w HA 1 was lifted and announced on motion of Senator Venables:

YES: Senators Connor, Cook, Cordrey, Knox, Marshall, Martin, McDowell, Minner, J. Still, Torbert, Venables - 11.

NO: Senators Adams, Bair, Hauge, McBride, Neal, Sharp, Vaughn - 7.

NOT VOTING: Senators Bane, Holloway, R. Still - 3.

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

HB 578 w HA 1 was taken up for consideration on motion of Senator Marshall:

HB 578 w HA 1 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO THE PERSONAL INCOME TAX. (3/5 vote)

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 returned to the House.

HB 608 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 608 w HA 1 - AN ACT TO AMEND CHAPTER 5 OF TITLE 13 OF THE DELAWARE CODE RELATING TO DOMESTIC RELATIONS.

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

YES: Senators Bair, Bane, Connor, Hauge, Holloway, Knox, Marshall, Martin, Minner, Neal, Sharp, J. Still, R. Still - 13.

NO: Senators Adams, Cook, Cordrey, McBride, McDowell, Torbert, Vaughn, Venables - 8.

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

HB 529 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection);
HB 529 - AN ACT TO AMEND CHAPTER 52, TITLE 29 OF THE DELAWARE CODE RELATING TO HEALTH CARE INSURANCE.

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

From 6:17 p.m. to 6:19 p.m. the Chair called for a standing recess for purpose of changing the tape.

SB 366 was taken up for reconsideration under suspension of the necessary rules on motion of Senator Adams as now further amended by HA 1.

The roll call vote on SB 366 w HA 1 was then taken and revealed 20 Senators voting YES and 1 (Cook) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

On motion of Senator Marshall and without objection, the roll call vote on HB 520 was lifted and announced:

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

NO: Senators Adams, Blair, Bane, Cordrey, Hauge, Knox, J. Still, R. Still, Venables - 9.

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

On motion of Senator Marshall and without objection, the roll call vote on HB 281 was lifted and announced:

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

NO: Senators Adams, Blair, Bane, Cordrey, Hauge, Knox, Neal, J. Still, Venables - 9.

NOT VOTING: Senator R. Still - 1.

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

HB 529 was lifted from the table for consideration on motion of Senator Sharp and the roll call vote taken which revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 313 w HA 1 was taken up for consideration on motion of Senator Venables:

HB 313 w HA 1 - AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 5, TITLE 4 OF THE DELAWARE CODE RELATING TO THE REGULATION OF ALCOHOLIC LIQUORS; AND PROVIDING FOR THE PAYMENT OF CERTAIN FEES. (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 which revealed 21 Senators voting YES; therefore, the Amendment was declared adopted.

SA 2 to the Bill (sponsor: Senator J. Still) 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 313 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.

HB 22 was taken up for consideration on motion of Senator Marshall:

HB 22 - AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION AND CRITERIA FOR DISQUALIFICATION FOR BENEFITS.

Senators J. Still and R. Still entered into discussion of the Bill after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 261 was taken up for consideration on motion of Senator Marshall:

HB 261 - AN ACT TO AMEND CHAPTER 5, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT CERTIFICATES FOR MINORS.

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

HB 636 w HA 1 w HA 1; HA 3 w HA 1; HA 4, 5 was taken up for consideration on motion of Senator Adams:

HB 636 w HA 1 w HA 1; HA 3 w HA 1; HA 4, 5 - AN ACT TO AMEND CHAPTER 9, TITLE 3, DELAWARE CODE RELATING TO AGRICULTURAL DISTRICTS.

The privilege of the floor was extended to Michael McGrath (Delaware Department of Agriculture) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed:

YES: Senators Adams, Connor, Cook, Cordrey, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 17.

NO: Senator Neal - 1.

NOT VOTING: Senators Blair, Bane, Hauge - 3.

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

HB 671 w HA 1 was taken up for consideration on motion of Senator Torbert:

HB 671 w HA 1 - AN ACT TO AMEND CHAPTER 36, TITLE 14 OF THE DELAWARE CODE RELATING TO THE EDUCATIONAL BENEFITS FOR CHILDREN OF DECEASED MILITARY AND STATE POLICE.

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 771 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:

HB 771 - AN ACT TO AMEND CHAPTER 5, TITLE 4 AND CHAPTER 29, TITLE 30 OF THE DELAWARE CODE RELATING TO TAXES ON ALCOHOLIC BEVERAGES. (3/5 vote)

The privilege of the floor was extended to Ed. J. Stegemeier, Delaware Importers, Inc.) and Linda J. Collier (Retail Liquor Association) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed:

YES: Senators Bair, Bane, Connor, Cook, Hauge, Holloway, Knox, Marshall, Martin, Minner, Neal, Sharp, J. Still, R. Still, Venables - 15.

NO: Senators Adams, Cordrey, McBride, McDowell, Torbert, Vaughn - 6.

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

HB 362 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 362 - AN ACT TO AMEND CHAPTER 43, TITLE 11 OF THE DELAWARE CODE RELATING TO MENTAL HEALTH EXAMINATIONS OF CERTAIN OFFENDERS PRIOR TO BEING RELEASED ON PAROLE.

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 442 w HA 1 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules:

HB 442 w HA 1 - AN ACT TO AMEND CHAPTER 43, TITLE 11 OF THE DELAWARE CODE, RELATING TO THE BOARD OF PAROLE.

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

HB 592 - AN ACT TO AMEND CHAPTER 43, TITLE 11 OF THE DELAWARE CODE RELATING TO THE IMPOSITION BY A COURT OF A SENTENCE INVOLVING COMMUNITY SERVICE.

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

HB 434 w HA 1 - AN ACT TO AMEND CHAPTERS 3, 15, 17, 20, 30, 31, 47, AND 49 OF TITLE 15, OF THE DELAWARE CODE RELATING TO REGISTRATION, REGISTRATION OFFICERS, ELECTION OFFICERS, TIME DIRECTIVES AND AGE RESTRICTIONS, AND ELECTION LAWS.

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 11 was taken up for consideration on motion of Senator Sharp:

HB 11 - AN ACT TO AMEND CHAPTER 51, PART III, TITLE 11 OF THE DELAWARE CODE RELATING TO PROCEDURE IN THE SUPERIOR COURT.

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

HJR 24 w HA 1 was taken up for consideration on motion of Senator Minner:

HJR 24 w HA 1 - ESTABLISHING A PENSION TASK FORCE TO STUDY FIREFIGHTER AND LAW ENFORCEMENT PENSION SYSTEMS AND PROVIDING FOR A FINAL REPORT.

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

HB 194 w HA 1 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PUBLIC HEALTH AND PUBLIC EATING PLACES. (3/5 vote)

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

YES: Senators Adams, Bair, Bane, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, Neal, Sharp, R. Still - 13.

NO: Senators Cook, McBride, McDowell, Minner, J. Still, Torbert, Vaughn, Venables - 8.

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

HB 311 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 311 w HA 1 - AN ACT TO AMEND CHAPTER 47, PART IV, TITLE 16 OF THE DELAWARE CODE RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AND REGULATING THE POSSESSION AND DELIVERY OF NON-CONTROLLED PRESCRIPTION DRUGS.

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 491 w HA 2 w HA 1 which was next on the Agenda for the day was returned to the Labor and Industrial Relations Committee on motion of Senator Marshall.

HB 647 was taken up for consideration on motion of Senator Cordrey:

HB 647 - AN ACT TO AMEND AN ACT, BEING CHAPTER 63, VOLUME 12, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK", AS AMENDED, BY ADDING THERETO A NEW SECTION 7 TO PROVIDE FOR INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS; AND BEING AN ACT TO AMEND CHAPTER 42, VOLUME 61, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND AN ACT, BEING CHAPTER 63, VOLUME 12, LAWS OF DELAWARE, ENTITLED 'AN ACT TO INCORPORATE THE ARTISANS' SAVINGS BANK', BY AMENDING SECTION 2 THEREOF TO PROVIDE FOR THE ELECTION OF NOT LESS THAN 13 NOR MORE THAN 20 DIRECTORS", BY AMENDING SECTION 1

THEREOF TO PROVIDE FOR THE ELECTION OF NOT LESS THAN NINE NOR MORE THAN NINETEEN DIRECTORS. (2/3 vote)

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

HB 469 w HA 1, 2 was taken up for consideration on motion of Senator Minner:

HB 469 w HA 1, 2 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 59, TITLE 29, DELAWARE CODE RELATING TO CLASSIFIED SERVICE AND EXEMPTIONS.

A communication from the Law firm of Biggs and Battaglia concerning the Bill was read at the request of Senator Sharp.

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 Minner.

HB 640 w HA 1 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules.

Senator J. Still requested that he be added as co-sponsor of the Bill.

The privilege of the floor was extended to Donald McArdle (State Pension Office) and several Senators entered into discussion of the Bill after which the roll call vote was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and returned to the House.

The roll call vote on HB 469 w HA 1, 2 was lifted from the table and announced:

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

NO: Senators Bair, Connor, Cook, Hauge, Knox, Neal, J. Still - 7.

NOT VOTING: Senators Bane, Sharp, R. Still - 3.

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

HB 270 w HA 1 was taken up for consideration on motion of Senator Vaughn:

HB 270 w HA 1 - AN ACT TO AMEND CHAPTER 31 OF TITLE 16 TO PROVIDE FOR THE ISSUANCE OF VANITY BIRTH CERTIFICATES. (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.

HB 588 w HA 1, 3, 4 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 588 w HA 1, 3, 4 - AN ACT TO AMEND TITLE 11, DELAWARE CODE RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SALES OF 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.

HB 627 was taken up for consideration on motion of Senator McBride:

HB 627 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE BOARD OF EDUCATION AND THE STATEWIDE EDUCATIONAL TESTING PROGRAM.

The privilege of the floor was extended to Dr. James Spartz, Department of Public Instruction).

Senator McBride requested that he be added as co-sponsor to the Bill.

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

HB 674 w HA 1, 2, 3, 4, 5 was taken up for consideration on motion of Senator Adams under suspension of the necessary rules:

HB 674 w HA 1, 2, 3, 4, 5 - AN ACT TO AMEND TITLE 18, DELAWARE CODE, REQUIRING CONTINUING CARE FACILITIES TO REGISTER AND FILE FINANCIAL DISCLOSURE STATEMENTS WITH THE SECRETARY OF STATE AND REQUIRING TRUTH IN ADVERTISING REGARDING SUCH FACILITIES. (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.

HB 624 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 624 w HA 1 - AN ACT TO AMEND CHAPTER 86, TITLE 29 AND CHAPTER 94, TITLE 16 OF THE DELAWARE CODE IN ORDER TO FORMALLY RECOGNIZE THE EXISTING ADMINISTRATIVE RELATIONSHIP BETWEEN THE STATE ADVISORY COUNCIL FOR THE COORDINATION OF SERVICES TO THE HANDICAPPED AND THE DEPARTMENT OF COMMUNITY AFFAIRS; TO CHANGE THE NAME OF THE COUNCIL TO THE "STATE COUNCIL FOR PERSONS WITH DISABILITIES"; TO CHANGE REFERENCES TO "THE HANDICAPPED" TO "PERSONS WITH DISABILITIES"; AND TO INCREASE THE NUMBER OF CONSUMERS ON THE COUNCIL FROM SIX TO TWELVE.

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 8:45 p.m., on motion of Senator Sharp, the Senate recessed until 5:00 p.m., June 30, 1990.

The Senate reconvened at 5:32 p.m., June 30, 1990 Lt. Governor Wolf presiding.

The following Committee reports were announced:

From the Sunset Committee: SB 483 - 3 Merits; HB 406 w HA 1 - 3 Merits; HB 537 - 3 Merits; HB 538 - 3 Merits; HB 676 - 3 Merits.

From the Community Affairs Committee: SB 486 - 1 Favorable, 2 Merits.

From the Health-Social Services/Aging Committee: HB 702 - 5 Merits; HB 699 - 5 Merits
From the Children, Youth and Families Committee: SB 447 - 4 Merits.

The Secretary announced that a message from the House informed the Senate that it had passed HB 771; HB 773; HB 772; HB 717; HB 499 w HA 1; HB 695 w HA 2; HB 715; HB 768; HB 772; HB 677 w HA 1; HS 2 for HB 724 w HA 1; HB 727 w HA 1 w HA 1, HA 2; HB 728 w HA 1; HB 729; HB 730; HB 731; HB 750; HB 751 w HA 1; HB 753; HB 760; HB 761; HB 762 w HA 1; HB 764; SB 331 w SA 2, 5; SB 385 w SA 2; SB 425; SB 444 w SA 1, HA 1 and adopted HCR 191; HCR 73; HJR 29; SCR 151; SCR 172; SCR 174; SCR 176; SCR 178 and SCR 179.

AT 5:36 p.m. on motion of Senator Sharp, the Senate adjourned to immediately convene for the 48th Legislative Day.

48TH LEGISLATIVE DAY
June 30, 1990

The Senate convened at 5:36 p.m., 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, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

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

Senator Cordrey moved that all the necessary rules be suspended for the Bills which would be on the first Agenda of the day. No objection.

HS 2 for HB 724 w HA 1 was taken up for consideration on motion of Senator Cordrey (rules suspended):

HS 2 for HB 724 w HA 1 - AN ACT TO AUTHORIZE AND APPROVE THE INCREASE OF CERTAIN NON-TAX REVENUES INCLUDING FEES, COSTS, FINES, ASSESSMENTS AND PENALTIES IMPOSED BY CERTAIN STATE AGENCIES AND STATE COURTS. (3/5 vote)

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.

Sensors Bair, Minner, Neal marked PRESENT during the above roll call.

HB 728 w HA 1 was taken up for consideration on motion of Senator Cordrey (rules suspended):

HB 728 w HA 1 - AN ACT TO AMEND CHAPTERS 20, 23, 25, 27, 29 AND 43 OF TITLE 30 AND CHAPTER 96, TITLE 9, DELAWARE CODE, RELATING TO DELAWARE LICENSE FEES AND TAXES. (3/5 vote)

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

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, McDowell, Minner, R. Still, Torbert, Venables - 15.

NO: Senators McBride, Neal, Vaughn - 3.

ABSENT: Senators Martin, Sharp, J. Still - 3.

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

HB 722 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):

HB 722 - AN ACT TO AMEND CHAPTER 61, TITLE 29 OF THE DELAWARE CODE RELATING TO LICENSE AND PERMIT FEES. (3/5 vote)

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

HB 729 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):

HB 729 - AN ACT TO AMEND CHAPTER 54, TITLE 30 OF THE DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX. (3/5 vote)

The privilege of the floor was extended to Secretary of Finance, Stephen T. Golding after which the roll call vote on the Bill was taken and revealed:

YES: Senators Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, Minner, Neal, Sharp, J. Still, R. Still, Vaughn - 16.

NO: Senators Adams, McBride, McDowell, Torbert, Venables - 5.

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

Senator Martin marked PRESENT during the above roll call.

HB 730 was taken up for consideration on motion of Senator Cordrey (rules suspended):

HB 730 - AN ACT TO AMEND CHAPTERS 11 AND 19, TITLE 30 OF THE DELAWARE CODE RELATING TO THE DEDUCTION OF NET OPERATING LOSSES OF INDIVIDUALS AND CORPORATIONS IN DETERMINING THEIR INCOME TAXES. (3/5 vote)

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

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, Minner, Sharp, J. Still, R. Still, Vaughn - 17.

NO: Senators McDowell, Neal, Torbert, Venables - 4.

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

HB 731 was taken up for consideration on motion of Senator Cordrey (rules suspended):
HB 731 - AN ACT TO AMEND CHAPTER 11, TITLE 12 OF THE DELAWARE CODE RELATING TO ABANDONED PROPERTY.

The privilege of the floor was extended to Robert W. Chastant, Director, Division of Revenue after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Neal, Venables) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 764 was taken up for consideration on motion of Senator Cordrey (rules suspended):
HB 764 - AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE RELATING TO THE FEE FOR A TEMPORARY REGISTRATION PLATE. (3/5 vote)

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

The roll call vote on the Bill was taken and revealed:
YES: Senators Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McDowell, Neal, Sharp, R. Still, Torbert - 15.

