

STILLWATER, MONTANA

APR 14 1955

Mont. County

STATE OF DELAWARE



JOURNAL OF THE HOUSE OF REPRESENTATIVES

131ST GENERAL ASSEMBLY

Convened
Tuesday, January 13, 1981
Dover, Delaware

1981 - 1982

MEMBERS OF THE HOUSE OF REPRESENTATIVES
131ST GENERAL ASSEMBLY

NEW CASTLE COUNTY

District

- 1 ORLANDO J. GEORGE, JR., 2707 Baynard Boulevard, Wilmington
 - 2 AL O. PLANT, 523 Eastlawn Avenue, Wilmington
 - 3 HERMAN M. HOLLOWAY, JR., 609 South Heald Street, Wilmington
 - 4 KEVIN W. FREE, 1109 North Franklin Street, Wilmington
 - 5 CASIMIR S. JONKIERT, 403 South Broom Street, Wilmington
 - 6 THOMAS E. BRADY, 2219 West Seventeenth Street, Wilmington
 - 7 DAVID H. ENNIS, 304 Beechwood Road, Wilmington
 - 8 JAMES F. EDWARDS, 819 Parkside Boulevard, Claymont
 - 9 CHARLES L. HEBNER, 913 Darley Road, Wilmington
 - 10 GWYNNE P. SMITH, 1419 Fresno Road, Wilmington
 - 11 RICHARD SINCOCK, 2201 Beaumont Road, Wilmington
 - 12 JANE MARONEY, 4605 Concord Pike, Wilmington
 - 13 JOHN P. McKAY, West Farm, Greenville
 - 14 PHILIP J. CORROZI, 2511 Woodview Drive, Wilmington
 - 15 JOHN A. CAMPANELLI, JR., 1206 Charles Place, Wilmington
 - 16 DONALD J. VAN SCIVER, 17 Read Avenue, Newport
 - 17 RODNEY DIXON, 111 West Franklin Avenue, New Castle
 - 18 RICHARD C. CATHCART, 21 Prince Avenue, New Castle
 - 19 JEFFREY G. MACK, 215 Moores Avenue, New Castle
 - 20 TERRY R. SPENCE, 16 Freeport Road, New Castle
 - 21 ROBERT F. GILLIGAN, 2628 Sherwood Drive, Wilmington
 - 22 ROGER ROY, 2916 Jaffe Road, Wilmington
 - 23 ROBERT S. POWELL, 5455 Crestline Road, Wilmington
 - 24 WILLIAM A. OBERLE, JR., 188 Scottfield Drive, Newark
 - 25 ADA LEIGH SOLES, 215 Vassar Drive, Newark
 - 26 MARIAN P. ANDERSON, 41 Anglin Drive, Newark
 - 27 JOSEPH R. PETRILLI, 21 Pinyon Pine Circle, Wilmington
 - 28 GERARD A. CAIN, 2 Stallion Drive, Newark
 - 29 KATHARINE M. JESTER, Route 11, Box 424, Middletown
- KENT COUNTY
- 30 ROBERT W. RIDDAGH, 24 Lake Drive, Smyrna
 - 31 MICHAEL J. HARRINGTON, SR., 228 North State Street, Dover
 - 32 EDWARD J. BENNETT, Woodsedge Road, Box 344, Dover
 - 33 RUTH ANN MINNER, R. D. No. 3, Box 694, Milford
 - 34 GERALD A. BUCKWORTH, 25 East Camden-Wyoming Avenue, Camden
 - 35 RONALD DARLING, Box 342, R. D. 1, Camden-Wyoming
- SUSSEX COUNTY
- 36 JOHN M. BURRIS, 314 Lakelawn Drive, Milford
 - 37 HARRY E. DERRICKSON, 3 Lake Como Townhouse, Rehoboth Beach
 - 38 B. BRADFORD BARNES, R. D. 2, Bridgeville
 - 39 TINA FALLON, Rt. 4, Box 219, Old Meadow Road, Seaford
 - 40 CARROL W. CORDREY, Route 1, Box 520, Delmar
 - 41 CHARLES P. WEST, R. D. 3, Box 241, Millsboro

STAFF MEMBERS
131ST GENERAL ASSEMBLY

Nancy Stevens - Administrative Assistant
Janice A. Donovan - Chief Clerk
Dorothy Johnson - Attache/Chief Clerk
Anna E. Redding - Assistant Chief Clerk
Patricia Arsenault - Reading Clerk
Robert Aulgur - Attorney
Louise Banks - Attache
Virgle Banks - Assistant Recorder/Sergeant-at-Arms
Laurie Barnes - Attache
Dawn Beers - Typist
Diane Bradley - Secretary
Morris Cohen - Sergeant-at-Arms
Richard Cooch - Attorney
Zola Cox - Secretary
Eileen Craig - Head Bill Prep/Bill Clerk
Ruth Crossan - Secretary
Vanita Darling - Typist
Doris Dayton - Secretary
Patricia Ellerman - Secretary/Attache
Marisella Fisher - Attache
Doreen Francisco - Assistant Secretary to the Chief Clerk
Ruth Haggerty - Minority Head Page
Vicki Hall - Attache
JoAnn Hedrick - Secretary to the Chief Clerk
Katherine Hill - Attache

Heidi Hoegger - Attache
 Kathleen Holloway - Legal Secretary
 Bruce Hudson - Attorney
 Carole Huxtable - Legal Secretary
 Patricia Johnson - Secretary/Calendar Clerk
 David Jones - Attache
 Rose Ann Jones - Secretary
 Patricia Joseph - Head Page/Head Bill Prep
 Helen Klein - Secretary
 Joanne Klemas - Secretary
 Cynthia LaPrad - Attache
 Sharon Latina - Secretary
 Paula Lehrer - Administrative Assistant
 Grace Lowe - Attache
 Mary Mallon - Attache
 Marianne Marsh - Attache
 Mary Marshall - Attache
 Andrew McFarley - Sergeant-at-Arms
 Stephanie McIver - Attache
 Fred Millman - Sergeant-at-Arms
 Richard Millman - Recorder
 Kathleen Moore - Secretary to the Speaker
 Rose Marie Moore - Secretary
 Nancy Morton - Legal Secretary
 Mary Mroz - Typist
 Linda Murchison - Calendar Clerk
 Lois Muzio - Secretary to Administrative Assistant
 Karen Parker - Secretary
 Ruth Parker - Secretary
 Joseph Pinkett - Sergeant-at-Arms
 Elaine Price - Secretary
 Maryellen Quinn - Secretary
 Charles Rebar - Bill Clerk
 Elizabeth Ridings - Attache
 Carolyn Rogers - Attache
 Geraldine Romans - Secretary
 Barbara Rossiter - Attache/Head Page
 Jennie Schreckengost - Legal Secretary
 Anna Sekerke - Attache
 Carrie Shugart - Attache
 Carol Simpson - Secretary
 Jacqueline Skinner - Attache
 Stephanie Skinner - Attache
 Pegi Slack - Secretary
 Lucy Slader - Calendar Clerk
 Ron Smith - Attorney
 John Sobieski - Attache
 Cecilia Stegura - Attache
 Gerald Street - Attorney
 Mary Ann Stumpf - Secretary
 Marie Taylor - Legal Secretary
 Richard Templeton - Attache
 Tom Wagner - Secretary to Administrative Assistant/Assistant Recorder
 Donna Walters - Secretary
 Louis Wambsganz - Sergeant-at-Arms
 Sheila Wolfe - Secretary

STANDING COMMITTEES
 OF THE
 HOUSE OF REPRESENTATIVES
 131ST GENERAL ASSEMBLY

APPROPRIATIONS: Representative Richard Sincok - Chairman; Representative Joseph R. Petrilli - Vice Chairman; Representative David H. Ennis, Representative Philip J. Corrozi, Representative Edward J. Bennett, Representative Robert F. Gilligan.