NO: Senators Adams, McBride, Vaughn, Venables - 4.

NOT VOTING: Senator Minner - 1.

ABSENT: Senator J. Still - 1.

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

HB 677 w HA 1 was taken up for consideration on motion of Senator Cordrey (rules suspended):

HB 677 w HA 1 - AN ACT TO AMEND CHAPTERS 1, 10, 11, AND 91, TITLE 16 OF THE DELAWARE CODE RELATING TO LICENSE AND APPLICATION FEES FOR HOSPICE SERVICES, HOME HEALTH AGENCIES, BIRTHING CENTERS, SURGICAL CENTERS AND EMERGENCY ROOMS, PRESCRIBED PEDIATRIC CARE CENTERS, HOSPITALS, NURSING HOMES AND RELATED INSTITUTIONS, AND HEALTH MAINTENANCE ORGANIZATIONS. (3/5 vote)

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

HB 751 w HA 1 was taken up for consideration on motion of Senator Cordrey (rules suspended):

HB 751 w HA 1 - AN ACT TO AMEND CHAPTER 11, TITLE 12 OF THE DELAWARE CODE RELATING TO ESCHEATS.

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

YES: Senators Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McDowell, Minner, Sharp, J. Still, R. Still, Torbert, Vaughn - 17.

NO: Senators Neal, Venables - 2.

NOT VOTING: Senators Adams, McBride - 2.

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

HB 768 was taken up for consideration on motion of Senator Cordrey (rules suspended):

HB 768 - AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE RELATING TO EXAMINATIONS OF BANKING ORGANIZATIONS.

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

HB 750 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):

HB 750 - AN ACT TO TRANSFER FUNDS FROM THE FIRST STATE IMPROVEMENT FUND TO THE GENERAL FUND.

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 772 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules:

HB 772 - AN ACT TO AMEND TITLE 16, OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE STATE BOARD OF HEALTH. (3/5 vote)

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

YES: Senators Bair, Bane, Connor, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McDowell, Minner, Sharp, J. Still, R. Still - 14.

NO: Senators Adams, Cook, McBride, Neal, Torbert, Vaughn, Venables - 7.

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

On motion of Senator Torbert, the roll call vote on HB 217 was lifted and announced:

YES: Senators Adams, Bair, Connor, Cordrey, Hauge, Knox, Martin, J. Still, R. Still, Torbert; Lt. Governor Wolf - 11.

NO: Senators Cook, Holloway, Marshall, McBride, McDowell, Minner, Neal, Sharp, Vaughn, Venables - 10.

ABSENT: Senator Bane - 1.

Lt. Governor Wolf cast an affirmative vote for the Bill due to the tie vote; however, the Bill was declared defeated since a 3/5 vote was required for passage.

On motion of Senator Torbert, the roll call vote on HB 218 was lifted and announced:

YES: Senators Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Martin, Neal, Sharp, J. Still, R. Still, Torbert, Venables - 14.

NO: Senators Adams, Holloway, Marshall, McBride, McDowell, Minner, Vaughn - 7.
 Therefore, the Bill was declared passed by the Senate and returned to the House.
HB 219 was taken up for consideration on motion of Senator Cordrey:
HB 219 - AN ACT TO AMEND CHAPTER 31, TITLE 21, OF THE DELAWARE CODE RELATING TO THE FEE FOR A DUPLICATE PHOTO IDENTIFICATION CARD. (3/5 vote)
 The roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (Holloway, Venables) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.
 On motion of Senator Venables and without objection, the roll call vote on HB 444 was lifted and announced:
 YES: Senators Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, McDowell, Neal, Sharp, J. Still, R. Still, Venables - 13.
 NO: Senators Adams, Marshall, Martin, McBride, Torbert, Vaughn - 6.
 ABSENT: Senators Holloway, Minner - 2.
 Therefore, the Bill was declared passed by the Senate and returned to the House.
HB 655 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):
HB 655 - AN ACT TO AMEND SUBCHAPTER II, CHAPTER 12, TITLE 3 OF THE DELAWARE CODE RELATING TO PESTICIDES. (3/5 vote)
 The roll call vote on the Bill was taken and revealed 19 Senators voting YES, 1 (J. Still) voting NO and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.
HB 656 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):
HB 656 - AN ACT TO AMEND CHAPTER 76, TITLE 3 OF THE DELAWARE CODE RELATING TO LIVESTOCK DEALERS. (3/5 vote)
 The roll call vote on the Bill was taken and revealed 18 Senators voting YES, 1 (Venables) voting NO and 2 (Holloway, Marshall) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.
HB 560 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):
HB 560 - AN ACT TO AMEND CHAPTER 1, TITLE 19, DELAWARE CODE RELATING TO THE DUTIES AND POWERS OF THE DEPARTMENT OF LABOR INCLUDING THE CHARGING OF FEES FOR RESEARCH SERVICES. (3/5 vote)
 The Bill was then laid on the table on further motion of the Senator.
HB 657 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):
HB 657 - AN ACT TO AMEND CHAPTER 72, TITLE 3 OF THE DELAWARE CODE RELATING TO FOREIGN ANIMALS AND REPTILES. (3/5 vote)
 The roll call vote on the Bill was taken and revealed 17 Senators voting YES and 4 (Adams, Neal, Vaughn, Venables) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.
 The roll call on HS 2 to HB 724 w HA 1 was lifted on motion of Senator Cordrey and announced:
 YES: Senators Bair, Bane, Connor, Cordrey, Hauge, Holloway, Knox, Minner, Neal, Sharp, J. Still, R. Still, Venables - 13.
 NO: Senators Adams, Cook, Marshall, McBride, McDowell, Vaughn - 6.
 NOT VOTING: Senator Torbert - 1.
 ABSENT: Senator Martin - 1.
 Therefore, the Bill was declared passed by the Senate and returned to the House.
HB 773 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):
HB 773 - AN ACT TO AMEND TITLE 5, CHAPTER 11 OF THE DELAWARE CODE RELATING TO BANK FRANCHISE TAX. (3/5 vote)
 The roll call vote on the Bill was taken and revealed 18 Senators voting YES, 1 (Neal) NOT VOTING and 2 (Minner, J. Still) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.
HB 727 w HA 1 w HA 1, HA 2 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules:
HB 727 w HA 1 w HA 1, HA 2 - AN ACT TO AMEND TITLE 9, CHAPTERS 3, 11 AND 81 OF THE DELAWARE CODE RELATING TO THE POWER OF COUNTY GOVERNMENTS TO IMPOSE AND COLLECT A REALTY TRANSFER TAX.
SA 1 to the Bill (sponsor: Senator Cordrey) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed:
 YES: Senators Bair, Bane, Connor, Cook, Cordrey, Hauge, J. Still, R. Still, Venables - 9.
 NO: Senators Adams, Holloway, Knox, Marshall, Martin, McBride, McDowell, Sharp, Torbert, Vaughn - 10.
 ABSENT: Senators Minner, Neal - 2.
 Therefore, the Amendment was declared defeated.

SA 3 to the Bill (sponsor: Senator J. Still) was introduced and considered for adoption.

The privilege of the floor was extended to Richard Dillard (Senate Attorney) and several Senators entered into debate on the Amendment after which the roll call vote was taken and revealed:

YES: Senators Bair, Bane, Connor, Cordrey, Hauge, Knox, J. Still, R. Still, Venables - 9.

NO: Senators Adams, Cook, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, Torbert, Vaughn - 11.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment was declared defeated.

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

YES: Senators Adams, Cook, Cordrey, Minner, Venables - 5.

NO: Senators Bair, Bane, Connor, Hauge, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 15.

ABSENT: Senator Holloway - 1.

Therefore, the Amendment was declared defeated.

Several Senators entered into discussion of the Bill during which the privilege of the floor was extended to Robert L. Stickle's (Sussex County Council).

SA 2 to the Bill (Senator Cordrey) was introduced and immediately stricken on motion of the Senator.

An extended discussion of the Bill continued during which time the privilege of the floor was extended to John Cordrey (Senate Attorney) and Robert Maxwell (New Castle County) and the final paragraph from a letter signed by the Governor was read.

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

At 8:07 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 8:45 p.m., Lt. Governor Wolf presiding.

SB 509 was introduced and taken up for consideration on motion of Senator McDowell under suspension of the necessary rules (no objection):

Senator McDowell also moved that the necessary rules be suspended for consideration of the following Bills on the Agenda: SB 510; SB 508; SB 507; SB 447. No objection.

SB 509 - AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO THE DISPOSITION OF CHILDREN PENDING ADJUDICATION AND PAYMENT FOR CARE. Sponsors: Senators McDowell, Bair; Representatives Maroney, Sills

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

The privilege of the floor was extended to Patrick McCarthy (Director, Program Support of the Department of Children, Youth and Their Families).

The roll call vote on SB 509 w SA 1 was then taken and revealed:

YES: Senators Bair, Bane, Connor, Hauge, Holloway, Knox, Martin, McBride, McDowell, Minner, Neal, J. Still, R. Still, Torbert, Venables - 15.

NO: Senators Cordrey, Sharp - 2.

NOT VOTING: Senators Marshall, Vaughn - 2.

ABSENT: Senators Adams, Cook - 2.

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

SB 510 was introduced and taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 510 - AN ACT TO ESTABLISH A COMMITTEE TO DEVELOP A FRAMEWORK FOR DISPOSITIONS OF ADJUDICATED DELINQUENT YOUTH. Sponsors: Senators McDowell, Bair; Representatives Maroney, Sills.

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 17 Senators voting YES and 4 (Adams, Cook, Holloway, Sharp) ABSENT; therefore, the Amendment was declared adopted.

The roll call vote on SB 510 w SA 1 was then taken and revealed 17 Senators voting YES and 4 (Adams, Cook, Holloway, Sharp) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 508 was introduced and taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 508 - AN ACT TO CREATE AN OVERSIGHT COMMITTEE ON JUVENILE DETENTION TO ASSURE THAT A CLEAR, OBJECTIVE, CONCISE, AND NON-ARBITRARY SET OF STANDARDS FOR THE DETENTION OF JUVENILES AND THEIR COMMITMENT TO A SECURE CARE FACILITY IS BEING IMPLEMENTED AND ENFORCED BY THE FAMILY COURT OF THE STATE OF DELAWARE. Sponsors: Senators McDowell, Bair; Representatives Maroney, Sills.

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:

YES: Senators Bair, Connor, Cordrey, Hauge, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, R. Still, Torbert, Vaughn, Venables - 15.

NOT VOTING : Senators Bane, J. Still - 2.

ABSENT: Senators Adams, Cook, Holloway, Sharp - 4.

Therefore, the Amendment was declared adopted.

The roll call vote on SB 508 w SA 1 was then taken and revealed:

YES: Senators Bair, Bane, Connor, Cook, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, J. Still, Torbert, Vaughn, Venables - 16.

NO: Senators Adams, Cordrey, Minner, Sharp, R. Still - 5.

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

SB 507 was introduced and taken up for consideration on motion of Senator McDowell under suspension of the necessary rules:

SB 507 - AN ACT TO AMEND SUBCHAPTER I, CHAPTER 9, TITLE 10, DELAWARE CODE, TO AUTHORIZE APPOINTMENT OF COMMISSIONERS OF FAMILY COURT. Sponsors: Senators McDowell, Bair; Representatives Maroney, Sillis.

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

YES: Senators Bair, Bane, Connor, Cook, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, J. Still, R. Still, Venables - 15.

NO: Senators: Adams, Cordrey, Minner, Sharp, Torbert, Vaughn - 6.

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

SB 447 was taken up for consideration on motion of Senator McDowell:

SB 447 - AN ACT TO AMEND CHAPTER 90, TITLE 29 OF THE DELAWARE CODE RELATING TO THE ABOLITION OF THE DIVISIONAL ADVISORY COUNCILS AND EXECUTIVE ADVISORY COUNCIL ON CHILDREN, YOUTH AND THEIR FAMILIES AND THE ESTABLISHMENT OF THE ADVISORY COUNCIL FOR CHILDREN, YOUTH AND THEIR FAMILIES.

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

At 9:20 p.m. on motion of Senator Sharp, the Senate recessed for dinner break and reconvened at 10:27 p.m., Lt. Governor Wolf presiding.

Senator Marshall moved that the roll call vote on SB 261 be lifted; however, the Senator immediately withdrew his motion.

On motion of Senator Adams, the necessary rules were suspended for consideration of the following nominations for appointment by the Governor:

William L. Boddy, III: 19 Senators voting YES and 2 (Cook, R. Still) ABSENT; therefore, the appointment was declared confirmed.

Thomas E. Cole: 21 Senators voting YES; therefore, the appointment was declared confirmed.

Cheris D. Congo: 21 Senators voting YES; therefore, the appointment was declared confirmed.

Shirley H. Corrin: 19 Senators voting YES and 2 (Cook, Minner) NOT VOTING; therefore, the appointment was declared confirmed.

George J. Coyle: 19 Senators voting YES and 2 (Holloway, Minner) ABSENT; therefore, the appointment was declared confirmed.

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

Rachel G. Draper: 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Henry E. Kressman: 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.

Garrett B. Lyons, D.D.S.: 20 Senators voting YES and 1 (Holloway) ABSENT; therefore, the appointment was declared confirmed.

Joseph B. Melson, Jr.: 19 Senators voting YES and 2 (Bair, Holloway) ABSENT; therefore, the appointment was declared confirmed.

C. Raeford Minnix: 20 Senators voting YES and 1 (Bair) ABSENT; therefore, the appointment was declared confirmed.

Norman G. Powell: 21 Senators voting YES; therefore, the appointment was declared confirmed.

Lawrence M. Sullivan, Esq.: 21 Senators voting YES; therefore, the appointment was declared confirmed.

Julia A. Wagner: 19 Senators voting YES and 2 (Cordrey, Holloway) ABSENT; therefore, the appointment was declared confirmed.

Joyce L. Wright: 19 Senators voting YES, 1 (J. Still) NOT VOTING and 1 (Cordrey) ABSENT; therefore, the appointment was declared confirmed.

At 11:02 p.m. on motion of Senator Sharp, the Senate recessed for Party Caucus and reconvened at 11:24 p.m., Lt. Governor Wolf presiding.

SB 483 was taken up for consideration on motion of Senator Venables:
SB 483 - AN ACT TO AMEND CHAPTER 3, TITLE 24 DELAWARE CODE RELATING TO THE BOARD OF ARCHITECTS. (2/3 vote)

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

The roll call vote on SB 483 w SA 1 was then taken and revealed 19 Senators voting YES and 2 (Cook, McBride) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

SB 486 was taken up for consideration on motion of Senator Connor:

SB 486 - AN ACT TO AMEND CHAPTER 5, TITLE 11 AND CHAPTER 86, TITLE 29 OF THE DELAWARE CODE RELATING TO PAYMENTS BY CREDIT CARDS. (2/3 vote)

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

The roll call vote on SB 486 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 496 was taken up for consideration on motion of Senator Connor under suspension of the necessary rules (no objection):

SB 496 - AN ACT TO AMEND CHAPTER 5, TITLE 11 AND CHAPTER 86, TITLE 29 OF THE DELAWARE CODE RELATING TO PAYMENTS BY CHECK. (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 643 w HA 1 w HA 1 was taken up for consideration on motion of Senator Holloway:

HB 643 w HA 1 w HA 1 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PRONOUNCEMENTS OF DEATH.

The privilege of the floor was extended to Meg Maley, R.N. (Oncology Care Home Health Specialists, Inc.).

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 762 w HA 1 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules:

HB 762 w HA 1 - AN ACT TO AMEND CHAPTER 58, TITLE 29, DELAWARE CODE RELATING TO A CODE OF CONDUCT FOR STATE EMPLOYEES, STATE OFFICIALS AND CERTAIN LOCAL GOVERNMENTAL OFFICIALS.

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

HB 745 was taken up for consideration on motion of Senator Holloway under suspension of the necessary rules (no objection):

HB 745 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE DELAWARE HEALTH CARE COMMISSION.