Grant in Aid: Representative Joseph R. Petrilli - Chairman; Representative David H. Ennis, Representative Edward J. Bennett.

Bonds: Representative Philip J. Corrozi - Chairman; Representative David H. Ennis, Representative Robert F. Gilligan.

JUDICIARY: Representative Robert W. Riddagh - Chairman; Representative Terry R. Spence, Representative Jeffrey G. Mack, Representative Ruth Ann Minner, Representative Casimir S. Jonkiert.

Public Safety: Representative Terry R. Spence - Chairman; Representative Jeffrey G. Mack, Representative Ruth Ann Minner.

Corrections: Representative Jeffrey G. Mack - Chairman; Representative Terry R. Spence, Representative Casimir S. Jonkiert.

NATURAL RESOURCES & AGRICULTURE: Representative Gwynne P. Smith - Chairman; Representative B. Bradford Barnes, Representative Gerald A. Buckworth, Representative Ronald L. Darling, Representative Ada Leigh Soles.

Agriculture: Representative B. Bradford Barnes - Chairman; Representative Gerald A. Buckworth, Representative Ronald L. Darling.

Environmental Control: Representative Gerald A. Buckworth - Chairman; Representative B. Bradford Barnes, Representative Ada Leigh Soles.

ADMINISTRATIVE SERVICES: Representative Roger Roy - Chairman; Representative Richard C. Cathcart, Representative William A. Oberle, Jr., Representative Al O. Plant, Representative Carrol W. Cordrey.

Labor: Representative William A. Oberle, Jr. - Chairman; Representative Richard C. Cathcart, Representative Al O. Plant.

Transportation: Representative Richard C. Cathcart - Chairman, Representative William A. Oberle, Jr., Representative Carrol W. Cordrey.

HEALTH & SOCIAL SERVICES: Representative Jane Maroney - Chairman; Representative Donald J. Van Sciver, Representative James F. Edwards, Representative Charles P. West, Representative Herman M. Holloway, Jr.

Aging: Representative Donald J. Van Sciver - Chairman; Representative James F. Edwards, Representative Charles P. West.

Health Services: Representative James F. Edwards - Chairman; Representative Donald J. Van Sciver, Representative Herman M. Holloway, Jr.

REVENUE & FINANCE: Representative Robert S. Powell - Chairman; Representative Michael J. Harrington, Representative Harry E. Derrickson, Representative Thomas E. Brady, Jr., Representative Marian P. Anderson, Representative Rodney Dixon.

Banking & Insurance: Representative Michael J. Harrington - Chairman; Representative Harry E. Derrickson, Representative Thomas E. Brady, Jr., Representative Rodney Dixon.

Economic Development: Representative Harry E. Derrickson - Chairman; Representative Michael J. Harrington, Representative Marian P. Anderson.

EDUCATION: Representative John P. McKay - Chairman; Representative Tina Fallon, Representative Kevin W. Free, Representative Katharine M. Jester, Representative John A. Campanelli.

HOUSE ADMINISTRATION: Representative John M. Burris - Chairman; Representative Charles L. Hebner, Representative Joseph R. Petrilli, Representative Orlando J. George, Jr., Representative Gerard A. Cain.

SUNSET: Representative Thomas E. Brady, Jr. - Chairman; Representative Gwynne P. Smith, Representative B. Bradford Barnes, Representative Ada Leigh Soles, Representative Casimir S. Jonkiert.

PERMANENT RULES
OF THE
HOUSE OF REPRESENTATIVES
OF THE
131ST GENERAL ASSEMBLY
1981-1982

HOUSE RESOLUTION NO. 6

I. RULES OF ORDER

Rule 1 - Convening of House

The House of Representatives shall meet every Tuesday, Wednesday and Thursday at 1:30 p.m., unless otherwise ordered. The Speaker shall take the chair precisely at the designated hour and shall immediately call the House to order. The Speaker shall cause the names of the members to be called in alphabetical order, followed by the opening prayer and pledge to the flag. If a quorum is present, he shall proceed with the business of the day. The minutes shall normally be made public and posted by the Chief Clerk prior to the next legislative day. With the consent of the House, the reading of the minutes for the previous day may be omitted.

Rule 2 - Order of Business

(a) After the reading of the minutes, the order of business shall be as follows:

1. Presentation of petitions, memorials or communications.
2. Reports from Standing and Special Committees.
3. Introduction and first reading of Bills and Resolutions.
4. Consent Calendar when necessary; once each week.
5. Consideration of Agenda.
6. Announcement of Committee meetings.
7. Announcement of Agenda for next legislative day.

(b) The order of business may be changed from time to time by the Speaker unless a majority of the members present object.

Rule 3 - Messages

Messages from the Senate or from the Governor may be received at any time except when a question is being put or the roll is being called.

Rule 4 - Business of the Day

The Chief Clerk shall lay upon the desk of the Speaker at the beginning of each day's session all Bills, Resolutions and motions pending before the House that day, properly arranged and classified.

II. DUTIES OF THE SPEAKER

Rule 5 - Order and Decorum

(a) The Speaker shall preside and have general direction over the House Chamber and shall preserve order and decorum. In debate he shall prevent personal reflection and confine the members to the question under discussion. No member shall have the floor except when recognized by the Speaker.

(b) Cameras, recording instruments, and similar equipment or electronic devices are permitted in the House Chamber only with the permission of the Speaker.

Rule 6 - Decide Questions of Order; Appeal

The Speaker shall decide all questions of order. An appeal from his decision may be made by any member if properly seconded. The appeal shall be upheld only upon the affirmative vote of a majority of the members present and voting. The Speaker shall not vote on appeals from his own decision.

Rule 7 - Temporary Presiding Officer

(a) The Speaker may name a member to perform the duties of Presiding Officer, but such substitution shall not extend beyond an adjournment or a recess except when the Speaker obtains leave of absence, in which case he may name a member as Speaker Pro Tempore during such leave, which leave shall not exceed five consecutive legislative days.

(b) When neither the elected nor appointed presiding officer shall be present, the House shall be called to order by the senior member in terms of service for the Majority Party who shall serve in the interim as the Presiding Officer. The Presiding Officer shall serve no longer than five legislative days.

Rule 8 - Signing of Bills and Resolutions

The Speaker shall sign all Bills and Resolutions requiring his signature. All warrants, writs and subpoenas issued by the House shall be signed by the Speaker and attested to by the Chief Clerk. In the absence of the Speaker, the Speaker Pro Tempore shall sign when and where necessary.

Rule 9 - Assignment of Bills and Resolutions to Committee

The Speaker shall determine the principal objective of a Bill or Resolution and, subject to the provisions of Rule 23, assign same to the appropriate committee. All prefiled Bills may be pre-assigned to committees by the Speaker and each member notified in writing of assignments.

Rule 10 - Appointment of Committees

(a) The Speaker shall appoint all committees and subcommittees unless otherwise ordered by the House.

(b) Where illness or other sufficient cause shall compel the absence of any committee member for more than five consecutive legislative days, the Speaker, in his discretion, may fill such vacancy during said absence.

III. RIGHTS AND DUTIES OF MEMBERS

Rule 11 - Attendance of Members

(a) No member shall absent himself or herself from any session of the House without leave of the Speaker, unless, because of sickness, he is unable to attend.