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

HB 587 w HA 1 - AN ACT TO AMEND CHAPTER 11, TITLE 16 OF THE DELAWARE CODE RELATING TO SANATORIA, REST HOMES, NURSING HOMES, BOARDING HOMES AND RELATED INSTITUTIONS.

Senator McDowell requested that he be added as co-sponsor of the Bill.

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

The privilege of the floor was extended to Dr. Neil Meisler (Delaware Health and Social Services) and was questioned by several Senators after which the roll call vote on the Bill was taken and revealed 20 Senators voting YES and 1 (Neal) ABSENT; therefore, the Bill was declared passed by the Senate and returned to the House.

At midnight on motion of Senator Sharp, the Second Session of the 135th General Assembly adjourned.

SPECIAL SESSION

July 1, 1990

Pursuant to the following communication, the Senate was called into Session at 12:01 a.m. July 1, 1990, Lt. Governor Wolf presiding:

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19903

TO: Members of the 135th General Assembly

FROM: Terry R. Spence, Speaker of the House of Representatives
Dale E. Wolf, Lt. Governor, State of Delaware, President of the Senate
SUBJECT: Special Session
DATE: June 30, 1990, 12 o'clock

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 135th General Assembly of the State of Delaware in Special Session.

Terry R. Spence, Speaker of the House of Representatives
Dale E. Wolf, Lt. Governor, State of Delaware, President of the Senate
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A prayer was offered by Senator Marshall.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

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

The Secretary announced that a message from the House informed the Senate that it had passed SB 424 w SA 1, 2; SB 480 w SA 1; SB 451 w SA 1; SB 446 w SA 1, 2, HA 1; SB 435; SB 490 w SA 1; HB 763; HB 698 w HA 1; HB 737; HB 774; HB 745; HB 735 w HA 1; HB 759; HB 758; HB 746; SB 280; SS 1 for SB 484 w SA 1, 2, 3; SB 497; HB 678; SB 389; SB 384 w SA 1; SB 457; SS 1 for SB 476; SB 434 w SA 1, 2; SB 470 w SA 1; SB 436; SS 1 for SB 308; SB 430 w SA 1; SB 489; SB 467; SB 469 w SA 1; SB 473 w SA 1; SB 381; SB 466 w SA 1; SB 478 w SA 1; SB 498; SB 452 w SA 1, HA 2 and adopted SCR 175; SJR 15.

On motion of Senator Marshall, the roll call vote on HB 727 w HA 1 w HA 1, HA 2 was lifted and announced:

YES: Senators Adams, Bair, Bane, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 16.

NO: Senators Cook, Cordrey, Minner - 3.

NOT VOTING: Senators Connor, Venables - 2.

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

HB 735 w HA 1 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):

HB 735 w HA 1 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE UNIFORM COMMERCIAL CODE. (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.

A committee from the House (Representatives Smith and Jonkiert) was admitted and informed the Senate that the House was in Special Session.

Senator Holloway marked PRESENT.

HB 774 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 774 - AN ACT TO AMEND CHAPTER 53, TITLE 30 OF THE DELAWARE CODE RELATING TO THE TOBACCO PRODUCT TAX. (2/3 vote)

The roll call vote on the Bill was taken and revealed 18 Senators voting YES and 3 (Adams, McBride, Vaughn) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 575 w HA 1, 5 was taken up for consideration on motion of Senator Martin under suspension of the necessary rules (no objection):

HB 575 w HA 1, 5 - AN ACT TO AMEND CHAPTER 84, TITLE 29 OF THE DELAWARE CODE RELATING TO THE COUNCIL ON TRANSPORTATION AND THE CAPITAL IMPROVEMENTS PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION.

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

HB 622 w HA 2 was taken up for consideration on motion of Senator Martin under suspension of the necessary rules (no objection):

HB 622 w HA 2 - AN ACT TO AMEND CHAPTER 41, TITLE 21 OF THE DELAWARE CODE RELATING TO MOVING VIOLATIONS COMMITTED IN CONSTRUCTION AND MAINTENANCE AREAS.

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

HB 523 - AN ACT TO AMEND THE DELAWARE CODE RELATING TO OUTDOOR ADVERTISING PERMITS (3/5 vote)

Final action on the Bill was then deferred on further motion of Senator Martin.

HS 1 for HB 688 which was next on the Agenda of the day was deferred for consideration on motion of Senator Torbert.

HB 711 w HA 1 was taken up for consideration on motion of Senator Minner under suspension of the necessary rules (no objection):

HB 711 w HA 1 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE TO AUTHORIZE THE ESTABLISHMENT OF LINES OF CREDIT AND THE ISSUANCE OF PROMISSORY NOTES FOR AMOUNTS BORROWED PURSUANT TO SAID LINES OF CREDIT BY RESOLUTION OF THE SUSSEX COUNTY COUNCIL.

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.

HS 1 for HB 688 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

HS 1 for HB 688 - AN ACT TO AMEND CHAPTER 45, TITLE 21 OF THE DELAWARE CODE RELATING TO THE WEIGHTS OF VEHICLES AND LOADS, IMPOSING FEES FOR PERMITS FOR EXCESSIVE SIZE AND WEIGHTS OF VEHICLES, AND DEDICATING THE REVENUE FROM SUCH FEES. (3/5 vote)

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

HB 597 was taken up for consideration on motion of Senator Torbert:

HB 597 - AN ACT TO AMEND CHAPTER 27 OF TITLE 21 OF THE DELAWARE CODE RELATING TO NOTIFICATION OF DRIVING VIOLATION POINTS TO APPLICANTS FOR RENEWAL OF DRIVERS' LICENSES.

The privilege of the floor was extended to Robert J. Voshehl (Director, Division of Motor Vehicles) and a short discussion of the Bill ensued after which the Bill was laid on the table on motion of Senator Torbert.

HS 1 for HB 682 w HA 1 was taken up for consideration on motion of Senator Torbert:

HS 1 for HB 682 w HA 1 - AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF HEAVY VEHICLES.

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

HJR 27 was taken up for consideration on motion of Senator Torbert under suspension of the necessary rules (no objection):

HJR 27 - DIRECTING THE STATE TREASURER TO DRAFT AND PRINT LANGUAGE WHICH PROMOTES BECOMING A VOLUNTEER FIREFIGHTER AT THE BOTTOM OF PAY STUBS FOR STATE EMPLOYEES, DIRECTING THE SECRETARY OF ADMINISTRATIVE SERVICES TO DESIGN AND POST POSTERS AND FLYERS IN STATE BUILDINGS WHICH PROMOTE BECOMING A VOLUNTEER FIREFIGHTER AND DIRECTING THE SECRETARY OF PUBLIC SAFETY TO CREATE AND DISTRIBUTE MATERIAL WITH MOTOR VEHICLE LICENSE APPLICATIONS, MOTOR VEHICLE TAGS AND MOTOR VEHICLE PERMITS WHICH PROMOTES BECOMING A VOLUNTEER FIREFIGHTER.

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 692 was taken up for consideration on motion of Senator Torbert:

HB 692 - AN ACT TO AMEND CHAPTER 27, TITLE 21 OF THE DELAWARE CODE RELATING TO APPLICATION FOR AN OPERATOR'S LICENSE BY A MINOR.

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

HB 394 w SA 1, 2, 3, 4, HA 1 (3/5 vote) was taken up for consideration on motion of Senator Minner and the roll call vote taken which revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Martin, McBride, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn - 17.

NO: Senators Marshall, Venables - 2

ABSENT: Senators Holloway, McDowell - 2.

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

At 12:54 a.m., Senator Cordrey presiding.

HB 406 w HA 1 was taken up for consideration on motion of Senator Venables:

HB 406 w HA 1 - AN ACT TO AMEND TITLE 29 RELATING TO THE TRADING IN OF USED STATE VEHICLES.

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

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

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still - 8.

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

HB 448 w HA 1, SA 3 was lifted from the table for consideration on motion of Senator Cook.

At 1:00 a.m., Lt. Governor Wolf presiding.

SA 4 to the Bill which had been laid on the table was taken up for consideration on motion of Senator Torbert and the privilege of the floor was extended to Representative B. Ennis to speak on the Amendment. The roll call vote on the Amendment was then taken and revealed 19 Senators voting YES and 2 (Bair, Bane) ABSENT; therefore, the Amendment was declared adopted.

SA 5 to the Bill which had been placed with the Bill was stricken on motion of Senator Torbert.

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

HB 537 was taken up for consideration on motion of Senator Venables:

HB 537 - AN ACT TO AMEND CHAPTER 88, TITLE 29 OF THE DELAWARE CODE RELATING TO DIVISION OF PROFESSIONAL REGULATION.

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

YES: Senators Adams, Bair, Bane, Connor, Cook, Holloway, Knox, Marshall, Martin, Minner, Neal, J. Still, R. Still, Torbert, Vaughn, Venables - 16.

NO: Senators Cordrey, McBride, McDowell, Sharp - 4.

ABSENT: Senator Hauge - 1.

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

HB 538 was taken up for consideration on motion of Senator Venables:

HB 538 - AN ACT TO AMEND CHAPTER 88, TITLE 29, DELAWARE CODE, RELATING TO THE DIVISION OF PROFESSIONAL REGULATION AND PROVIDING FOR THE TRAINING OF BOARD MEMBERS.

The roll call vote on the Bill was taken and revealed 18 Senators voting YES, 1 (Neal) voting NO and 2 (Holliday and McBride) NOT VOTING; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 695 w HA 2 was taken up for consideration on motion of Senator Venables under suspension of the necessary rules (no objection):

HB 695 w HA 2 - AN ACT TO AMEND TITLE 24, CHAPTER 29 OF THE DELAWARE CODE RELATING TO THE LICENSURE AND REGULATION OF REAL ESTATE APPRAISERS. (3/5 vote)

The privilege of the floor was extended to M. E. Prettyman, Jr. (Delaware Association of Realtors) and a short discussion of the Bill ensued after which the roll call vote on the Bill was taken and revealed:

YES: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, Minner, J. Still, R. Still, Torbert, Vaughn, Venables - 17,

NO: Senators McDowell, Neal - 2.

NOT VOTING: Senator Sharp - 1.

ABSENT: Senator Holloway - 1.

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

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

SJR 18 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1990. Sponsors: Senators Cordrey, Cook, Neal; Representatives Petrilli, Corrozi, George.

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

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

SJR 19 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 1991. Sponsors: Senators Cordrey, Cook, Neal; Representatives Petrilli, Corrozi, George.

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

SB 500 was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

SB 500 - AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1991; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

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 sent to the House for consideration.

SB 514 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

SB 514 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1991; SPECIFYING CERTAIN CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING SENATE BILL NO. 500 OF THE 135TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE. Sponsors: Senators Cook, Cordrey, Sharp, Marshall, Bair, Connor; Representatives Corrozi, Spence, Petrilli, Buckworth, George, Gilligan.

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

SB 515 - AN ACT TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION 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 Cook, Cordrey, Sharp, Marshall, Blair, Connor; Representatives Corrozi, Spence, Petrilli, Buckworth, George, Gilligan.

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

SB 511 - AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID FOR THE FISCAL YEAR ENDING JUNE 30, 1991; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS. (3/4 vote) Sponsors: Senators Cook, Hague, Holloway, McBride, R. Still, Vaughn; Representatives Corrozi, Davis, Quillen, Smith, Soles, West.

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

SB 513 - AN ACT TO AMEND CHAPTER 1, TITLE 14 OF THE DELAWARE CODE RELATING TO EMPLOYEES OF THE STATE BOARD OF EDUCATION. Sponsors: Senators Cook, Holloway, McBride, Vaughn; Representatives Corrozi, Soles, West, Quillen.

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.

From 1:40 a.m. to 1:43 a.m. the Chair called a standing recess for purpose of changing the tape.

Senator R. Still requested that he be added as a co-sponsor to SB 513.

SB 482 was taken up for consideration on motion of Senator Holloway under suspension of the necessary rules (no objection):

SB 482 - AN ACT TO MAKE AN APPROPRIATION AND AUTHORIZE POSITIONS FOR THE DELAWARE HEALTH CARE COMMISSION AND RELATED PROGRAMS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 1991; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT AND STATUTORY PROVISIONS.

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

The privilege of the floor was extended to Stephen T. Golding (Secretary of Finance) after which the roll call vote on SB 482 w SA 1 was taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the House for consideration.

HB 95 w HA 1 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules:

HB 95 w HA 1 - AN ACT TO AMEND CHAPTER 7, TITLE 18 OF THE DELAWARE CODE RELATING TO THE SPECIAL FUND FOR PAYMENTS TO NON-PROFIT ORGANIZATIONS THAT PROVIDE AMBULANCE OR RESCUE SERVICES.

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

HB 567 w HA 1 was taken up for consideration on motion of Senator McBride under suspension of the necessary rules (no objection):

HB 567 w HA 1 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 17, RELATING TO DIVISION III EQUALIZATION FUNDING IN THE REORGANIZED SCHOOL DISTRICTS.

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 386 was taken up for consideration on motion of Senator Hauge:

SB 386 - AN ACT TO AMEND CHAPTER 65, TITLE 11, DELAWARE CODE RELATING TO THE AUTHORITY OF THE DEPARTMENT OF CORRECTION TO COLLECT A PORTION OF INMATE WAGES AND TO CONTRIBUTE THEM TO THE VICTIM COMPENSATION FUND.

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

HB 629 - AN ACT TO AMEND CHAPTER 7, TITLE 18, DELAWARE CODE INCREASING CERTAIN FEES CHARGED BY THE INSURANCE COMMISSIONER. (3/5 vote)

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

SB 398 was taken up for consideration on motion of Senator J. Still under suspension of the necessary rules (no objection):

SB 398 - AN ACT TO AMEND CHAPTER 3, TITLE 22 AND CHAPTERS 26, 49, AND 69, TITLE 9 OF THE DELAWARE CODE RELATING TO SUNSET ZONING. (2/3 vote)

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

HB 760 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):

HB 760 - AN ACT TO AMEND CHAPTER 19 OF TITLE 30 OF THE DELAWARE CODE RELATING TO THE CORPORATION INCOME TAX.

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

HB 761 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):

HB 761 - AN ACT TO AMEND CHAPTER 23 OF TITLE 30 OF THE DELAWARE CODE RELATING TO OCCUPATIONAL LICENSES AND FEES.

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 676 was taken up for consideration on motion of Senator Venables:

HB 676 - AN ACT TO AMEND TITLES 3, 4, 5, 7, 14, 16, 21, 29, 30, 31 DELAWARE CODE RELATING TO REGULATORY POWERS.

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.

SB 502 was taken up for consideration on motion of Senator Vaughn under suspension of the necessary rules (no objection):

SB 502 - 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.

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

YES: Senators Adams, Bane, Cook, Cordrey, Holloway, Marshall, Martin, McBride, Minner, Sharp, R. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Bair, Connor, Hauge, Neal, J. Still - 5.

ABSENT: Senators Knox, McDowell - 2.

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

HB 559 was taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 559 - AN ACT TO AMEND TITLE 19, SECTION 2363 OF THE DELAWARE CODE RELATING TO EXPENSES OF RECOVERY IN THIRD PARTY ACTIONS.

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

The roll call vote on HB 559 was then taken and announced:

YES: Senators Cook, Marshall, Martin, McBride, McDowell, Sharp, Torbert, Vaughn - 8.

NO: Senators Adams, Bair, Bane, Connor, Cordrey, Hauge, Knox, Minner, Neal, J. Still, R. Still, Venables - 12.

ABSENT: Senator Holloway - 1.

Therefore, the Bill was declared defeated.

HB 261 was lifted from the table for consideration on motion of Senator Marshall:

HB 261 - AN ACT TO AMEND CHAPTER 5, TITLE 19 OF THE DELAWARE CODE RELATING TO EMPLOYMENT CERTIFICATES FOR MINORS.

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 2:30 a.m. on motion of Senator Sharp, the Senate recessed for a short period and reconvened at 2:58 a.m., Lt. Governor Wolf presiding.

SB 452 w SA 1 was taken up for reconsideration under suspension of the necessary rules on motion of Senator Vaughn (no objection) as now further amended by HA 2. The roll call vote on SB 452 w SA 1, HA 2 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.

SS 1 for SB 308 was taken up for reconsideration under suspension of the necessary rules on motion of Senator McBride (no objection) as now further amended by HA 1, 2, 3. The roll call vote on SS 1 for SB 308 w HA 1, 2, 3 was therefore taken and revealed 19 Senators voting YES, 1 (Venables) voting NO and 1 (Holloway) ABSENT; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

SB 444 w SA 1 was taken up for reconsideration under suspension of the necessary rules on motion of Senator Cook (no objection) as now further amended by HA 1. The roll call vote on SB 444 w SA 1, 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 446 w SA 1, 2 was taken up for reconsideration under suspension of the necessary rules on motion of Senator Sharp (no objection) as now further amended by HA 1. The roll call vote on SB 446 w SA 1, HA 1 was therefore taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

SB 228 w SA 1 was taken up for reconsideration under suspension of the necessary rules on motion of Senator Minner (no objection) as now further amended by HA 1, 2. The roll call vote on SB 228 w SA 1, HA 1, 2 was therefore taken and revealed 21 Senators voting YES; therefore, the Bill was declared passed by the Senate and sent to the Governor for his consideration.

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

SR 94 - EXPRESSING REGRETS THAT OUR COLLEAGUE SENATOR MARGO EWING "LANDSLIDE" BANE HAS DECIDED TO RELINQUISH HER MEMBERSHIP IN THE 21 CLUB; BIDDING HER FAREWELL AS SHE LEAVES THE SENATE; AND WISHING HER WELL IN ALL HER FUTURE ENDEAVORS. Sponsors: Senators Bair, Adams, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables.

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

HB 777 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

HB 777 - 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, REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY AND LAND & WATER CONSERVATION BONDS; APPROPRIATING FUNDS FROM THE FIRST STATE IMPROVEMENT FUND AND THE TRANSPORTATION TRUST FUND; DEAUTHORIZING CERTAIN GENERAL OBLIGATION BONDS OF THE STATE AND CERTAIN AUTHORITY FOR GUARANTEED INDUSTRIAL REVENUE BONDS; REVERTING AND REPROGRAMMING CERTAIN SURPLUS FUNDS OF THE STATE AND REPROGRAMMING CERTAIN FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; CREATING CERTAIN FUNDS OF THE STATE, APPROPRIATING CERTAIN GENERAL AND SPECIAL FUNDS OF THE STATE AND THE DELAWARE TRANSPORTATION AUTHORITY; AUTHORIZING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO ALLOCATE STRIPPER WELL FUNDS TO CERTAIN ELIGIBLE CAPITAL IMPROVEMENTS AUTHORIZED IN THIS ACT; AMENDING VOLUME 65, CHAPTER 385, LAWS OF DELAWARE; AMENDING TITLE 30, CHAPTER 54 RELATING TO LAND & WATER CONSERVATION BONDS; AMENDING VOLUME 66, CHAPTER 92, LAWS OF DELAWARE, VOLUME 66, CHAPTER 360, LAWS OF DELAWARE AND VOLUME 67, CHAPTER 46, LAWS OF DELAWARE; AMENDING TITLE 29, CHAPTER 50, DELAWARE CODE RELATING TO THE ADVANCED REAL PROPERTY ACQUISITION FUND AND THE ADVANCED PLANNING FUND AND RELATING TO SMALL BUSINESS REVOLVING AND CREDIT ENHANCEMENT FUND; AMENDING TITLE 16, CHAPTER 97, DELAWARE CODE RELATING TO A HEALTH FACILITIES ACT; AMENDING CERTAIN SECTIONS OF CHAPTER 50, TITLE 29, DELAWARE CODE, DIRECTING CERTAIN ACTIVITIES RELATING TO HOUSE BILL NO. 708, 135TH GENERAL ASSEMBLY; AUTHORIZING THE TERMINATION OF THE CIVIC CENTER COMMITTEE AND THE CREATION OF THE CIVIC CENTER CORPORATION; AMENDING CERTAIN PROVISIONS OF THE HEALTH FACILITIES ACT; AMENDING CHAPTER 51, TITLE 30, DELAWARE CODE RELATING TO MUNICIPAL STREET AID; AND AMENDING CHAPTER 3, TITLE 21, CHAPTER 14, TITLE 2 AND CHAPTER 52, TITLE 30, DELAWARE CODE REALLOCATING AND PLEDGING CERTAIN TRANSPORTATION RELATED GENERAL FUNDS TO THE TRANSPORTATION TRUST FUND. Sponsors: Representative Roy, Senator Cook; Representatives Carey, Corrozi, B. Ennis, Jonkiert, Taylor; Senators Knox, Martin, McBride, Minner, Neal.

The Debit Statement attached to the Bill was also partially read and a copy made available to each Senator.

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

SENATE CONSENT CALENDAR #44 was introduced:

SR 95 - EXTENDING A FOND FAREWELL TO LETICIA A. HILL WITH THANKS FOR HER LEGISLATIVE "FELLOWSHIP" AND BEST WISHES FOR THE FUTURE AS SHE MOVES ON TO A LARGER LEGISLATIVE INSTITUTION. Sponsors: Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still.

SR 97 - PROVIDING FOR THE ESTABLISHMENT OF A SPECIAL COMMITTEE TO STUDY THE HARNESS RACING INDUSTRY IN THIS STATE, WITH EMPHASIS ON THE ECONOMIC VIABILITY OF THE INDUSTRY AND EXPLORING THE SUNDRY WAYS IN WHICH THE INDUSTRY MIGHT BE ASSISTED, AND REQUIRING THE COMMITTEE TO MAKE ITS FINDINGS AND RECOMMENDATIONS KNOWN TO THE LEGISLATURE ON OR BEFORE JANUARY 1991, AND FURTHER REQUESTING THE DELAWARE HARNESS RACING COMMISSION NOT TO AWARD ANY RACING DAYS TO NEW CASTLE COUNTY UNTIL SUCH TIME AS THE LEGISLATURE HAS AN OPPORTUNITY TO EVALUATE THE COMMITTEE'S FINDINGS AND RECOMMENDATIONS. Sponsors: Senators Cordrey, Bair.

SCR 181 - ESTABLISHING A TASK FORCE ON GIFTED AND TALENTED EDUCATION FOR THE PURPOSE OF STUDYING AND PREPARING RECOMMENDATIONS REGARDING THE DEVELOPMENT OF GIFTED AND TALENTED EDUCATION PROGRAMS IN DELAWARE. Sponsors: Senator Hauge, Representatives Oberle, Boykin, Brady, Hebner.

SCR 182 - DIRECTING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO INVESTIGATE THE USE OF RECYCLED PRODUCTS IN ALL PROCUREMENTS AND PURCHASES THROUGHOUT THE STATE. Sponsor: Senator Minner.

SCR 183 - EXTENDING WISHES FOR A SPEEDY AND COMPLETE RECOVERY FOR THOMAS P. EICHLER, SECRETARY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, WHO HAS SUFFERED GRIEVOUS INJURIES IN A BICYCLE ACCIDENT. Sponsors: Senator Holloway, Representative Maroney.

HCR 73 - MEMORIALIZING THE DELAWARE CONGRESSIONAL DELEGATION TO AFFIRMATIVELY SUPPORT THE AMERICAN HERITAGE TRUST FUND IDEA AS EMBODIED IN HOUSE RESOLUTION NO. 876 AND S 370 PRESENTLY PENDING BEFORE THE 101ST CONGRESS OF THE UNITED STATES OF AMERICA. Sponsor: Representative Smith.

HCR 191 - CONGRATULATING HOWARD CAREER CENTER GRADUATE ALBERT JAMES "A.J." ENGLISH UPON BEING SELECTED BY THE WASHINGTON BULLETS IN THE SECOND ROUND OF THE NATIONAL BASKETBALL ASSOCIATION DRAFT ON JUNE 27, 1990. Sponsors: Representatives Plant, Sills, Campanelli; Senator Holloway.

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The roll call vote on the Calendar was 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 Resolution were returned to the House.

SR 96 was introduced and considered for adoption on motion of Senator Knox:

SR 96 - EXTENDING CONGRATULATIONS TO PEGGY ANSTINE AND TOM BENNETT, SOON TO BE NEWLYWEDS, WITH BEST WISHES FOR MUCH HAPPINESS TOGETHER. Sponsors: Senator Knox, Senator Adams and all Senators.

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

At 3:33 a.m. on motion of Senator Sharp, the Senate recessed to the call of the President pro Tempore.

The Senate reconvened at 5:58 p.m., July 17, 1990, Senator Sharp presiding.

The following PROCLAMATION by the Governor was read and laid on the table on motion of Senator Cordrey:

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 call the Senate of the 135th General Assembly of the State of Delaware to convene in Extraordinary Session on Tuesday, July 17, 1990, at 2:00 p.m. for the purpose of considering and acting upon legislation which authorizes the Department of Correction to construct a new women's prison, to expand the Gander Hill prison, to exercise the power of eminent domain, and to receive expedited treatment by affected local governments. The Senate shall also meet for the purpose of considering and acting upon House Bill No. 251, House Bill No. 260, House Bill No. 719, House Bill No. 737, and such other business as may lawfully come before it. In addition, the Senate shall meet for the purpose of acting on the nomination of Richard B. Harper, Jr., as State Election Commissioner and on such other nominations as may be pending before the Senate or may properly 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 10th day of July, in the year of our Lord one thousand nine hundred ninety, and of the Independence of the United States of America the two hundred fifteenth.

Michael N. Castle, Governor

Attest: Michael E. Harkins, Secretary of State

* * * * *

Senator Cordrey announced that since there was question as to the constitutionality of the PROCLAMATION, the Senate was now in session as a continuation of the Special Session which had been called on July 1, 1990 and recessed to the call of the President pro Tempore.

HB 779 w HA 1 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Vaughn (no objection):

HB 779 w HA 1 - AN ACT AUTHORIZING AND APPROVING THE ACQUISITION OF CERTAIN LANDS BY THE DEPARTMENT OF CORRECTION AND AUTHORIZING AND PROVIDING FOR THE APPROVAL OF THE CONSTRUCTION, MAINTENANCE AND OPERATION BY THE DEPARTMENT OF AN ADDITION OR ADDITIONS TO THE EXISTING MULTI-PURPOSE CRIMINAL JUSTICE CENTER FACILITY OR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF AN ADDITIONAL CORRECTIONAL FACILITY OR FACILITIES ON SAID LANDS. Sponsors: Representative Davis, Senator Vaughn; Representatives Boykin, Maroney, DiPinto, Smith, Hebner.

At 6:00 p.m., Senator Cordrey presiding.

Several Senators commented on the Bill after which the roll call vote was taken and revealed:

YES: Senators Bair, Bane, Connor, Cook, Hauge, Holloway, Knox, Marshall, Neal, J. Still, R. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Adams, Cordrey, McBride, McDowell, Minner, Sharp - 6.

ABSENT: Senator Martin - 1.

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

HB 778 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Vaughn (no objection):

HB 778 - AN ACT AUTHORIZING AND PROVIDING FOR THE APPROVAL OF THE CONSTRUCTION, MAINTENANCE AND OPERATION BY THE DEPARTMENT OF CORRECTION OF A WOMEN'S CORRECTIONAL FACILITY ON CERTAIN LANDS OWNED BY THE STATE OF DELAWARE. Sponsors: Representatives Davis, Boykin, Maroney, DiPinto, Smith, Hebner.

Several Senators commented on the Bill and the privilege of the floor was extended to Terry Reilly (New Castle County Planning Board) and John Carney (New Castle County Executive).

SA 1 to the Bill (sponsor: Senator McBride) was introduced and laid on the table.

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

YES: Senators McBride, McDowell, Minner, Sharp, Torbert, Venables - 6.

NO: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Neal, J. Still, R. Still, Vaughn - 14.

ABSENT: Senator Martin - 1.

Therefore, the Amendment was declared defeated.

SA 2 to the Bill (sponsor: Senator McBride) was introduced and considered for adoption.

The privilege of the floor was extended to Jeff Dayton (Office of the Governor) and several Senators entered into discussion of the Amendment after which the roll call vote was taken and revealed:

YES: Senators McBride, McDowell - 2.

NO: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 18.

ABSENT: Senator Martin - 1.

Therefore, the Amendment was declared defeated.

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

YES: Senators Marshall, McBride, McDowell, Minner, Sharp, Torbert, Venables - 7.

NO: Senators Adams, Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Neal, J. Still, R. Still, Vaughn - 13.

ABSENT: Senator Martin - 1.

Therefore, the Amendment was declared defeated.

SA 5 to the Bill (sponsor: Senator McBride) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, McBride, McDowell, Sharp, J. Still, Torbert, Venables - 7.

NO: Senators Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Minner, Neal, R. Still, Vaughn - 13.

ABSENT: Senator Martin - 1.

Therefore, the Amendment was declared defeated.

SA 6 to the Bill (sponsor: Senator McBride) was introduced and considered for adoption. The roll call vote on the Amendment was taken and revealed:

YES: Senators Adams, McBride, McDowell, Minner, Sharp, Torbert, Venables - 7.

NO: Senators Bair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Neal, J. Still, R. Still, Vaughn - 13.

ABSENT: Senator Martin - 1.

Therefore, the Amendment was declared defeated.

SA 1 to the Bill which had been laid on the table was stricken at the request of Senator McBride.

During a lengthy discussion of the Bill, the privilege of the floor was extended to Robert J. Watson (Commissioner of Correction) and Thomas J. Capano, Esq. (representing the Governor's Office).

The roll call vote on HB 778 was then taken and revealed:

YES: Senators Bair, Bane, Connor, Cook, Hauge, Holloway, Knox, Marshall, Neal, J. Still, R. Still, Torbert, Vaughn, Venables - 14.

NO: Senators Adams, Cordrey, McBride, McDowell, Minner, Sharp - 6.

ABSENT: Senator Martin - 1.

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

HB 737 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Holloway (no objection):

HB 737 - AN ACT TO AMEND CHAPTER 3, TITLE 31 OF THE DELAWARE CODE TO REQUIRE CERTAIN PERSONS TO FURNISH INFORMATION OF CRIMINAL HISTORY. Sponsors: Representatives Maroney, VanSant, Spence, Buckworth, Amick, Boykin, D. Ennis, DiPinto, Corrozi, Mack, Davis, Taylor, Reynolds, Quillen, Jonkier, Sills, Campanelli, Gilligan, Clark; Senators Bane, Bair, R. Still, Knox, Hauge.

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.

A messenger from the Governor was announced and admitted.

HB 743 w HA 1 was introduced and taken up for consideration under suspension of the necessary rules on motion of Senator Cook (no objection):

HB 743 w HA 1 - AN ACT TO AMEND CHAPTER 24, SUBCHAPTER I, TITLE 24 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF REAL ESTATE BROKERS. Sponsor: Representative West.

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.

HJR 29 was introduced and considered for adoption under suspension of the necessary rules on motion of Senator Minner (no objection):

HJR 29 - REQUESTING THE STATE LEGISLATURE OF NEW JERSEY TO JOINTLY ESTABLISH A BI-STATE COMMISSION TO INVESTIGATE THE STATUS AND MANAGEMENT OF WEAKFISH PROBLEMS IN THE DELAWARE BAY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLIES AND GOVERNORS OF BOTH STATES. Sponsors: Representatives D. Ennis, Carey, Schroeder; Senator Minner.

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

HB 719 which was in the Finance Committee was reassigned to Labor and Industrial Relations Committee on motion of Senator Marshall (no objection).

Senator Sharp requested that HB 251 and HB 260 be placed on the Ready List (no objection).