(b) Members must answer roll call from their respective seats.

Rule 12 - Quorum

Twenty-one members of the House shall constitute a quorum. When the lack of a quorum exists, the Sergeant-at-Arms, by signal or otherwise, shall notify the members who are absent from the Chamber, but not from the capital of the State, that their presence is required therein. Upon receiving the notification, the absentee members shall report to the House Chamber. After a proper interval for the notifications, the Speaker shall order a call of the House to ascertain if a quorum is present. A member who is absent without leave of the Speaker may be considered in contempt and is subject to the censure of the House.

Rule 13 - Addressing the House

(a) Every member desirous of speaking shall rise from his or her desk and respectfully address the Speaker but shall not proceed to speak further until recognized by the Chair. If two or more members seek recognition at the same time, the Speaker shall determine which is entitled to the floor.

(b) Remarks shall be confined to the subject before the House or to the purpose for which recognition was obtained.

Rule 14 - Decorum of Members

(a) Every member shall conduct himself or herself in an honorable manner at all times. Personal reflections shall be prohibited.

(b) No member or other person may walk across the House Chamber or converse privately in a manner as to interrupt the House proceedings.

(c) A member shall not be interrupted when speaking, except to a call of order by the Speaker or by a member through the Speaker, or by a member to explain, or by a motion for the previous question, or to adjourn or recess.

(d) A member, during debate, shall avoid personalities as to other members. He or she shall refer to them by title unless use of the proper name is necessary to make the reference clear.

IV. COMMITTEES

Rule 15 - Standing Committees

(a) The standing committees and subcommittees of the House shall include members of the two political parties and shall be appointed by the Speaker unless otherwise directed by the House. The Speaker shall designate a chairman and vicechairman for each committee he appoints.

(b) The following standing committees and subcommittees shall be appointed by the Speaker at the beginning of each session of the General Assembly.

COMMITTEES

SUBCOMMITTEES

(1) ADMINISTRATIVE SERVICES

Labor
Transportation

(2) APPROPRIATIONS

Bond
Grants

(3) EDUCATION

(4) HEALTH & SOCIAL SERVICES

Aging
Health Services

(5) HOUSE ADMINISTRATION

(6) JUDICIARY

Public Safety
Corrections

(7) NATURAL RESOURCES & AGRICULTURE

Agriculture
Environmental Control

(8) REVENUE & FINANCE

Banking & Insurance
Economic Development

Rule 16 - Appointment of Special Committees

The Speaker, on his own initiative or upon order of the House, may appoint Special Committees from time to time.

Rule 17 - Joint Committees

The House of Representatives and the Senate by mutual agreement at any time may establish a Joint Committee for some particular specified purpose. The House members of any Joint Committee shall be appointed by the Speaker. The Joint Committee shall select its own chairman and vicechairman.

Rule 18 - Quorum on Committees

A majority of the members of any committee, subcommittee or special committee shall constitute a quorum.

Rule 19 - Committee Meetings

No committee meetings shall be held while the House is in session without the consent of the Speaker. So far as may be applicable, the rules of the House shall be observed. All committee meetings will be open to the public except that the committee chairman may call an executive session at which no official action may be taken, in accordance with the provisions of Section 10004 (b) and (c) of Title 29. During the legislative sessions, each standing committee of the House shall be assigned a regular meeting time by the Speaker. This shall not preclude the option of a committee chairman to cancel a regular or special meeting or call additional meetings when necessary. All committee meetings shall be chaired by the chairman or in his absence the vicechairman.

Rule 20 - Deliberative Process and Procedures of Standing Committees

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

(b) Each Thursday each standing committee shall release a Committee Agenda which shall include, among other things, all matters to be considered by the committee at its next meeting; a listing of all Bills or Resolutions in committee; and any other announcements from the committee including the times, places and dates of future meetings.

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

(d) Bills and Resolutions shall be reported out of committee by a favorable majority vote of the full committee. (Bills and Resolutions shall be voted out of a subcommittee by a favorable majority vote of the subcommittee.) A Bill or Resolution may be tabled in committee upon action of a majority of the committee.

(e) All Bills and Resolutions shall be acted upon by the appropriate standing committee within twelve legislative days of that legislative session after being assigned to that committee.

(f) The Chairman will return the Bill or Resolution to the Chief Clerk within two legislative days after a Bill or Resolution has been voted out of committee.

Rule 21 - Committee Reports

All Bills and Resolutions reported out of committee shall include a committee report. Committee reports, which shall be printed or typewritten, should include a summary of arguments for and against the legislation. Copies of the committee reports shall be distributed to each member of the House.

Rule 22 - Committee of the Whole

The committee of the whole shall mean and include a committee of the entire membership of the House with the Speaker as Chairman. So far as may be applicable, the rules of the House shall be observed in the committee of the whole.

V. BILLS AND RESOLUTIONS

Rule 23 - Introduction of Bills and Resolutions; Filing with Clerk

(a) Every Bill or Resolution shall be introduced by:

(1) Prefiling with the Clerk of the House not less than three hours prior to the opening of the session by one of the three following procedures:

a. The sponsor's initials in the 'Prefile-Yes' block on the request form;

b. Verbal approval from the sponsor to the Chief Clerk (original Bill must still be signed before start of session);

c. Signature of sponsor on original Bill one hour before start of session.

(2) Introduction from the floor while the House is in session if deemed necessary by the Speaker.

(b) A Bill or Resolution that is filed with the Clerk of the House while the House stands in recess, in adjournment, or is not otherwise meeting, shall be given a number and entered upon a docket kept for that purpose. At the beginning of the day's session following the filing of a Bill or Resolution with the Clerk, the Clerk shall introduce the Bill or Resolution.

(c) Every Bill or Resolution shall be numbered in order as introduced, beginning with HB 1 for House Bills, HR 1 for House Resolutions, HCR 1 for House Concurrent Resolutions and HJR 1 for House Joint Resolutions.

(d) Upon the introduction of each Bill or Resolution, it shall be read the first time. Unless otherwise ordered by the House, it shall be read by title only or by reference to the prefile list and referred by the Speaker to its appropriate committee. Resolutions of condolence or congratulation may be considered as part of a Consent Calendar without being referred to a committee, but a suspension of the Rules is required in order to consider any other type of Resolution without referring it to a committee.

(e) The prime sponsor of a Bill or Resolution is the person listed first to the right of the word "sponsor" in the upper right side on the first page of a Bill or Resolution. A joint sponsor is any person whose name is printed on the measure after the name of the prime sponsor. A co-sponsor is a person whose name is not otherwise shown on the measure but who signs the backer of the measure.

(f) The chairman of the House Standing Committee to which a Senate Bill or Resolution has been assigned shall also be the floor manager of that measure unless there is a House sponsor shown on the measure.

(g) The sponsor of a Bill or Resolution may withdraw his or her sponsorship only by submitting a written request for this purpose to the Speaker. The written request shall then be attached to the original of the Bill or Resolution.

Rule 24 - Last Thirty Days

No House Bill or Joint Resolution may be introduced in the House during the last thirty calendar days of the second session of the General Assembly.

Rule 25 - Content of Resolutions

The following types of Resolutions may be considered by this body:

(a) Simple Resolutions: A simple Resolution is a motion of the House and deals with the internal affairs of the House only. The effect of its passage does not go beyond the bounds and the authority of the House.

(b) Concurrent Resolutions: A Concurrent Resolution is used to accomplish the same purpose in relation to the entire Legislature that the simple Resolution accomplished for either the House or Senate singly. A Concurrent Resolution adopted by the Legislature does not become a statute, nor does it have the force and effect of law, nor can it be used for any purpose which requires the exercise of legislative power.

(c) Joint Resolutions: A Joint Resolution is the most formal type of Resolution, and is addressed to matters which are not internal affairs of either House individually, or the internal affairs of the General Assembly as a whole. It is of no legal effect unless passed by both Houses and signed by the Governor. Although a Joint Resolution is not a law, it is employed to provide for temporary measures and has the force of law while in effect for a wide variety of limited purposes, including subpoena power. The requirement of the Governor's signature for Joint Resolutions stems from its original use in instances where it was expedient or necessary to express the joint will and action of the Legislature and Governor combined.

Rule 26 - Preparation and Custody

(a) Every Bill and Resolution shall be introduced with as many backed copies as deemed necessary by the Speaker. The original of the Bill or Resolution shall at all times remain in the custody of the Chief Clerk of the House or the Chairman of the committee to which it was assigned. A 'duplicate' copy may go to the following: The Speaker, the Sponsor, and the Legislative Council. Upon introduction a copy of each Bill or Resolution shall be delivered to every member. There shall also be delivered to the Legislative Council 200 copies of said Bill or Resolution.

(b) No Bill or Joint Resolution shall be introduced into the House unless it be 'prefaced' by a brief statement of its purpose which shall be known as the title and shall also contain the text of the Bill or Joint Resolution in full. Each Bill or Resolution shall have an appropriate enacting or resolving clause. If a Bill by its terms requires an extraordinary majority for enactment, such vote requirement shall be plainly indicated. At the end of each Bill or Joint Resolution introduced, the author shall include a brief synopsis of the intent of the Bill or Joint Resolution, and in the lower left hand corner of page one shall be the initials of the unit preparing the Bill or Resolution, the initials of the Author and the typist, and, if prepared by automatic equipment, the identification number.

Rule 27 - Assignment to Appropriations Committee

Every Bill or Joint Resolution, whether emanating from the House or the Senate, carrying an appropriation or which may involve any financial loss or obligation either present or future on the part of the State of \$50,000 or more (which has been previously referred by the Speaker under the Rules to any committee of the House other than the Committee on Appropriations) shall, after the same has been reported back to the House, be referred to the Committee on Appropriations.

Rule 28 - Fiscal Notes

No Bill or Resolution either authorizing expenditures or reducing revenues as described in Chapter 19, Title 29 of the Delaware Code shall be placed before the House for consideration unless accompanied by a fiscal note as required by that Chapter. The fiscal note shall be attached by the sponsor prior to initial committee consideration of the measure.

Rule 29 - Final Readings and Consideration by House

(a) When brought before the House for consideration, each Bill and Joint Resolution shall be given its final reading by title unless the Speaker directs a reading in full. Each House or Senate Bill prior to final reading shall have been checked for errors and initialed as approved by an attorney whose initials shall be affixed to the original.

(b) Every Bill or Joint Resolution in order to pass the House shall be read on two different days of the session unless a majority of the members elected to the House otherwise determine by roll call vote or unless the Bill or Joint Resolution is on a Consent Calendar and voted on as part of a single group. No Bill, Joint Resolution or Concurrent Resolution, shall be brought before the House for passage on the same calendar day it is reported out of committee, nor in the absence of the sponsor without his written consent. Any member concerned with a possible conflict should declare same at this point in the proceedings.

Rule 30 - Amendments

(a) Amendments to a measure may be introduced by prefiling or when the measure is being discussed on the floor.

(b) When an amendment to a Bill would significantly change the nature and intent of the Bill, such amendment shall contain a brief synopsis outlining the basic changes incurred.

(c) If a Bill becomes significantly changed by amendment, the Speaker shall reassign the amended Bill to committee.

(d) No title of a Bill or Resolution, however, may be changed except for typographical errors.

(e) When the amendment sponsor is present, all prefiled amendments shall be acted upon before final action on the main Bill or Resolution.

Rule 31 - Substitute Bills

(a) A Substitute Bill may be introduced by the sponsor of the Bill with a brief written explanation of how it differs from the original. The Substitute shall be assigned to committee and follow the same procedure as other Bills.

(b) Once assigned to committee the Substitute Bill shall render null and void the Bill for which it is a substitute.

(c) The title of a Substitute Bill must be identical to the title of the Bill for which it is substituted.

Rule 32 - Petition of Bill or Resolution out of Committee

Every Bill or Resolution which shall have been in committee for a period of not less than twelve legislative days shall, upon written request of the majority of the members elected to the House, be reported to the House for a decision as to its further disposal.

Rule 33 - Voting

(a) Except for Bills and Resolutions on the Consent Calendar, every Bill or Joint Resolution which shall come before the House for final action shall be acted upon by a roll call vote.

(b) Any member who has a personal or private interest in any measure or Bill before the House shall disclose the fact to the House in accord with Article 2, Section 20 of the State Constitution prior to the taking of the vote and refrain from voting thereon. A member of the Legislature shall be deemed to have a personal interest in any legislation within the meaning of this Section, if, by reason of his or her participation in the enactment or defeat of any legislation, he or she has reason to believe that he or she will derive a direct monetary gain or suffer a direct monetary loss. No member of the Legislature shall be deemed to have a personal interest in any legislation within the meaning of this Section if, by reason of his or her participation in the enactment or defeat of any legislation, no benefit or detriment could reasonably be expected to accrue to him or her as a member of a business, profession or occupation, to any greater extent than any such benefit or detriment could reasonably be expected to accrue to any other member of such business, profession or occupation.

(c) The names of the members of the House shall be called alphabetically, except the Speaker who shall vote last, and each shall, without debate or comment, answer 'yes', 'no', or 'not voting', from their respective seats.

(d) No member shall be permitted to change his or her vote after the decision shall have been announced by the Chief Clerk.

(e) A roll call may not be laid on the table.

Rule 34 - Striking a Bill or Resolution

Only the prime sponsor of a Bill or Resolution or a member authorized by the prime sponsor in writing can strike said Bill or Resolution. A Bill or Resolution may not be stricken once it has been voted upon.

VI. MOTIONS

Rule 35 - Debate and Vote on Motions

(a) After a motion is stated by the Speaker or read by the Clerk, it is in the possession of the House, but with the consent of the House, it may be withdrawn at any time before a decision thereon.

(b) After debate or discussion, the motion shall be repeated by the Speaker before putting the question to the House.

(c) Every motion shall be decided in a fair and impartial manner by the Speaker. The vote of a majority of the members present shall prevail in the case of a motion to recess, incidental motions, subsidiary motions, or other motions presenting questions of a general procedural nature. The vote of a majority of the members elected to the House shall prevail in the case of privileged motions (except a motion to recess), main motions, or other motions presenting questions of a substantive nature. Such voting shall prevail unless contrary to these Rules or unless it is in conflict with the statutes or provisions of the Constitution of the State of Delaware.

(d) The Speaker may cause, or any member may call for, a division in which case the members voting in the affirmative shall be required to rise for the purpose of being counted by the Clerk of the House.

(e) At the request of any member, the vote on any measure shall be by roll call vote.

(f) 'Measure' as used in these Rules means a Bill, Resolution, Amendment, motion, or other question before the House.

Rule 36 - Precedence of Motions

(a) If a question is before the House, no motion may be received except one of the following, and they have precedence in the order listed:

(1) To adjourn sine die. If a motion to postpone indefinitely is pending when this motion is made, this motion is not debatable.