HJR 30 was introduced and considered for adoption on motion of Senator Sharp under suspension of the necessary rules on motion of Senator Sharp (no objection):

HJR 30 - MOURNING THE DEATH OF ONE OF DELAWARE'S GREATEST CITIZENS, MR. R. R. M. "BOB" CARPENTER, JR., WHO DIED ON SUNDAY, JULY 8, 1990 AT THE AGE OF 74. Sponsors: Representative Bennett, Senator Cordrey; Representatives Buckworth, George, Soles, Sills, Jonkier, Smith, Hebner, Boykin, Campanelli, Houghton, Spence, Roy, Oberle, Davis, B. Ennis, Quillen, Caulk, Carey, Bunting, Lee, Corrozi, Petrilli, Plant, DiPinto, D. Ennis, Brady, Maroney, VanSant, Reynolds, Mack, Gilligan, Taylor, Amick, Jester, Clark, Outten, Ewing, Schroeder, Fallon, West; Senators Cook, Adams, Knox, McDowell, Holloway, Marshall, Hauge, Bair, R. Still, Bane, Sharp, Neal, Martin, Connor, McBride, Vaughn, Torbert, J. Still, Minner, Venables.

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

SR 101 was introduced:

SR 101 - DECLINING TO CONVENE IN EXTRAORDINARY SESSION PURSUANT TO THE GOVERNOR'S PROCLAMATIONS OF JULY 10, 1990 DUE TO THE QUESTION OF THE CONSTITUTIONALITY OF SAID PROCLAMATION AND URGING THE GOVERNOR IMMEDIATELY TO REQUEST AN OPINION FROM THE SUPREME COURT. Sponsors: Senators Cordrey, Sharp, Adams, Cook, Holloway, Marshall, McBride, McDowell, Minner, Torbert, Vaughn, Venables.

At the request of Senator Cordrey, Senator Sharp acted as floor manager of the Resolution.

There was considerable discussion of the Resolution and a letter from Charles M. Oberly, III, Attorney General of Delaware to Governor Castle was partially read and copies of the entire letter made available to each Senator. The last two paragraphs of the letter are made part of this Journal at the request of Senator Hauge:

"Here, the Governor issued separate proclamations to the House of Representatives and the Senate convening Extraordinary Sessions to address certain specified legislation. The proclamations were issued on July 10, 1990. The house was to convene on July 11, 1990 at 2:00 p.m., and the Senate was to convene July 17, 1990 at 2:00 p.m. The reason for the difference was to accommodate the schedules of the legislators."

The Delaware Constitution does not require that the General Assembly must be convened by one proclamation. Further, a requirement of one proclamation undermines the sole discretion of the Governor to convene an extraordinary session. Given the far reaching power of the Governor to convene an extraordinary session, it is inconsistent to limit this power by restricting the manner in which the Governor convenes the session. For these reason, I conclude that the Extraordinary Sessions of the House of Representatives and the Senate called for July 11, 1990 and July 17, 1990, respectively, are constitutional.

Very truly yours,
Charles, M. Oberly, III, Attorney General

* * * * *

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

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

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still - 8.

ABSENT: Senator Martin - 1.

Therefore, the Resolution was declared adopted.

On motion of Senator Adams, the Governor's nomination for appointment of Richard B. Harper, Jr., was taken up for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed:

YES: Senators Bair, Bane, Connor, Hauge, Holloway, Knox, Marshall, McBride, McDowell, Neal, J. Still, R. Still, Torbert, Venables - 14.

NO: Senators Adams, Cook, Cordrey, Minner, Sharp, Vaughn - 6.

ABSENT: Senator Martin - 1.

Therefore, the appointment was declared confirmed.

SR 99 was introduced and considered for adoption on motion of Senator Holloway:

SR 99 - COMMENDING FATHER JOHN MCVERNON, OF NEW YORK CITY, WHO WILL AGAIN BE ONE OF THE KEYNOTE SPEAKERS AT THE AFL-CIO COMMUNITY SERVICES, DRUG AND ALCOHOL CONFERENCE, SCHEDULED FOR SATURDAY, SEPTEMBER 22, 1990 AT CLAYTON HALL, UNIVERSITY OF DELAWARE, AND FURTHER COMMENDING THE COMMUNITY SERVICES DIVISION OF THE AFL-CIO FOR SPONSORING THIS MEANINGFUL AND EDUCATIONAL CONFERENCE. Sponsor: Senator Holloway.

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

SR 100 was introduced and considered for adoption on motion of Senator Holloway:

SR 100 - COMMENDING THE ADDICTIONS COALITION OF DELAWARE FOR COORDINATING "TREATMENT WORKS" MONTH IN SEPTEMBER AND FOR THEIR WORK IN THE FIELD OF TREATMENT OF SUBSTANCE ABUSE. Sponsor: Senator Holloway.

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

SR 98 was introduced and considered for adoption on motion of Senator Knox:

SR 98 - REQUESTING THAT THE CREATION OF DELAWARE'S NEWLY AUTHORIZED OPEN SPACE COUNCIL BE ACCOMPLISHED WITH DISPATCH; REQUESTING THAT THE OPEN SPACE COUNCIL IMMEDIATELY CONSIDER THE IMPACT OF CERTAIN REAL ESTATE DEVELOPMENT PROPOSALS UPON OPEN SPACE LYING WITHIN THE BRANDYWINE VALLEY REGION AND INVITING NEW CASTLE COUNTY TO COORDINATE ITS CONSIDERATION OF SAID DEVELOPMENT PROPOSALS WITH THE OPEN SPACE COUNCIL. Sponsor: Senator Knox.

Several Senators entered into discussion of the Resolution after which the roll call vote was taken; however, the roll call was laid on the table before being announced on motion of Senator Knox.

At 8:25 p.m. on motion of Senator Sharp, the Senate recessed to the call of the President pro Tempore.

EXECUTIVE SESSION CALLED BY THE GOVERNOR
September 25, 1990

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
DOVER

PROCLAMATION

I, MICHAEL N. CASTLE, Governor of the State of Delaware, pursuant to Article IV, Section 3, of the Constitution of the State of Delaware, do hereby convene the Senate of the 135th General Assembly into session on Tuesday, September 25, 1990, at 1:30 p.m. for the purpose of confirming the appointment of the Honorable Henry duPont Ridgely to the President Judge of the Superior Court and for the transaction of such other executive business as may 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 Dover, this 14th day of September, in the year of our Lord one thousand nine hundred ninety, and of the Independence of the United States of America the two hundred fifteenth.

Michael N. Castle, Governor

Attest:
Secretary of State

* * * * *

Pursuant to the above Proclamation, the Senate convened at 3:39 p.m., September 25, 1990 Lt. Governor Wolf presiding.

A Prayer was offered by Senator Bane.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

PRESENT: Senators Adams, Blair, Bane, Connor, Cook, Cordrey, Hauge, Holloway, Knox, Marshall, Martin, McBride, McDowell, Minner, Neal, Sharp, J. Still, R. Still, Torbert, Vaughn, Venables - 21.

The following letter from the Governor was read:

State of Delaware
Office of the Governor
September 14, 1990

The Honorable Dale E. Wolf
President of the Senate
135th General Assembly of the State of Delaware
Legislative Hall
Dover, DE 19901

The Honorable Richard S. Cordrey
President Pro Tempore of the Senate
135th General Assembly of the 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 The Honorable Henry duPont Ridgely to the office of President Judge of the Superior 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,
Michael N. Castle

cc: Members of the Senate

* * * * *

The following letters of nomination were read in:

STATE OF DELAWARE
Office of the Governor
September 25, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Henry duPont Ridgely, 215 E. Camden Wyoming Avenue, Camden, Delaware 19934, to be appointed as President Judge of the Superior Court of the State of Delaware to serve a twelve year term to succeed Albert J. Stifftel.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
September 25, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Thomas W. Castaldi, 9 Bunker Hill Road, New Castle, DE 19720, to be appointed as a member of the Violent Crimes Compensation Board to serve a three year term to succeed Edward S. Stansky, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
September 25, 1990

To the Senate of the 135th 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: Hilda E. Donnelly, Post Office Box 91, Seaford, DE 19973, to be appointed as a member Delaware River and Bay Authority to serve a term expiring July 1, 1992, to succeed Alfred Leo Donnelly.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
September 25, 1990

To the Senate of the 135th 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: Arnold E. Huff, 216 South Heald Street, Wilmington, DE 19801, to be appointed as a Court Commissioner for the Municipal Court of the City of Wilmington to serve a term of four years.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
September, 25, 1990

To the Senate of the 135th General Assembly of the State of Delaware:

The following nomination submitted to the Senate on June 19, 1990, is hereby formally withdrawn: Steven M. Ward to be appointed as a Justice of the Peace, in and for Kent County, State of Delaware.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
July 17, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Patricia Bryant Harris, 801 Lombard Street, Wilmington, DE 19801 to be reappointed as a member of the Board of Parole to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
July 17, 1990

To the Senate of the 135th 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: Jesse I. Hastings, 6 Lexington Drive, Middletown, DE 19709, to be appointed as a member of the Industrial Accident Board to serve a six year term to succeed William Matthews, whose term has expired.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 30, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Raymond K. Arzinger, 1 Bridle Brook Lane, Covered Bridge Farms, Newark, DE 19711, to be reappointed as a member of the Board of Trustees of the University of Delaware to serve a six year term expiring June 30, 1996.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 30, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Richard L. Brandenburg, P.O. Box 126, Odessa, DE 19730, to be reappointed as a Justice of the Peace, in and for New Castle County, to serve a four year term.
Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 30, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Virginia W. Johnson, 2204 N. Harrison Street, Wilmington, DE 19802, to be reappointed as a member of Justice of the Peace, in and for New Castle County, to serve a four year term.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

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STATE OF DELAWARE
Office of the Governor
June 29, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: William F. Plack, Jr., 507 Seabury Avenue, Milford, DE 19963, to be reappointed as a Justice of the Peace, in and for Sussex County, to serve a four year term.

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
June 30, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

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

Your consideration of this nomination is appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
On motion of Senator Adams, the above letters were laid on the table with the exception of Henry duPont Ridgely.

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

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

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

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

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

On motion of Senator Adams, the Governor's nomination for appointment of Jesse I. Hastings was lifted from the table for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Arnold E. Huff was lifted from the table for consideration under suspension of the necessary rules (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

On motion of Senator Adams, the Governor's nomination for appointment of Thomas W. Castaldi was lifted from the table for consideration under suspension of the necessary rules on motion of Senator Adams (no objection) and the roll call vote taken which revealed 21 Senators voting YES; therefore, the appointment was declared confirmed.

At 4:08 p.m. on motion of Senator Sharp, the Session called by the Governor adjourned.

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At 4:09 p.m., September 25, 1990 the Special Session which had been called on July 1, 1990 and recessed on July 17 reconvened, Lt. Governor Wolf presiding.

The following communication was read:

SENATE
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE

September 25, 1990

TO: All Members of the Senate of the 135th General Assembly
FROM: Senator Richard S. Cordrey, President pro Tempore

As per the power vested in me, as President Pro Tempore of the Senate of the 135th General Assembly, I hereby call into session all members of the Senate of the State of Delaware, on September 25, 1990, for the consideration of all matters which may lawfully come before it.

* * * * *

HB 781 which was first on the Agenda of the day was deferred on the Agenda on motion of Senator Torbert.

HB 756 was taken up for consideration on motion of Senator McDowell under suspension of the necessary rules (no objection):

HB 756 - AN ACT TO AMEND TITLE 14, DELAWARE CODE, RELATING TO ABSENTEE VOTING.

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

HB 499 was taken up for consideration on motion of Senator Cook under suspension of the necessary rules (no objection):

HB 499 - AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTERS 13 AND 17, RELATING TO THE LENGTH OF THE PROGRAM YEAR FOR ORTHOPEDICALLY HANDICAPPED STUDENTS IN THE DELAWARE PUBLIC SCHOOL SYSTEM.

The Bill was then laid on the table on further motion of Senator Cook.
SB 427 w SA 9, 13, 14 was taken up for reconsideration under suspension of the necessary rules as now further amended by HA 2 w HA 1; HA 3; HA 6 w HA 1; HA 7, 8.
After considerable discussion on the Bill among various Senators, the roll call vote on SB 427 w SA 9, 13, 14; HA 2 w HA 1, HA 3; HA 6 w HA 1; HA 7, 8 was then taken and revealed:

YES: Senators Adams, Blair, Connor, Cook, Cordrey, Hauge, Knox, Marshall, Martin, McBride, McDowell, Minner, Sharp, J. Still, R. Still, Vaughn, Venables - 17.

NO: Senators Bane, Neal - 2.

NOT VOTING: Senator Holloway - 1.

ABSENT: Senator Torbert - 1.

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

HB 766 was introduced and taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 766 - AN ACT TO AMEND CHAPTER 11, TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX TREATMENT OF INTEREST ON CERTAIN COUNTY OBLIGATIONS. Sponsors: Representatives Houghton and Lee.

The Bill was then sent to the Revenue and Taxation Committee on further motion of the Senator.

HB 758 was introduced and taken up for consideration on motion of Senator Marshall under suspension of the necessary rules (no objection):

HB 758 - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE DISBURSEMENT OF SPECIAL ASSESSMENT FUNDS. Sponsors: Representatives Oberle, Corrozi.

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

HB 560 - AN ACT TO AMEND CHAPTER 1, TITLE 19, DELAWARE CODE RELATING TO THE DUTIES AND POWERS OF THE DEPARTMENT OF LABOR INCLUDING THE CHARGING OF FEES FOR RESEARCH SERVICES. (3/5 vote)

The privilege of the floor was extended to Jan Robinson (Secretary of the Delaware Department of Labor) after which the roll call vote on the Bill was taken and revealed 19 Senators voting YES and 2 (McBride and McDowell) voting NO; therefore, the Bill was declared passed by the Senate and returned to the House.

HB 610 was deferred on the Agenda on motion of Senator Holloway.

HB 385 and HB 717 were deferred on the Agenda on motion of Senator Adams.

HB 502 w HA 1, 2, 3 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 502 w HA 1, 2, 3 - AN ACT TO AMEND SUBCHAPTER VI, CHAPTER 47, TITLE 16 OF THE DELAWARE CODE RELATING TO CONTROLLED SUBSTANCES.

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

HB 712 w HA 1 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO UNFAIR PRACTICES IN INSURANCE.

Senator McDowell requested that he be added as co-sponsor of the Bill.

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

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

HB 604 was taken up for consideration on motion of Senator Sharp under suspension of the necessary rules (no objection):

HB 604 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE BY PROVIDING FOR EMPLOYEE RECOGNITION PROGRAMS.

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 251 was lifted from the table for consideration on motion of Senator Sharp:

HB 251 - AN ACT TO AMEND CHAPTER 7, TITLE 21 OF THE DELAWARE CODE RELATING TO APPEALS FROM CONVICTIONS IN INFERIOR COURTS TO THE SUPERIOR COURT AND RELATING TO THE RIGHT TO JURY TRIAL IN THE SUPERIOR COURT.

Senators Neal, Torbert and Venables commented on the Bill after which it was again laid on the table.

HB 744 was taken up for consideration on motion of Senator Vaughn under suspension of the necessary rules (no objection):

HB 744 - AN ACT TO AMEND CHAPTER 5, TITLE 13 OF THE DELAWARE CODE RELATING TO ALIMONY, SUPPORT AND CERTAIN AGREEMENTS, ATTORNEYS' FEES, JURISDICTION, PROPERTY DIVISION, AND ENFORCEMENT OF COURT ORDERS, FINANCIAL REPORTING AND RELATED MATTERS.

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

HB 524 was taken up for consideration on motion of Senator Vaughn under suspension of the necessary rules (no objection):

HB 524 - AN ACT TO AMEND CHAPTER 43, TITLE 11, DELAWARE CODE RELATING TO PROBATION AND PAROLE COUNSELLORS OR 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 662 w HA 1 was taken up for consideration on motion of Senator Cordrey under suspension of the necessary rules (no objection):

HB 662 w HA 1 - AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE, RELATING TO THE QUOTA OF DEER THAT CAN BE TAKEN BY RESIDENTIAL HUNTERS DURING THE REGULAR SHOTGUN SEASON, EXCLUSIVE OF THE SPECIAL SEASONS. (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 700 was taken up for consideration on motion of Senator Vaughn under suspension of the necessary rules (no objection):

HB 700 - AN ACT TO AMEND TITLE 25, OF THE DELAWARE CODE TO CLARIFY THE PROPERTY TO WHICH STATUTORY LIENS FOR TAXES AND OTHER GOVERNMENTAL CHARGES RELATE AND TO PROVIDE FOR A NOTICE OF LIEN FOR SUCH CHARGES.