(2) To adjourn. This motion is not debatable and can neither be amended nor reconsidered. The motion shall state the hour and day to which it is proposed the House adjourn. A motion to adjourn having been determined in the negative, another motion to adjourn cannot be put to the House until some legislative business has intervened. This motion is out of order on the legislative day for the final calendar day of any session.

(3) To recess. If a motion to postpone indefinitely is pending when this motion is made, this motion is not debatable. This motion is passed by a majority of those members present.

(4) Question of Privilege.

(5) All incidental motions.

(6) To table.

(7) Motion to call the previous question. A motion to call the previous question shall not be entertained except at the request of five members rising for that purpose and so indicating and shall be determined by roll call vote without debate. When the previous question has been called and sustained it shall not cut off action on amendments to the main measure and the vote shall be taken without debate first on the amendments in order and then on the main measure.

(8) To limit debate.

(9) Postpone to a day certain.

(10) To commit to committee.

(11) To amend. An amendment may be offered to an amendment, but no motion may be accepted which would amend an amendment to an amendment.

(12) To postpone indefinitely. This motion is not debatable, may not be amended, and if carried affirmatively, may not be reconsidered.

(13) To reconsider.

(14) To take from the table.

(b) No motion may be received after a vote upon the question then before the House has been called for by the Speaker.

Rule 37 - Motion for Reconsideration

(a) No motion for reconsideration shall be in order unless made on the same legislative day or on one of the three next succeeding legislative days. If the original vote was taken by a recorded vote of yeas and nays, this motion can be made only by a member who voted with the prevailing side; i.e., a reconsideration can be moved only by one who voted 'aye' if the motion involved was adopted or 'no' if the motion was lost. If the original vote was not taken by a recorded vote of yeas and nays, it is in order for any member to move for the reconsideration thereof.

(b) When a Bill, Resolution, Report, Amendment, Order or Message, upon which a vote has been taken, shall have gone out of possession of the House and been communicated to the Senate, or the Governor, the motion to reconsider shall be accompanied by a motion in writing, attested to by the Speaker, to request the Senate to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

Rule 38 - Motion to Take From the Table

(a) After a measure has been laid on the table, only the following persons may move to lift such measure from the table:

(1) In the case of a House measure, only the prime sponsor of the measure or a member authorized in writing by the prime sponsor.

(2) In the case of a Senate measure, only the floor manager of a measure or a member authorized in writing by the floor manager.

(b) A motion to take a measure from the table may only be made on the same legislative day the measure is tabled or if this motion is listed on the Agenda. The motion is not subject to debate.

VII. CALENDAR

Rule 39 - House Calendar

The Clerk of the House shall keep a House Calendar on which shall be placed the number and title of all Bills and Resolutions and the name of the prime and joint sponsors thereof; and if reported from committee, the action of the committee thereon. Where the Bill or Resolution is introduced by request, the name of the person or group who asked the prime and joint sponsors to sponsor the measure shall also be placed on the Calendar. Said Bills and Resolutions shall be kept on the Calendar until final action is taken thereon, and such as lie over and other matters not disposed of, shall be placed in the order in which they are presented.

Rule 40 - Consent Calendar

(a) The Chairman of any Standing Committee may propose any Bill or Resolution for inclusion on a Consent Calendar for final reading. The proposal shall be made in writing in the office of the Chief Clerk on any day. There shall be separate consent calendars for Bills and Resolutions and all Bills on a particular Consent Calendar shall have the same majority vote requirements.

(b) The Consent Calendar may be considered on any Wednesday the House is in session. At least one day preceding the day for consideration of the Consent Calendar, the Chief Clerk shall release to the House and the public the list of Bills and Resolutions on the consent calendars for that day.

(c) A Bill or Resolution shall be removed from a Consent Calendar if any member objects to its being included thereon and registers his or her objection in the office of the Chief Clerk, not later than one hour prior to the time the Consent Calendar is scheduled for consideration by the House. Also, a Bill or Resolution may not be included on a Consent Calendar either if at the time of reading a Consent Calendar an amendment to it is proposed or if a member objects to its inclusion thereon.

(d) All Bills or Resolutions on a Consent Calendar shall be read and voted upon as a single group.

Rule 41 - Agenda

(a) The Speaker shall place items on the Agenda from the List of all measures that have been reported out of committee or have been laid on the table. Any House Bill amended by the Senate shall either be placed on the Agenda or, if significantly changed by amendment, then assigned to committee.

- (b) Measures brought to the top of the Agenda for the day shall only be permitted to be:
1. Deferred to day certain; or
 2. Deferred to the end of agenda one time only; or
 3. Laid on the table; or
 4. Otherwise considered.

Rule 42 - Announcement of Agenda; Delivery of Bills and Resolutions

(a) Prior to the beginning of each legislative day, the Chief Clerk shall provide to each member, a printed copy by number, sponsor and/or committee, the Bills, Resolutions or other measures that are being placed on the Agenda for that legislative day. The Agenda shall not contain more than 30 items.

(b) All Bills and Resolutions originating in the House, or Senate Bills or Resolutions to which the House has added amendments or its concurrence, shall be delivered to the Senate by the Chief Clerk of the House or by the Bill Clerk within the three next succeeding legislative days.

VIII. MISCELLANEOUS

Rule 43 - Offices, Parking Spaces and Seats

Seats on the floor of the House, offices, and parking spaces shall be allocated to the members by the Speaker.

Rule 44 - Authorized Manual of Parliamentary Procedure

In all cases to which they are applicable and in which they are not inconsistent with these Rules, the rules of parliamentary procedure comprised in Robert's Rules of Order, Newly Revised, shall govern the House.

Rule 45 - Supervision of Legislative Staff

The Chief Clerk, or in his or her absence, the Assistant Chief Clerk, shall at all times have complete jurisdiction over the members of the legislative staff. In this respect, the Chief Clerk, or the Assistant Chief Clerk, shall be directly responsible to the Speaker and House Administration Committee. The Chief Clerk of the House will maintain on file a job description for the Chief Clerk and the Bill Clerk.

Rule 46 - Certification of News Media

(a) Accredited representatives of the daily and weekly press, press associations, and of radio and television stations shall be accorded equal press privileges by the House Administration Committee. Any person wishing to report proceedings of the House may apply to said Committee for assignment of suitable available space.

(b) On approval of the House Administration Committee, radio and television stations shall be permitted to air and record sessions of the House.

(c) Any use or reproduction of House tapes will require permission of the Speaker of the House and the request shall be communicated to the Chief Clerk in writing.

Rule 47 - Privilege of Floor

The privilege of the floor may be granted by the Speaker upon request of any member, unless an objection is sustained by a majority of members present and voting.

Rule 48 - Persons on the Floor of the House

(a) No person may be admitted to the floor of the House while it is in session unless specifically invited by a member and with the consent of the Speaker except the following: former Governors, former members of the House, former members of the Senate (but none of the foregoing has this privileged admission without consent if he is a registered legislative agent as defined in Chapter 16, Title 29 of the Delaware Code), duly designated representatives of the Governor of Delaware, members of the House and the Senate and their staffs, representatives of the Legislative Council, representatives of each Cabinet Department, reporters for each of the daily newspapers published in the State, a reasonable number of other accredited correspondents as determined by the Speaker and a reasonable number of representatives of radio and television broadcasting stations (together with necessary equipment) as determined by the Speaker.

(b) No one other than a member shall sit in a member's seat while the House is in session.

(c) Only members of the House or House staff shall be allowed to smoke in the House Chamber while the House is in session.