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 returned to the House.

SENATE CONSENT CALENDAR #45 was introduced:

SR 102 - MOURNING THE UNTIMELY DEATH OF MR. CLAUDE E. SPENCER, EDUCATOR AND BRANDYWINE SCHOOL DISTRICT OFFICIAL WHO DIED ON SUNDAY, JULY 15, 1990 AT THE AGE OF FIFTY-NINE. Sponsors: Senators Bair, Hauge, Knox.

SR 103 - COMMENDING THE DOVER HIGH SCHOOL MARCHING BAND, ALONG WITH THE DRUM MAJORS, WINNERS OF THE DELAWARE MUSICAL MARCHING UNITS IN SATURDAY'S DELAWARE FIREMEN'S ASSOCIATION ANNUAL PARADE HELD AT BETHANY BEACH, DELAWARE. Sponsors: Senators J. Still, Cook, Vaughn, Torbert, Minner.

SR 104 - COMMENDING THE EMERGENCY MEDICAL SERVICES OF DELAWARE AND MARYLAND, MARYLAND EMERGENCY MEDICAL SERVICE DIRECTOR AMEEN I. RAMZY, M.D., AND HIS SHOCK TRAUMA EMS TEAM FOR THEIR COOPERATIVE EFFORTS ON BEHALF OF THE CITIZENS OF BOTH STATES. Sponsors: Senators Adams, Cordrey.

SR 105 - OFFICIAL RECOGNITION OF OCTOBER 6, 1990 AS GERMAN-AMERICAN DAY IN DELAWARE, GIVING HONOR AND DEVOTION TO MANY CULTURAL, ECONOMIC AND TECHNOLOGICAL CONTRIBUTIONS GERMAN-AMERICANS, ESPECIALLY THOSE WHO RESIDE IN DELAWARE, HAVE MADE TOWARD MAKING THIS COUNTRY ONE OF THE GREATEST DEMOCRACIES ON EARTH. Sponsors: Senators Bair, Martin, Neal.

SR 106 - COMMENDING THE CITIZENS HOSE COMPANY OF SMYRNA, DELAWARE, WINNER OF THE COVETED GOVERNOR'S CUP ON SATURDAY, SEPTEMBER 22, 1990 AT THE SEVENTIETH ANNUAL CONVENTION OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION PARADE HELD IN BETHANY BEACH, DELAWARE. Sponsors: Senators Vaughn, J. Still.

SR 107 - COMMEMORATING THE CENTENNIAL ANNIVERSARY OF ST. HEDWIG'S ROMAN CATHOLIC CHURCH. Sponsor: Senator Marshall.

SR 108 - URGING THE MEMBERS OF DELAWARE'S CONGRESSIONAL DELEGATION TO ACTIVELY OPPOSE ENACTMENT OF S. 2605 (PHARMACEUTICAL ACCESS AND PRUDENT PURCHASING ACT) OF THE 101ST CONGRESS, WHICH SEEKS TO SAVE MONEY IN THE MEDICAID PROGRAM BY ENCOURAGING SUBSTITUTION OF THE CHEAPEST PHARMACEUTICAL PRODUCT IN ANY GIVEN DRUG CATEGORY. Sponsors: Senators Holloway, Neal, Marshall, McBride, McDowell, Venables, Bair, Bane, Knox.

SR 109 - URGING THE DELAWARE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY TO INVENTORY ALL EXISTING OR ABANDONED RAIL RIGHTS-OF-WAY, TO DISCONTINUE ALL NEGOTIATIONS, SITE PLANNING AND WORK INCORPORATING SAID RIGHTS-OF-WAY, AND TO REPORT ITS FINDINGS ON THE UTILITY OF SAID RIGHTS-OF-WAY ON FUTURE DEVELOPMENT OF RAIL PUBLIC TRANSPORTATION IN DELAWARE TO THE GENERAL ASSEMBLY. Sponsor: Senator McDowell.

SR 110 - CONGRATULATING MARTIAL ARTS MASTER M. SAKIMUKAI ON THE TENTH ANNIVERSARY OF TEACHING TRADITIONAL MARTIAL ARTS IN DELAWARE. Sponsor: Senator R. Still.

SR 111 - COMMENDING CORPUS CHRISTI SCHOOL OF WILMINGTON, DELAWARE, GRADES K THROUGH 8, ON ITS RECENT SELECTION AS THE STATE'S ONLY WINNER OF THE U. S. GOVERNMENT'S BLUE RIBBON SCHOOL AWARD. Sponsors: Senators R. Still, Marshall, McBride.

SR 112 - MOURNING THE DEATH OF HENRY J. RIDGELY OF CAMDEN, DELAWARE, A PROMINENT DELAWARE ATTORNEY AND A DEVOUT PUBLIC SERVANT. Sponsors: Senators Torbert, J. Still and all Senators.

SR 113 - MOURNING THE RECENT TRAGIC DEATH OF DELAWARE STATE POLICE TROOPER GERARD T. DOWD OF COLLINS POND, NEAR BRIDGEVILLE IN SUSSEX COUNTY AND EXTENDING TO HIS FAMILY THE SINCERE CONDOLENCES OF THE MEMBERS OF THE SENATE. Senator Adams and all Senators.

SR 114 - MOURNING THE PASSING OF FORMER DELAWARE STATE SENATOR EARLE MARTIN TULL OF SEAFORD. Sponsors: Senator Adams and all Senators.

SR 115 - URGING THE CITY OF WILMINGTON TO INCREASE NEIGHBORHOOD POLICE FOOT PATROLS TO COMBAT THE INCREASE IN DRUG-RELATED AND VIOLENT CRIMES. Sponsors: Senators McDowell and Marshall.

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On motion of Senator Bair, SR 109 was removed from SENATE CONSENT CALENDAR #45 after which the roll call vote on the Calendar was taken and revealed 20 Senators voting YES and 1 (Adams) ABSENT; therefore, the Resolutions were declared adopted.

SR 109 which had been removed from the Consent Calendar was considered for adoption on motion of Senator McDowell.

Several Senators commented on the Resolution after which the roll call vote was taken and revealed:

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

NO: Senators Bair, Bane, Connor, Hauge, Knox, Neal, J. Still, R. Still - 8.

Therefore, the Resolution was declared adopted.

HCR 174 was introduced and considered for adoption on motion of Senator McBride:

HCR 174 - URGING EFFORTS TO PROMOTE PROFICIENCY IN MATH, SCIENCE AND TECHNOLOGY BY DELAWARE STUDENTS. Sponsors: Representative Fallon, Senator McBride; Representative Boykin, Senator Knox.

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 Minner and without objection, the roll call vote on SENATE CONSENT CALENDAR #45 was rescinded and a new roll call vote taken which revealed 21 Senators voting YES; therefore, the Resolutions on the Calendar were declared adopted.

Senator Cordrey congratulated Senator Sharp on the birth of his twin grandchildren (Megan and Michael Rabian) and everyone one present concurred.

At 6:22 p.m. on motion of Senator Sharp, the Senate recessed to the call of the President pro Tempore.

EXECUTIVE SESSION CALLED BY THE GOVERNOR - November 1, 1990

Pursuant to the Proclamation below, the Senate convened at 4:21 p.m., November 1, 1990, Lt. Governor Wolf presiding.

A Prayer was offered by Senator Hauge.

Pledge of Allegiance to the Flag.

Call of the roll revealed the following attendance:

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

The following Proclamation from the Governor was read:

STATE OF DELAWARE EXECUTIVE DEPARTMENT DOVER

PROCLAMATION

I, MICHAEL N. CASTLE, Governor of the State of Delaware, pursuant to Article IV, Section 3, of the Constitution of the State of Delaware, do hereby convene the Senate of the 135th General Assembly into session on Thursday, November 1, 1990, at 3:00 p.m. for the purpose of confirming the appointment of the Honorable Henry R. Horsey to be Associate Justice of the Supreme Court, the Honorable Myron T. Steele to be Resident Judge of the Superior Court in and for Kent County and the Honorable Carl G. Goldstein to be Associate Judge of the Superior Court in and for New Castle County and for the transaction of such other executive business as may 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 24th day of October, in the year of our Lord one thousand nine hundred ninety, and of the Independence of the United States of America the two hundred fifteenth.

Michael N. Castle, Governor

Attest:

Michael E. Harkins, Secretary of State

* * * * *

The following communications from the Governor were read:

STATE of DELAWARE
Office of the Governor

October 22, 1990

The Honorable Dale E. Wolf
President of the Senate 135th General Assembly of the State of Delaware
Legislative Hall
Dover, DE 19901

The Honorable Richard S. Cordrey
President Pro Tempore of the Senate
135th General Assembly of the State of Delaware
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 The Honorable Carl G. Goldstein to the office of Associate Judge of the Superior Court of the State of Delaware in and for New Castle County.

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,
Michael, N. Castle

cc: Members of the Senate

* * * * *

STATE of DELAWARE
Office of the Governor

October 22, 1990

The Honorable Dale E. Wolf
President of the Senate 135th General Assembly of the State of Delaware
Legislative Hall
Dover, DE 19901

The Honorable Richard S. Cordrey
President Pro Tempore of the Senate
135th General Assembly of the State of Delaware
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 The Honorable Myron T. Steele to the office of Resident Judge of the Superior Court of the State of Delaware in and for Kent County.

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,
Michael, N. Castle

cc: Members of the Senate

* * * * *

STATE of DELAWARE
Office of the Governor

October 22, 1990

The Honorable Dale E. Wolf
President of the Senate 135th General Assembly of the State of Delaware
Legislative Hall
Dover, DE 19901

The Honorable Richard S. Cordrey
President Pro Tempore of the Senate
135th General Assembly of the State of Delaware
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 The Honorable Henry R. Horsey to the office of Associate 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,
Michael, N. Castle

cc: Members of the Senate

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A messenger from the Governor was announced and admitted.
Senate R. Still marked PRESENT.
The following letters of nomination for appointment from the Governor were read:

STATE OF DELAWARE
Office of the Governor
November 1, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Henry R. Horsey, 7 The Green, Dover, DE 19901, to be reappointed Associate Justice of the Supreme Court of the State of Delaware to serve a twelve year term.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *
STATE OF DELAWARE
Office of the Governor
November 1, 1990

To the Senate of the 135th General Assembly
of the State of Delaware

In conformity with the Constitution and Laws of the State of Delaware, I hereby nominate and appoint for the consent and confirmation of the Senate, the following: Myron T. Steele, One Wesley, Camden, DE 19934, to be appointed Resident Associate Judge of the Superior Court of the State of Delaware, in and for Kent County, to serve a twelve year term to succeed Henry duPont Ridgely.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

STATE OF DELAWARE
Office of the Governor
November 1, 1990

To the Senate of the 135th 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: Carl Goldstein, 5925 Kennett Pike, Wilmington, DE 19807, to be appointed Associate Judge of the Superior Court of the State of Delaware, in and for New Castle County, to serve a twelve year term, to succeed Myron T. Steele.

Your consideration of this nomination will be appreciated.

Sincerely,
Michael N. Castle, Governor

* * * * *

On motion of Senator Adams and without objection, the necessary rules were suspended for consideration of the three nominations and the roll call votes taken which revealed: For the nomination of Myron T. Steele: 21 YES; therefore the nomination was declared confirmed.

For the nomination of Henry R. Horsey: 21 YES; therefore, the appointment was declared confirmed.

On motion of Senator Minner and without objection, the consideration of the nominations was interrupted for the introduction and consideration of SENATE CALENDAR #46 which consisted of the following:

SR 116 - MOURNING THE UNTIMELY DEATH OF KEN SPAIN, FORMER OUTSTANDING CENTER OF THE WILMINGTON BLUE BOMBERS. Sponsor: Senator Bane.

SR 117 - EXPRESSING THE SINCERE CONDOLENCES OF THE SENATE ON THE RECENT PASSING OF FORMER STATE REPRESENTATIVE WILBERT E. HOCKER OF MILLVILLE. Sponsor: Senator Cordrey.

SR 118 - EXPRESSING DEEPEST SYMPATHY TO THE FAMILY OF UNIVERSITY OF DELAWARE HEAD GOLF COACH AND FORMER ASSOCIATE ATHLETIC DIRECTOR RAYMOND B. "SCOTTY" DUNCAN, UPON HIS UNTIMELY DEATH. Sponsors: Senator Neal and all Senators.

SR 119 - CONGRATULATING KAREN L. JESSEE OF WILMINGTON ON HER SELECTION AS ONE OF FIVE NATIONAL RECIPIENTS OF THE 1990 NBC NATIONAL TEACHER'S AWARD. Sponsor: Senator Holloway.

SR 120 - COMMENDING TWO PROMINENT DELAWAREANS, BOTH FOR WHOM WE HAVE THE GREATEST ADMIRATION, FORMER SENATOR ROBERT J. BERNDT, AND RETIRED FAMILY COURT JUDGE, ROXANA ARSHT, CO-RECIPIENTS OF THE PRESTIGIOUS GERALD E. KANDLER MEMORIAL AWARD FOR THEIR OUTSTANDING INTEREST, CONCERN, AND COMMITMENT TOWARD HELPING THOSE LESS FORTUNATE THAN OURSELVES, TO INCLUDE THE PHYSICALLY HANDICAPPED, THOSE TOO YOUNG TO DEFEND AND PROTECT THEMSELVES, AND THOSE WHO HAVE BEEN AND CONTINUE TO BE VICTIMS OF ETHNIC AND RELIGIOUS BIGOTRY AND HATRED. Sponsors: Senators Bair and Cordrey and all Senators.

SR 121 - HONORING MILDRED THORNHILL MCGOWAN, RECIPIENT OF THE 1988 GOVERNOR'S AWARD FOR LONG-TIME EXCELLENCE IN THE ARTS, FOR HER LIFETIME OF DEVOTION TO THE ARTS AND TO COMMUNITY INVOLVEMENT AND IMPROVEMENT. Sponsor: Senator Holloway.

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On motion of Senator Holloway and without objection, the following letter in reference to SR 119 was read and made part of this Journal

NATIONAL BROADCASTING COMPANY, Inc.
30 Rockefeller Plaza
New York, N. Y. 10112

October 1, 1990

Ms. Karen L. Jessee
2010 Washington Street
Wilmington, DE 19802

Dear Mrs. Jessee:

On behalf of all of us at the National Broadcasting Company and the Carnegie Foundation for the Advancement of Teaching, we would like to extend our congratulations on being chosen as a recipient of the 1990 NBC National Teacher's Award.

Your submission was selected from among a field of hundreds of applicants by a select panel of experts appointed by The Carnegie Foundation. A list of your co-winners is attached.

Both NBC and The Carnegie Foundation for the Advancement of Teaching are dedicated to sustaining the push for excellence in our schools, and we're pleased to be able to recognize the outstanding contribution you have made in furthering the cause of quality education.

You will be contacted shortly by a representative of your local station, KYW-TV, with regard to presentation of the Award. In the meantime, best wishes for this well-deserved recognition for your excellent work.

Very truly yours,
Robert Wright,
President and Chief Executive Officer

Ernest Boyer, President
The Carnegie Foundation for the Advancement of Teaching.

* * * * *

The roll call vote on SENATE CONSENT CALENDAR #46 was then taken and revealed 21 Senators voting YES; therefore, the Resolutions were declared adopted.

On motion of Senator Adams and without objection, the necessary rules were suspended for consideration of the nomination for appointment of Carl E. Goldstein and the roll call vote taken which revealed 20 Senators voting YES and 1 (McBride) voting NO; therefore, the appointment was declared confirmed.

Senator McDowell commented on the shortage of Judges in Wilmington Municipal Court and requested that correspondence between himself and the Governor on the subject be placed in the files of the Secretary of the Senate for this Legislative Day. Be it noted that the correspondence was not read into the record. No objection.

Senator Bair responded to Senator McDowell's remarks.

At 4:51 p.m. on motion of Senator Sharp, the Senate recessed to the call of the President pro Tempore.

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LEGISLATIVE ADVISORIES #63 thru 75 were received during the Senate recess:

LEGISLATIVE ADVISORY #63 (June 29, 1990): On June 29 the Governor signed SB 23 w HA 6 (Volume 67, Chapter 255, Laws of Delaware); SS 1 for SB 356 w SA 1 (Volume 67, Chapter 256, Laws of Delaware); SB 332 w SA 1, 2 (Volume 67, Chapter 257, Laws of Delaware); HB 771 (Volume 67, Chapter 258, Laws of Delaware).

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LEGISLATIVE ADVISORY #64 (July 2, 1990): On July 2 the Governor signed HB 722 (Volume 67, Chapter 259, Laws of Delaware); HS 2 for HB 724 w HA 1 (Volume 67, Chapter 260, Laws of Delaware); HB 728 w HA 1 (Volume 67, Chapter 261, Laws of Delaware); HB 729 (Volume 67, Chapter 262, Laws of Delaware); HB 730 (Volume 67, Chapter 263, Laws of Delaware); HB 731 (Volume 67, Chapter 264, Laws of Delaware); HB 764 (Volume 67, Chapter 265, Laws of Delaware); HB 677 w HA 1 (Volume 67, Chapter 266, Laws of Delaware); HB 751 w HA 1 (Volume 67, Chapter 267, Laws of Delaware); HB 768 (Volume 67, Chapter 268, Laws of Delaware); HB 772 (Volume 67, Chapter 269, Laws of Delaware); HB 218 (Volume 67, Chapter 270, Laws of Delaware); HB 219 (Volume 67, Chapter 271, Laws of Delaware); HB 194 w HA 1 (Volume 67, Chapter 272, Laws of Delaware); HB 313 w HA 1, SA 1, 2 (Volume 67, Chapter 273, Laws of Delaware); HB 444 (Volume 67, Chapter 274, Laws of Delaware); HB 655 (Volume 67, Chapter 275, Laws of Delaware); HB 656 (Volume 67, Chapter 276, Laws of Delaware); HB 657 (Volume 67, Chapter 277, Laws of Delaware); HB 750 (Volume 67, Chapter 278, Laws of Delaware); HB 773 (Volume 67, Chapter 279, Laws of Delaware); HB 774 (Volume 67, Chapter 280, Laws of Delaware); SJR 18; SJR 19; SB 500 (Volume 67, Chapter 281, Laws of Delaware); SB 514 (Volume 67, Chapter 282, Laws of Delaware); SB 511 (Volume 67, Chapter 283, Laws of Delaware); SB 515 (Volume 67, Chapter 284, Laws of Delaware); HB 777 (Volume 67, Chapter 285, Laws of Delaware); SB 336 w SA 1 (Volume 67, Chapter 286, Laws of Delaware); SB 396 (Volume 67, Chapter 287, Laws of Delaware); HS 1 for HB 391 (Volume 67, Chapter 288, Laws of Delaware); HB 614 (Volume 67, Chapter 289, Laws of Delaware); HB 710 (Volume 67, Chapter 290, Laws of Delaware); HB 721 (Volume 67, Chapter 291, Laws of Delaware); HB 579 (Volume 67, Chapter 292, Laws of Delaware); HB 409 w HA 1 (Volume 67, Chapter 293, Laws of Delaware). The Governor VETOED HB 461 w HA 1 on June 21, 1990. SB 41 w SA 1 w SA 1 became law without the Governor's signature (Volume 67, Chapter 294, Laws of Delaware).

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LEGISLATIVE ADVISORY #65 (July 5, 1990): On July 5 the Governor signed HB 760 (Volume 67, Chapter 295, Laws of Delaware); HB 761 (Volume 67, Chapter 296, Laws of Delaware); SB 452 w SA 1, HA 2 (Volume 67, Chapter 297, Laws of Delaware); HB 642 (Volume 67, Chapter 298, Laws of Delaware).

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LEGISLATIVE ADVISORY #66 (July 11, 1990): On July 10 the Governor signed HB 666 (Volume 67, Chapter 299, Laws of Delaware); SB 314 (Volume 67, Chapter 300, Laws of Delaware); SB 203 (Volume 67, Chapter 301, Laws of Delaware); SB 231 (Volume 67, Chapter 302, Laws of Delaware); SB 239 w SA 1, 2, HA 1, 2 (Volume 67, Chapter 303, Laws of Delaware); SB 244 (Volume 67, Chapter 304, Laws of Delaware); SB 288 is the first leg of a constitutional amendment and does not require the Governor's signature (Volume 67, Chapter 305, Laws of Delaware); SB 335 w SA 1 (Volume 67, Chapter 306, Laws of Delaware); SB 348 (Volume 67, Chapter 307, Laws of Delaware); SB 349 w SA 1 (Volume 67, Chapter 308, Laws of Delaware); SB 354 (Volume 67, Chapter 309, Laws of Delaware); SB 414 (Volume 67, Chapter 312, Laws of Delaware); SB 429 (Volume 67, Chapter 313, Laws of Delaware); SB 454 (Volume 67, Chapter 314, Laws of Delaware); HB 362 (Volume 67, Chapter 315, Laws of Delaware); HB 592 (Volume 67, Chapter 316, Laws of Delaware); HB 11 (Volume 67, Chapter 317, Laws of Delaware); HB 22 (Volume 67, Chapter 318, Laws of Delaware); HB 649 (Volume 67, Chapter 319, Laws of Delaware); HB 651 (Volume 67, Chapter 320, Laws of Delaware); HB 601 (Volume 67, Chapter 321, Laws of Delaware); HB 131 (Volume 67, Chapter 322, Laws of Delaware); HB 34 (Volume 67, Chapter 323, Laws of Delaware); HB 529 (Volume 67, Chapter 324, Laws of Delaware); HB 647 (Volume 67, Chapter 325, Laws of Delaware); HB 708 w HA 1, 2, SA 1 (Volume 67, Chapter 326, Laws of Delaware); HB 640 w HA 1 (Volume 67, Chapter 327, Laws of Delaware); HB 564 (Volume 67, Chapter 328, Laws of Delaware); HB 735 w HA 1 (Volume 67, Chapter 330, Laws of Delaware); HB 261 (Volume 67, Chapter 332, Laws of Delaware); HJR 24 w HA 1. On July 11 the Governor signed SB 355 (Volume 67, Chapter 310, Laws of Delaware); SB 367 (Volume 67, Chapter 311, Laws of Delaware); HB 606 (Volume 67, Chapter 329, Laws of Delaware); HB 587 w HA 1 (Volume 67, Chapter 331, Laws of Delaware); SB 366 w HA 1 (Volume 67, Chapter 333, Laws of Delaware); HB 745 (Volume 67, Chapter 334, Laws of Delaware); SB 482 w SA 1 (Volume 67, Chapter 335, Laws of Delaware).

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LEGISLATIVE ADVISORY #67 (July 13, 1990): On July 13 the Governor signed SS 1 for SB 110 (Volume 67, Chapter 336, Laws of Delaware); HB 638 (Volume 67, Chapter 337, Laws of Delaware); HB 239 (Volume 67, Chapter 338, Laws of Delaware); HB 469 w HA 1, 2 (Volume 67, Chapter 339, Laws of Delaware); HB 562 (Volume 67, Chapter 340, Laws of Delaware); HB 602 (Volume 67, Chapter 341, Laws of Delaware); HB 622 w HA 2 (Volume 67, Chapter 342, Laws of Delaware); HB 629 (Volume 67, Chapter 343, Laws of Delaware); HB 676 (Volume 67, Chapter 344, Laws of Delaware); HS 1 for HB 688 (Volume 67, Chapter 345, Laws of Delaware); HB 692 (Volume 67, Chapter 346, Laws of Delaware); SB 446 w SA 1, 2, HA 1 (Volume 67, Chapter 347, Laws of Delaware); SB 469 w SA 1 (Volume 67, Chapter 348, Laws of Delaware); SJR 15; SB 385 w SA 2 (Volume 67, Chapter 349, Laws of Delaware); SB 397 w SA 1 (Volume 67, Chapter 350, Laws of Delaware); SB 412 w SA 1, HA 1 (Volume 67, Chapter 351, Laws of Delaware); HB 714 (Volume 67, Chapter 352, Laws of Delaware).

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LEGISLATIVE ADVISORY #68 (July 16, 1990): On July 16, 1990 the Governor signed HB 368 w SA 1 (Volume 67, Chapter 353, Laws of Delaware); HB 434 w HA 1 (Volume 67, Chapter 354, Laws of Delaware); HB 442 w HA 1 (Volume 67, Chapter 355, Laws of Delaware); HB 574 w HA 2, 7, 8, SA 1, 2 (Volume 67, Chapter 356, Laws of Delaware); HB 674 w HA 1, 2, 3, 4, 5 (Volume 67, Chapter 357, Laws of Delaware); HJR 27; SB 56 (Volume 67, Chapter 358, Laws of Delaware); SB 33 (Volume 67, Chapter 359, Laws of Delaware); SB 8 (Volume 67, Chapter 360, Laws of Delaware); HB 585 w HA 1 (Volume 67, Chapter 361, Laws of Delaware); SB 353 (Volume 67, Chapter 362, Laws of Delaware); SB 491 (Volume 67, Chapter 363, Laws of Delaware). On July 13 the Governor vetoed HB 520 and on July 16 the Governor vetoed HB 281.

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LEGISLATIVE ADVISORY #69 (July 17, 1990): On July 17 the Governor signed HB 616 w HA 1, 3, 4 (Volume 67, Chapter 364, Laws of Delaware); HB 538 (Volume 67, Chapter 365, Laws of Delaware); SB 196 w SA 1, 2 (Volume 67, Chapter 366, Laws of Delaware); HB 129 w HA 1 (Volume 67, Chapter 367, Laws of Delaware); SB 434 w SA 1, 2 (Volume 67, Chapter 368, Laws of Delaware); HB 537 (Volume 67, Chapter 369, Laws of Delaware); SB 375 (Volume 67, Chapter 370, Laws of Delaware); SB 380 w SA 1 (Volume 67, Chapter 371, Laws of Delaware); SB 404 (Volume 67, Chapter 372, Laws of Delaware); SB 448 (Volume 67, Chapter 373, Laws of Delaware); SB 457 (Volume 67, Chapter 374, Laws of Delaware); SB 466 w SA 1 (Volume 67, Chapter 375, Laws of Delaware); SB 467 (Volume 67, Chapter 376, Laws of Delaware); SS 1 to SB 476 (Volume 67, Chapter 377, Laws of Delaware); SB 478 w SA 1 (Volume 67, Chapter 378, Laws of Delaware); SB 480 w SA 1 (Volume 67, Chapter 379, Laws of Delaware); SS 1 to SB 484 w SA 1, 2, 3 (Volume 67, Chapter 380, Laws of Delaware); HB 695 w HA 2 (Volume 67, Chapter 381, Laws of Delaware); HB 711 w HA 1 (Volume 67, Chapter 382, Laws of Delaware); HB 270 w HA 1 (Volume 67, Chapter 383, Laws of Delaware); HB 311 w HA 1 (Volume 67, Chapter 384, Laws of Delaware); HB 388 w HA 1, 2, SA 1 (Volume 67, Chapter 385, Laws of Delaware); HB 394 w SA 1, 2, 3, 4, HA 1 (Volume 67, Chapter 386, Laws of Delaware); HB 565 w HA 1, SA 1 (Volume 67, Chapter 387, Laws of Delaware).

LEGISLATIVE ADVISORY #70 (July 19, 1990): On July 18 the Governor signed SB 507 (Volume 67, Chapter 388, Laws of Delaware); SB 508 w SA 1 (Volume 67, Chapter 389, Laws of Delaware); SB 509 w SA 1 (Volume 67, Chapter 390, Laws of Delaware); SB 510 w SA 1 (Volume 67, Chapter 391, Laws of Delaware); SB 420 (Volume 67, Chapter 392, Laws of Delaware); HB 575 w HA 1, 5 (Volume 67, Chapter 394, Laws of Delaware); SS 1 to SB 102 w SA 1 (Volume 67, Chapter 396, Laws of Delaware); SB 331 w SA 2, 5 (Volume 67, Chapter 397, Laws of Delaware); SB 447 (Volume 67, Chapter 398, Laws of Delaware); HB 578 w HA 1 (Volume 67, Chapter 399, Laws of Delaware); HS 1 for HB 682 w HA 1 (Volume 67, Chapter 400, Laws of Delaware); HB 671 w HA 1 (Volume 67, Chapter 401, Laws of Delaware); HB 624 w HA 1 (Volume 67, Chapter 402, Laws of Delaware); HB 608 w HA 1 (Volume 67, Chapter 403, Laws of Delaware); HS 1 to HB 541 (Volume 67, Chapter 404, Laws of Delaware); HB 63 w SA 1, 2, 3, 4 (Volume 67, Chapter 405, Laws of Delaware); SB 228 w SA 1, HA 1, 2 (Volume 67, Chapter 406, Laws of Delaware); SB 381 (Volume 67, Chapter 407, Laws of Delaware); SB 384 w SA 1 (Volume 67, Chapter 408, Laws of Delaware); HB 737 (Volume 67, Chapter 409, Laws of Delaware). On July 19 the Governor signed HB 567 w HA 1 (Volume 67, Chapter 393, Laws of Delaware); HB 627 (Volume 67, Chapter 395, Laws of Delaware). On July 9 the Governor vetoed HB 619. On July 3 the Governor vetoed SB 417 w HA 1, 2, 3.
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LEGISLATIVE ADVISORY #71 (July 20, 1990): On July 19 the Governor signed SB 444 w SA 1, HA 1 (Volume 67, Chapter 412, Laws of Delaware). On July 20 the Governor signed SB 449 w SA 1 (Volume 67, Chapter 410, Laws of Delaware); SB 451 w SA 1 (Volume 67, Chapter 411, Laws of Delaware); SB 470 w SA 1 (Volume 67, Chapter 413, Laws of Delaware); HB 588 w HA 1, 3, 4 (Volume 67, Chapter 414, Laws of Delaware). On July 20 HB 727 w HA 1 w HA 1, HA 2 became law without the Governor's signature (Volume 67, Chapter 415, Laws of Delaware). On July 19 the Governor vetoed SB 425 and HB 406 w HA 1. On July 20 the Governor vetoed HB 95 w HA 1.
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LEGISLATIVE ADVISORY #72 (July 26, 1990): On July 23 the Governor signed HB 104 w HA 1 (Volume 67, Chapter 416, Laws of Delaware); HB 762 w HA 1 (Volume 67, Chapter 417, Laws of Delaware); SB 498 (Volume 67, Chapter 418, Laws of Delaware); SB 497 (Volume 67, Chapter 419, Laws of Delaware); SB 488 (Volume 67, Chapter 422, Laws of Delaware); SB 437 (Volume 67, Chapter 425, Laws of Delaware); SB 436 (Volume 67, Chapter 426, Laws of Delaware); SB 435 (Volume 67, Chapter 427, Laws of Delaware); SB 430 w SA 1 (Volume 67, Chapter 428, Laws of Delaware); SB 416 w SA 1 (Volume 67, Chapter 429, Laws of Delaware); SB 389 (Volume 67, Chapter 430, Laws of Delaware). On July 24 the Governor signed SB 496 (Volume 67, Chapter 420, Laws of Delaware); SB 489 (Volume 67, Chapter 421, Laws of Delaware); SB 486 w SA 1 (Volume 67, Chapter 423, Laws of Delaware); SB 487 (Volume 67, Chapter 424, Laws of Delaware); SB 513 (Volume 67, Chapter 431, Laws of Delaware); SB 424 w SA 1, 2 (Volume 67, Chapter 432, Laws of Delaware); SB 280 (Volume 67, Chapter 433, Laws of Delaware); HB 643 w HA 1 w HA 1 (Volume 67, Chapter 434, Laws of Delaware); SS 1 for SB 308 w HA 1, 2, 3 (Volume 67, Chapter 437, Laws of Delaware). On July 25 the Governor signed SB 492 (Volume 67, Chapter 435, Laws of Delaware); SB 386 (Volume 67, Chapter 436, Laws of Delaware); HJR 30. On July 26 the Governor signed HB 743 w HA 1 (Volume 67, Chapter 438, Laws of Delaware); SB 490 w SA 1 (Volume 67, Chapter 439, Laws of Delaware); HJR 29. On July 23 the Governor vetoed HB 636 w HA 1 w HA 1, HA 3 w HA 1, HA 4, 5.
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LEGISLATIVE ADVISORY #73 (August 7, 1990): On August 2 the Governor signed HB 778 (Volume 67, Chapter 440, Laws of Delaware); HB 779 w HA 1 (Volume 67, Chapter 441, Laws of Delaware).
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LEGISLATIVE ADVISORY #74 (October 11, 1990): On October 5 the Governor signed HB 524 (Volume 67, Chapter 442, Laws of Delaware); HB 560 (Volume 67, Chapter 443, Laws of Delaware); HB 604 (Volume 67, Chapter 444, Laws of Delaware); HB 700 (Volume 67, Chapter 445, Laws of Delaware); HB 744 (Volume 67, Chapter 446, Laws of Delaware); HB 756 (Volume 67, Chapter 447, Laws of Delaware); HB 758 (Volume 67, Chapter 448, Laws of Delaware). On October 11 the Governor signed SB 427 w SA 9, 13, 14; HA 2 w HA 1; HA 3, HA 6 w HA 1; HA 7; HA 8 (Volume 67, Chapter 449, Laws of Delaware).
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LEGISLATIVE ADVISORY #75 (October 18, 1990): On October 12 the Governor signed HB 502 w HA 1, 2, 3 (Volume 67, Chapter 450, Laws of Delaware); HB 662 w HA 1 (Volume 67, Chapter 451, Laws of Delaware). On October 17 the Governor signed HB 712 w HA 1 (Volume 67, Chapter 452, Laws of Delaware).
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The following VETO letters from the Governor were received while the Senate was not in session:

STATE of DELAWARE
Office of the Governor

July 2, 1990

TO THE MEMBERS OF THE DELAWARE STATE SENATE
135TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE

On June 21, 1990, I received Senate Bill #417 as amended by House Amendment #1, #2 and #3 entitled: "AN ACT TO AMEND TITLE 19, DELAWARE CODE, RELATING TO CERTAIN PUBLIC WORKS CONTRACTS, AND PAYMENT OF EMPLOYEE WAGES BENEFITS BY PROVIDING FOR POSTING OF BONDS AND PRESCRIBING CRIMINAL PENALTIES FOR VIOLATIONS THEREOF."