Rule 49 - Suspension of Rules

The suspension of any Rule requires the concurrence of at least a majority of the Members elected to the House. This motion is debatable but does not permit discussion of the main question. It can neither be reconsidered, laid on the table, nor postponed indefinitely, and while it is pending no motion may be made except to adjourn. A separate suspension of the Rules is necessary for each proposition.

Rule 50 - Repeal or Amendment of Rules

No motion, order or Resolution to repeal or amend a Rule of the House may be considered or acted upon unless it has been submitted in writing to the House at least one day prior thereto, together with the written text of any proposed amendment. The repeal or amendment of any Rule of the House requires the concurrence of at least a majority of the Members elected to the House.

1st LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

January 13, 1981

Pursuant to Article II, Section 4 of the State Constitution, the 131st General Assembly, State of Delaware, convened on Tuesday, January 13, 1981.

Acting Speaker Riddagh called the House to order at 1:37 p.m.

Mr. Burris moved that Mr. Riddagh be made Temporary Speaker until a permanent Speaker of the House is elected. The motion was adopted by voice vote.

Mr. Burris moved that Ms. Janice Donovan be made Temporary Chief Clerk until a Chief Clerk is elected. The motion was adopted by voice vote.

A prayer was offered by Reverend Harry L. Mayfield, Wynnewood, PA.

Mr. Acting Speaker led those present in a pledge of allegiance to the Flag.

The Woodwind Quintet from the University of Delaware rendered several musical selections.

The Temporary Chief Clerk called the names of the members-elect of the House of Representatives of the 131st General Assembly.

NEW CASTLE COUNTY

Representative District No. 1 - Orlando J. George, Jr.
Representative District No. 2 - Al O. Plant.
Representative District No. 3 - Herman M. Holloway, Jr.
Representative District No. 4 - Kevin W. Free
Representative District No. 5 - Casimir S. Jonkiert
Representative District No. 6 - Thomas E. Brady, Jr.
Representative District No. 7 - David H. Ennis
Representative District No. 8 - James F. Edwards
Representative District No. 9 - Charles L. Hebner
Representative District No. 10 - Gwynne P. Smith
Representative District No. 11 - Richard Sincock
Representative District No. 12 - Jane Maroney
Representative District No. 13 - John P. McKay
Representative District No. 14 - Philip J. Corrozi
Representative District No. 15 - John A. Campanelli
Representative District No. 16 - Donald J. Van Sciver
Representative District No. 17 - Rodney Dixon
Representative District No. 18 - Richard C. Cathcart
Representative District No. 19 - Jeffrey G. Mack
Representative District No. 20 - Terry R. Spence
Representative District No. 21 - Robert F. Gilligan
Representative District No. 22 - Roger Roy
Representative District No. 23 - Robert S. Powell
Representative District No. 24 - William A. Oberle, Jr.
Representative District No. 25 - Ada Leigh Soles
Representative District No. 26 - Marian P. Anderson
Representative District No. 27 - Joseph R. Petrilli
Representative District No. 28 - Gerard A. Cain
Representative District No. 29 - Katharine M. Jester

KENT COUNTY

Representative District No. 30 - Robert W. Riddagh
Representative District No. 31 - Michael J. Harrington
Representative District No. 32 - Edward J. Bennett
Representative District No. 33 - Ruth Ann Minner
Representative District No. 34 - Gerald A. Buckworth
Representative District No. 35 - Ronald L. Darling

SUSSEX COUNTY

Representative District No. 36 - John M. Burris
Representative District No. 37 - Harry E. Derrickson
Representative District No. 38 - B. Bradford Barnes, Jr.
Representative District No. 39 - Tina Fallon
Representative District No. 40 - Carrol W. Cordrey
Representative District No. 41 - Charles P. West

Mr. Acting Speaker Riddagh appointed Messrs. Sincock and Darling to receive and examine the Certificates of Election of the Members-Elect.

Mr. Acting Speaker Riddagh declared a recess at 1:58 p.m. for the examination of the Certificates of Election.

The House reconvened at 2:09 p.m. with Representative-Elect Sincok reporting that the Certificates had been examined and found to be in order.

Mr. Acting Speaker Riddagh requested that the Temporary Chief Clerk read the Certificate of Election as follows:

The State of Delaware
New Castle County, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of Our Lord nineteen hundred and eighty, for New Castle County, according to the Constitution and Laws of the State of Delaware, CHARLES L. HEBNER was duly elected Representative for Representative District Number nine in said County in the General Assembly: which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the County, according to provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on this 7th day of November, A.D. 1980.

Albert J. Stiffel, President Judge.

Andrew D. Christie, Resident Associate Judge.

Representative-Elect Burris moved that the reading of one Certificate of Election constitute the reading of all. The motion was seconded by Representative-Elect McKay and adopted by voice vote.

Representative-Elect Burris moved that the oath of Representative be administered to Robert W. Riddagh by Judge Wayne Hanby, Justice of the Peace, New Castle County. The motion was seconded by Representative-Elect Hebner and adopted by voice vote.

Judge Hanby then administered the following oath to Robert W. Riddagh:

State of Delaware
STATE OF DELAWARE
LEGISLATIVE HALL

I, Robert W. Riddagh, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Representative according to the best of my ability.

And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

Robert W. Riddagh

Sworn to this 13th day of January, A.D. 1981, before me.

Wayne R. Hanby
Justice of the Peace
New Castle County

Representative-Elect Burris moved that Judge Hanby administer the oath of office of Representative to the Representatives-Elect. The motion was seconded by Representative-Elect Smith and adopted by voice vote. The oath of office was then administered by Judge Hanby to the Representatives-Elect in groups of eight.

Judge Jackson administered the oath of office to Representative-Elect Herman M. Holloway, Jr. as follows:

State of Delaware
STATE OF DELAWARE
LEGISLATIVE HALL

I, Herman M. Holloway, Jr., do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Representative according to the best of my ability.

And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office.

Herman M. Holloway, Jr.

Sworn to this 13th day of January, A.D. 1981, before me.

Wayne R. Hanby
Justice of the Peace
New Castle County

Representative Burris moved that the roll be called. The motion was properly seconded and adopted by voice vote.

The roll call was taken and revealed:

Members Present: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Acting Speaker Riddagh - 41.

Representative Burris moved that the roll be adopted as the permanent roll of the House of Representatives of the 131st General Assembly. The motion was seconded by Representative Hebner and adopted by voice vote.

Representative Burris introduced and brought HR 1, jointly sponsored by Representative Petrilli, before the House for consideration.

HR 1 - In Reference to the Election of the Speaker of the House of Representatives.

BE IT RESOLVED by the House of Representatives of the 131st General Assembly of the State of Delaware that Charles L. Hebner be and he is hereby elected to the Office of Speaker of the House of Representatives for the duration of the 131st General Assembly of the State of Delaware.

HR 1 was adopted by voice vote.

Representative Burris moved that the oath of office of Speaker be administered to Representative Hebner. The motion was seconded by Representative Sinecock and adopted by voice vote.

Judge Hanby then administered the oath of office of Speaker to Representative Hebner as follows:
The State of Delaware

I, Charles L. Hebner, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of Speaker of the House of Representatives in the General Assembly of the State of Delaware, according to the best of my ability.

Charles L. Hebner
Speaker

Sworn and subscribed to this 13th day of January, A.D., 1981.

Wayne R. Hanby
Justice of the Peace
New Castle County

Representative Sinecock announced that the Majority caucus has elected Representative John M. Burris as Majority Leader and Representative Joseph R. Petrilli as Majority Whip.

Representative Gilligan announced that the Minority caucus has elected Representative Orlando J. George, Jr. as Minority Leader and Representative Gerard A. Cain as Minority Whip.

Representative Burris introduced and brought HR 2, jointly sponsored by Representative Petrilli, before the House for consideration.

HR 2 - In Reference to Election of Officers.

BE IT RESOLVED by the House of Representatives of the 131st General Assembly of the State of Delaware that Janice Donovan is to serve as Chief Clerk of the House and Anna E. Redding, as Assistant Chief Clerk of the House to serve during the pleasure of the House.

HR 2 was adopted by voice vote.

Representative Burris introduced and brought HJR 1, jointly sponsored by Representative Petrilli, before the House for consideration.

HJR 1 - In Reference to Election of Officers.

The roll call on HJR 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Soever, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representatives Barnes, Fallon, McKay, Oberle - 4.

Therefore, having received a constitutional majority, HJR 1 was sent to the Senate for concurrence.

Representative Burris introduced and brought HR 3, jointly sponsored by Representative Petrilli, before the House for consideration.

HR 3 - Appointing a Committee to Notify the Governor That the House of Representatives is Organized.

HR 3 was adopted by voice vote.

Mr. Speaker Hebner appointed Representative Oberle and Representative Jonkiert to notify the Governor that the House is organized.

Representative Burris introduced and brought HR 4, jointly sponsored by Representative Petrilli, before the House for consideration.

HR 4 - Appointing a Committee to Notify the Senate That the House of Representatives is Organized.

HR 4 was adopted by voice vote.

Mr. Speaker Hebner appointed Representative Barnes and Representative Soles to notify the Senate that the House is organized.

Representative Burris introduced and brought HR 5, jointly sponsored by Representative George, before the House for consideration.

HR 5 - Thanking the University of Delaware Woodwind Quintet for the Fine Concert Played for the House of Representatives Today, the Opening Day of the 131st General Assembly of Delaware.

WHEREAS, the opening day of a new session of the General Assembly of Delaware is always a special occasion; and

WHEREAS, as part of the program for today, January 13, 1981, the first day of the 131st General Assembly, we have had the good fortune to hear a concert by the University of Delaware Woodwind Quintet; and

WHEREAS, the members of the Woodwind Quintet are Peter Hill, an associate professor at the University, the leader and clarinetist; George Shorter, the oboist; Eileen Grycky, flutist; Ruth Dalphin, bassoonist; and Michael Johns, who played the French horn; and

WHEREAS, the selection of music from the 1700s was delightfully played and well received by the Members of the House, their guests, and the staff.

NOW THEREFORE:

BE IT RESOLVED that the House of Representatives of the 131st General Assembly of Delaware thanks the University of Delaware Woodwind Quintet for the fine concert played for the House of Representatives today, the opening day of the 131st General Assembly of Delaware.

HR 5 was adopted by voice vote.

Representative Burris introduced and brought SJR 1, sponsored by Senators Cordrey and Sharp, before the House for consideration.

SJR 1 - In Reference to Election of Officers.

The roll call on SJR 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Barnes - 1.

Therefore, having received a constitutional majority, SJR 1 was returned to the Senate.

Representative Derrickson introduced and brought HR 6, jointly sponsored by Representatives Smith, Free and Jonkiert, co-sponsored by Representative Soles, before the House for consideration.

HR 6 - Relating to the Permanent Rules of the House of Representatives of the 131st General Assembly of the State of Delaware.

Representative Burris moved to recess to the call of the Chair at 3:41 p.m.

2nd LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

January 14, 1981

The Speaker called the House to order at 1:32 p.m.

The Majority Leader moved to adjourn at 1:33 p.m., thereby ending the previous legislative day. The House reconvened at 1:34 p.m. A prayer was offered by Representative David H. Ennis, Seventh District.

The Speaker led those present in a pledge of allegiance to the Flag.

The Chief Clerk called the roll.

Members Present: 41.

The minutes of the previous legislative day were approved as posted.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 1.

Representative Burris moved to recess for caucus at 1:50 p.m.

The House reconvened at 1:57 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 1.

Representative Burris introduced and brought SCR 1, sponsored by Senator Cordrey, before the House for consideration.

SCR 1 - Providing That a Joint Session of the House of Representatives and the Senate be Convened for the Purpose of Opening and Publishing the Election Returns for Governor.

BE IT RESOLVED by the Senate of the 131st General Assembly of the State of Delaware, the House of Representatives concurring, therein, that both the House of Representatives and the Senate meet together in joint session in the Senate Chamber at 2 p.m. on Wednesday, the 14th day of January, 1981 for the purpose of opening and publishing the election returns for the office of Governor of the State of Delaware.

SCR 1 was adopted by voice vote and returned to the Senate.

Mr. Speaker Hebner declared a recess for the Joint Session at 2:00 p.m.

JOINT SESSION SENATE CHAMBER JANUARY 14, 1981

Pursuant to SCR 1, the House and Senate convened for Joint Session in the Senate Chamber at 2:00 p.m., January 14, 1981.

On motion of Senator Sharp and without objection, the President of the Senate was appointed to preside over the Joint Session.

On motion of Senator Sharp and without objection, the Secretary of the Senate and Chief Clerk of the House were appointed as secretaries of the Joint Session.

The President directed the Reading Clerk to read the Certificates of Election as follows:

THE STATE OF DELAWARE NEW CASTLE COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen hundred and eighty, for New Castle County, according to

the Constitution and Laws of the State of Delaware, 43,821 votes were given for WILLIAM J. GORDY for Governor; 115,050 votes were given for PIERRE S. DuPONT, IV for Governor; 1,496 votes were given for R. LAWRENCE LEVY for Governor; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on the 7th day of November, A.D. 1980.

Albert J. Stiftel,
President Judge
Andrew D. Christie,
Resident Judge

* * * * *

THE STATE OF DELAWARE
KENT COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and Eighty for Kent County, according to the Constitution and Laws of the State of Delaware, Eight Thousand Six Hundred Sixty Six votes were given for William J. Gordy for Governor; Nineteen Thousand Eight Hundred Ninety Five votes were given for Pierre S. duPont, IV, for Governor; One Hundred Seventy Seven votes were given for R. Lawrence Levy for Governor; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, William Marvel and George R. Wright constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 6th day of November, A.D. 1980.

William Marvel,
Chancellor
George R. Wright,
Resident Associate Judge

* * * * *

THE STATE OF DELAWARE
SUSSEX COUNTY, S.S.

Be it remembered, that at the general election held on the Tuesday next after the first Monday in November, 1980, for Sussex County, according to the Constitution and Laws of the State of Delaware, Eleven thousand seven hundred and thirty (11,730) votes were given for William J. Gordy for Governor Twenty-three thousand nine hundred and fifty nine (23,959) votes were given for Pierre S. duPont for Governor One hundred and forty (140) votes were given for R. Lawrence Levy for Governor which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE Hon. Claud L. Tease and Hon. Joseph T. Walsh, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this 6th day of November, 1980.

Claud L. Tease,
Res. Assoc. Judge
Joseph T. Walsh,
Assoc. Judge.

* * * * *

On motion of Senator Sharp, the Secretary of the Senate and the Clerk of the House compared their journals and found them to agree.

On motion of Senator Sharp, the Joint Session then adjourned.

* * * * *

The House reconvened at 4:29 p.m.

Representative Derrickson brought HR 6, jointly sponsored by Representatives Smith, Free and Jonkiert, co-sponsored by Representative Soles, before the House for consideration.