The bill requires that every contractor and subcontractor engaged in or about to engage in work on a public contract with the State of Delaware or one of its agencies must furnish a bond payable to the State to insure payment of the wages and fringe benefits of the contractor's or subcontractor's employees. Excepted from this requirement are "those who have done business in this State actively and actually engaged in construction work within the five years next receiving the posting of the bond required by this section and against whom there are no outstanding complaints with the Department of Labor for failure to pay wages and wage supplements . . .". The bill requires that the amount of bond posted be equal to the total of the employer's gross payroll for four weeks at full capacity or production, plus fifteen percent. The amount of the bond must be increased or decreased as the employer's payroll increases or decreases; however, in the case of a decrease, approval for the decrease must be obtained from the Secretary of the state agency with whom the employer has contracted. The bill also provides that the head of a contracting state agency may waive the bond requirement if he or she determines that an employer is of sufficient financial responsibility to pay wages and fringe benefits. Rules and regulations are to be established which prescribe standards for granting waivers. The bill also prescribes criminal penalties for failing to post a bond or for concealing assets to avoid payment of employee wages and benefits.

Because certain provisions of the bill are ambiguous and raise potential administrative problems and certain constitutional concerns and because it is in part duplicative of existing law and could raise the costs to the State of public works contracts, I am returning Senate Bill No. 417 as amended by House Amendment Nos. 1, 2, and 3 without my signature.

Initially, as previously stated, the bill provided for the posting of bond in an amount equal to the total of an employer's gross payroll for four weeks at full capacity or production plus fifteen percent. The legislation does not, however, indicate whether the bond amount is required to cover an employer's entire payroll or only that portion of the payroll which is involved in performing work on Delaware public works contracts. The plain wording of the statute would indicate that the bond must cover an employer's entire payroll. The effect of this requirement would be extremely onerous especially in the cases of non-Delaware contractors and subcontractors who conduct a significant portion of their business outside of the state. Such employers would find it extremely difficult to submit competitive bids on public works projects in Delaware since the premiums for the bond required under this bill would have to be included in the contractors' bid proposal. Obviously, as well, there is no rational basis for requiring a contractor to post a bond based on the amount of its entire payroll when only a fraction is involved in a Delaware public works contract.

An additional concern is the provision that the amount of a bond must increase or decrease as an employer's payroll increases or decreases. As a practical matter this would be an extremely burdensome requirement since each bond is issued in a definite principal amount. Therefore, any time the amount of an employer's payroll changes, which obviously occurs with great frequency, a different bond would have to be issued.

Moreover, the provision which allows an exception for firms actively and actually engaged in construction work in Delaware for the specified period of time raises certain concerns relating to the privileges and immunities clause contained in Article 4, Section 2 of the United States Constitution which provides that "citizens of each state shall be entitled to all privileges and immunities of citizens in the several states". It can be argued that this legislation discriminates against individuals who are non-resident contractors and who have not previously engaged in public works contracts in Delaware thereby preventing them from enjoying the same fundamental right of employment as possessed by resident contractors.

Of even greater significance is the fact that 29 Del.C., §6909 already requires that prime contractors doing business with the State post a bond to cover the wages of their employees. While the current law does not impose the bonding requirement as to fringe benefits, it could easily be amended to provide that payment bonds submitted by public works contractors provide coverage for fringe benefits as well. In my view, this would be a simple, effective and appropriate means of accomplishing the well-intended goals of this legislation.

Finally, I believe that the requirements of this bill will unnecessarily result in increased costs to the State with respect to public works contracts since contractors will have to factor the added costs associated with the bill's requirements into their bid proposals.

For the reasons state herein, I am returning Senate Bill No 417 as amended by House Amendment Nos. 1, 2 and 3 to the Senate without my signature.

Very truly yours,
Michael N. Castle * * * * *

The following VETO letter though not dated was received by the Assistant Secretary on July 19, 1990:

STATE OF DELAWARE
Office of the Governor

To the Members of the Delaware State Senate
of the 135th General Assembly

On July 9, 1990, I received Senate Bill No. 425 which is entitled: "AN ACT AWARDED SPECIAL PENSION BENEFITS TO ELSIE EVERETT, 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."

This bill seeks to direct the Board of Pension Trustees to continue to provide Elsie Everett with a service pension based on 18 years of service rather than the 15 years for which she is eligible to receive pension benefits under Delaware law. The bill further directs that \$6,327.94 be appropriated to fund this special pension benefit. Because I believe that the circumstances underlying Ms. Everett's case do not justify provided the extraordinary relief authorized by this legislation, I am returning Senate Bill No. 425 without my signature.

Ms. Everett was employed full-time in the state public schools for a period of 15 years. Additionally, she worked as a substitute teacher for 3 years. Under Delaware law, Ms. Everett is not entitled to receive credit for pension purposes for the 3 year period that she worked as a substitute teacher. In July, 1988, Ms. Everett retired from state service and began receiving her pension, the amount of which erroneously included her time of service as a substitute teacher. The mistake was recently discovered and the amount of Ms. Everett's pension is to be reduced accordingly.

While it is unfortunate that a mistake was made, there is no dispute that Ms. Everett was not legally entitled to receive benefits for the period of time during which she worked as a substitute teacher. Likewise, there is no basis which would justify the expenditure of additional taxpayers' money to perpetuate the original mistake which this legislation seeks to do. As a result, I am returning Senate Bill No. 425 without my signature.

Sincerely,
Michael N. Castle

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The following correspondence was received by the Secretary of the Senate while the Senate was not in session:

HOUSE of REPRESENTATIVES
State of Delaware
Legislative Hall
Dover, Delaware 19903

July 17, 1990

The Honorable Bernard J. Brady
Secretary of the Senate
Delaware State Senate
Legislative Hall
Dover, DE 19901

Dear Bernard:

Please be aware that Representatives Bennett & Buckworth signed SCR 183 as additional sponsors on July 11, 1990.

Thank you for your continuing cooperation
Very truly yours,
JoAnn, Chief Clerk

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UNITED STATES SENATE
Washington, DC 20510

May 30, 1990

Mr. Bernard J. Brady
Secretary of the Senate
Delaware State Senate
Legislative Hall
Dover, DE 19903

Dear Mr. Brady:

Enclosed you will find copies of my letter to Senators Marshall and Knox regarding their resolution on Lithuania (SCR 142) which recently passed the Delaware General Assembly

Thank you for sending me a copy of the resolution and bringing it to my attention.

Sincerely,
Joseph R. Biden, Jr.
United States Senator

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Congress of the United States
House of Representatives
Washington, D.C. 20515

July 31, 1989

Mr. Bernard J. Brady
Secretary of the Senate
State of Delaware
117 Legislative Hall
Dover, Delaware 19903

Dear Mr. Brady:

Thank you for contacting my office regarding the recent passage of House Joint Resolution 7.

As always, I appreciate hearing the views of the Delaware State Legislature. As a Vietnam Veteran and being deeply concerned about the effect of agent orange, I understand the need for care for those Americans still suffering the effect of war.

Once again, I thank you for contacting me regarding this issue. Rest assured if given the opportunity to vote on this issue, I will keep the comments of the Delaware State Legislature in mind.

Sincerely,
Tom Carper,
Member of Congress

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Congress of the United States
House of Representatives
Washington, D. C. 20515

July 31, 1989

Mr. Bernard J. Brady
Secretary of the Senate
State of Delaware
117 Legislative Hall
Dover, Delaware 19903

Dear Mr. Brady:

Thank you for informing me of the passage of Senate Concurrent Resolution 58.

There are several pieces of legislation currently pending in House committees precisely addressing the issue of the waiting period for Medicaid benefits. If given the opportunity to vote on legislation concerning this issue, rest assured I will keep your views in mind.

Once again, I thank you for informing me of your consensus in this matter.

Sincerely
Tom Carper
Member of Congress

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United States Senate
Washington, D. C. 20510

August 9, 1989

Delaware State Senate
c/o Mr. Bernard J. Brady
Secretary of the Senate
Legislative Hall
Dover, DE 19903

Dear Senators:

Thank you for sending me a copy of Senate Concurrent Resolution 32.

I appreciate knowing the views of Delaware's General Assembly. Please be assured that I will keep your views in mind as legislation pertaining to Section 89 is debated in the Senate.

Once again, thank you for voicing your concerns. I appreciate hearing from you.

Sincerely
Joseph R. Biden, Jr.
United States Senator

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Congress of the United States
House of Representatives
Washington, D. C. 20515

Mr. Bernard J. Brady
Secretary of the Senate
117 Legislative Hall
Dover, DE 19901

Dear Mr. Brady:

Thank you for forwarding to my office a copy of Delaware State Senate Resolution Number 142. I am pleased that our state is taking a stand in support of Lithuanian freedom.

I thought you might be interested to know that I am a co-sponsor of H.J.Res. 493, legislation supporting Baltic Freedom Day. While President Bush has not been as forceful as many would have liked in pressing the Soviets to accept independence for Lithuania, as well as Latvia and Estonia, there are now indications that the stalemate in the Baltics may be over.

On June 13, Lithuanian Prime Minister Kazimiera Prunskiene announced that the Kremlin has agreed to relax economic sanctions against her Baltic republic, and indicated that the economic blockade may be lifted soon. In addition, President Gorbachev apparently had a successful meeting with the Presidents of the Lithuania, Latvia, and Estonia at which time the leaders appeared to have found a formula to begin negotiations that will result in sovereignty for the Baltic Republics. Events since that time indicate that the economic blockade has ended. In return, the republics have temporarily suspended their declarations of independence.

Please continue to inform me of current actions that take place in the Delaware General Assembly.

Sincerely,
Tom Carper
Member of Congress

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State of Delaware
Department of Insurance

August 23 1989

Hon. Bernard J. Brady,
Secretary of the Senate
Hon. JoAnn M. Hedrick,
Chief Clerk of the House
Legislative Hall
Dover, Delaware 19901

Dear Mr. Brady and Ms. Hedrick:

Recently you forwarded to me an official sealed copy of Senate Concurrent Resolution No. 89 "Creating a flexible benefit plan study commission to examine the feasibility of making flexible benefit plans available to State employees." State Insurance Commissioners and Personnel Directors have traditionally played a major role in development of such plans. According to our reading of Senate Concurrent Resolution No. 89, the Insurance Commissioner of the State of Delaware was not included as a member of the Commission. The phrase used in designating members was "Director of Insurance". While the Insurance Commissioner of some other States carries the title "Director of Insurance", in Delaware that title is carried by a state employee who reports to the State's Insurance Committee and the State's Health Insurance Committee, upon both of which Committees I serve.

In a phone conversation with the State Treasurer, who is designated Chairman of the Commission, I was informed that she was certain that the prime sponsor of the Resolution, Senator John Still, had as his intent the exclusion of the State's Insurance Commissioner from this Commission. I do not know, of course, whether all of the other members of the General Assembly were fully aware of Senator Still's intent or its effect. However, since this resolution provides neither authority nor responsibility to the State Insurance Commissioner to participate as a member of the Commission, I wish to confirm this as a matter of public record so that there is no misunderstanding in the future.

Sincerely,
David N. Levinson
Insurance Commissioner

cc: Senator John C. Still, III
Senator Robert T. Connor
Senator Richard S. Cordrey
Senator Richard A. Hauge
Senator Herman M. Holloway, Sr.
Senator Andrew G. Knox
Senator Robert I. Marshall
Senator James P. Neal
Senator Thomas B. Sharp
Representative Gerald A. Buckworth
Representative Orlando J. George, Jr.
Representative Robert F. Gilligan
Representative Joseph R. Petrilli
Representative G. Robert Quillen
Representative Terry R. Spence

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Congress of the United States
House of Representatives
Washington, D. C. 20515

September 10, 1990

Mr. Bernard J. Brady
Secretary of the Senate
117 Legislative Hall
Dover, Delaware 19901

Dear Mr. Brady:

Thank you for forwarding to me a copy of Delaware State Senate Resolution 142 regarding Lithuanian independence. Please excuse the delay in my response to you.

As you know, free elections held in Lithuania resulted in an overwhelming victory for the pro-independence opposition movement, and the Lithuanian parliament declared independence from the Soviet Union on March 11. While the Soviet Union has not used military force in Lithuania, it responded to the declaration of independence with tactics apparently intended to intimidate the pro-independence Lithuanian government, including the movement of Soviet forces through the capital, and economic sanctions against the republic.

The Soviet government argues that the Lithuanians should use Soviet legal procedures in moving toward succession. The Lithuanian government argues, rightly, that Soviet laws are inapplicable because Lithuania did not voluntarily join the Soviet Union in the first place. The United States has never recognized the incorporation of Lithuania into the Soviet Union either, nor the neighboring Republics of Latvia and Estonia.

On April 3, the House overwhelmingly passed a resolution urging the Soviet government to enter into immediate negotiations with the government of Lithuania and to refrain from acts of political, military, or economic intimidation. The resolution also stated that the use of force by the Soviets against Lithuania would have severe repercussions for U.S.-Soviet relations, and urged the Bush Administration to strengthen its commitment to an independent Lithuania by planning for and taking the necessary steps to normalize diplomatic relations with Lithuania.

President Bush has not been as forceful as many would have liked in pressing the Soviets to accept independence for Lithuania, as well as Latvia and Estonia.

On June 13, Lithuanian Prime Minister Kazimiera Prunskiene announced that the Kremlin has agreed to relax economic sanctions against her Baltic Republic, and indicated that the economic blockade may be lifted soon. In addition, President Gorbachev apparently had a successful meeting with the Presidents of Lithuania, Estonia, and Latvia on June 12, at which time the leaders seem to have found a formula to begin negotiations for Baltic sovereignty. Events since those meetings indicate that the economic blockade has ended. In return, the republics have temporarily suspended their declarations of independence.