HR 6 - Relating to the Permanent Rules of the House of Representatives of the 131st General Assembly of the State of Delaware.

Representative Oberle introduced and brought HA 1 to HR 6 before the House for consideration.

Representative Derrickson moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Smith.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Sincoc, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Oberle, Plant, West - 15.

NOT VOTING: Representatives Cathcart, Cordrey, Corrozi - 3.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 1 was placed on the Speaker's table.

Representative Oberle introduced and brought HA 2 to HR 6 before the House for consideration.

Representative Derrickson moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincoc, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Holloway, Jester, Jonkiert, Minner, Oberle, Plant, Soles, West - 16.

Therefore, having received a constitutional majority, the motion was adopted and HA 2 was placed on the Speaker's table.

Representative Oberle introduced and brought HA 3 to HR 6 before the House for consideration.

Representative Oberle requested that HA 3 be stricken.

Representative Cain introduced and brought HA 4 to HR 6, jointly sponsored by Representative George, before the House for consideration.

Representative Derrickson moved to place HA 4 to HR 6 on the Speaker's table. The motion was seconded by Representative Sincoc.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Jonkiert, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincoc, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Minner, Plant, Soles, West - 15.

NOT VOTING: Representative Oberle - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 4 was placed on the Speaker's table.

Representative Bennett introduced and brought HA 5 to HR 6, jointly sponsored by Representatives George, Cain, Holloway, Cordrey, Dixon, Campanelli, Jester, Plant, Soles & Darling, before the House for consideration.

Representative Jonkiert moved to place HA 5 on the Speaker's table. The motion was seconded by Representative Riddagh and adopted by voice vote.

Representative Holloway introduced and brought HA 6 to HR 6, jointly sponsored by Representatives George, Cain, Bennett, Cordrey, Dixon, Campanelli, Jester, Plant, Soles & Darling, before the House for consideration.

Representative Derrickson moved to place HA 6 on the Speaker's table. The motion was seconded by Representative Burris.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincoc, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Oberle, Plant, Soles, West - 16.

NOT VOTING: Representative Bennett - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 6 was placed on the Speaker's table.

Representative Oberle introduced and brought HA 7 to HR 6 before the House for consideration.

Representative Oberle requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Derrickson moved to place HA 7 on the Speaker's table. The motion was seconded by Representative Burris.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Oberle, Plant, Soles, West - 17.

Therefore, having received a constitutional majority, the motion was adopted and HA 7 was placed on the Speaker's table.

Representative Derrickson rose on a point of order. Mr. Speaker concurred.

Representative Minner rose on a point of order. Mr. Speaker concurred.

Representative Derrickson moved that the House operate temporarily under Robert's Rules of Order Revised. The motion was seconded by Representative Burris and adopted by voice vote.

Representative George rose on a point of order. Mr. Speaker concurred.

Representative Jonkiert rose on a point of order. Mr. Speaker concurred.

The roll call on HR 6 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 26.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Oberle, Plant, Soles, West - 15.

Therefore, having received a constitutional majority, HR 6 was adopted.

Representative Burris introduced and brought HR 7, jointly sponsored by Representative George, before the House for consideration.

HR 7 - Providing for the Reimbursement of Travel Expenses to Members of the Staff of the House of Representatives of the 131st General Assembly.

Representative Burris moved to place HR 7 on the Speaker's table. The motion was seconded by Representative Riddagh and adopted by voice vote.

Mr. Speaker Hebner announced that the following committee assignments had been made.

APPROPRIATIONS: Representative Richard Sincok - Chairman; Representative Joseph R. Petrilli - Vice Chairman; Representative David H. Ennis, Representative Philip J. Corrozi, Representative Edward J. Bennett, Representative Robert F. Gilligan.

Grant in Aid: Representative Joseph R. Petrilli - Chairman; Representative David H. Ennis, Representative Edward J. Bennett.

Bonds: Representative Philip J. Corrozi - Chairman; Representative David H. Ennis, Representative Robert F. Gilligan.

JUDICIARY: Representative Robert W. Riddagh - Chairman; Representative Terry R. Spence, Representative Jeffrey G. Mack, Representative Ruth Ann Minner, Representative Casimir S. Jonkiert.

Public Safety: Representative Terry R. Spence - Chairman; Representative Jeffrey G. Mack, Representative Ruth Ann Minner.

Corrections: Representative Jeffrey G. Mack - Chairman; Representative Terry R. Spence, Representative Casimir S. Jonkiert.

NATURAL RESOURCES & AGRICULTURE: Representative Gwynne P. Smith - Chairman; Representative B. Bradford Barnes, Representative Gerald A. Buckworth, Representative Ronald L. Darling, Representative Ada Leigh Soles.

Agriculture: Representative B. Bradford Barnes - Chairman; Representative Gerald A. Buckworth, Representative Ronald L. Darling.

Environmental Control: Representative Gerald A. Buckworth - Chairman; Representative B. Bradford Barnes, Representative Ada Leigh Soles.

ADMINISTRATIVE SERVICES: Representative Roger Roy - Chairman; Representative Richard C. Cathcart, Representative William A. Oberle, Jr., Representative Al O. Plant, Representative Carrol W. Cordrey.

Labor: Representative William A. Oberle, Jr. - Chairman; Representative Richard C. Cathcart, Representative Al O. Plant.

Transportation: Representative Richard C. Cathcart - Chairman, Representative William A. Oberle, Jr., Representative Carrol W. Cordrey.

HEALTH & SOCIAL SERVICES: Representative Jane Maroney - Chairman; Representative Donald J. Van Sciver, Representative James F. Edwards, Representative Charles P. West, Representative Herman M. Holloway, Jr.

Aging: Representative Donald J. Van Sciver - Chairman; Representative James F. Edwards, Representative Charles P. West.

Health Services: Representative James F. Edwards - Chairman; Representative Donald J. Van Sciver, Representative Herman M. Holloway, Jr.

REVENUE & FINANCE: Representative Robert S. Powell - Chairman; Representative Michael J. Harrington, Representative Harry E. Derrickson, Representative Thomas E. Brady, Jr., Representative Marian P. Anderson, Representative Rodney Dixon.

Banking & Insurance: Representative Michael J. Harrington - Chairman; Representative Harry E. Derrickson, Representative Thomas E. Brady, Jr., Representative Rodney Dixon.

Economic Development: Representative Harry E. Derrickson - Chairman; Representative Michael J. Harrington, Representative Marian P. Anderson.

EDUCATION: Representative John P. McKay - Chairman; Representative Tina Fallon, Representative Kevin W. Free, Representative Katharine M. Jester, Representative John A. Campanelli.

HOUSE ADMINISTRATION: Representative John M. Burris - Chairman; Representative Charles L. Hebner, Representative Joseph R. Petrilli, Representative Orlando J. George, Jr., Representative Gerard A. Cain.

SUNSET: Representative Thomas E. Brady, Jr. - Chairman; Representative Gwynne P. Smith, Representative B. Bradford Barnes, Representative Ada Leigh Soles.
Representative Burris moved to recess to the call of the Chair at 6:55 p.m.

3rd LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

January 15, 1981

The Speaker called the House to order at 2:42 p.m.

Representative Burris introduced SCR 2, sponsored by Senators Holloway, Hughes & All Senators; Representatives Jonkiert, Van Sciver, Sincoc, Bennett, Mack, Petrilli & Ennis.

SCR 2 - Commending Dennis C. Carey, Education Advisor to the Governor, for Accomplishing the Feat of Swimming the English Channel.

SCR 2 was placed on Consent Calendar #1 for Thursday, January 15, 1981.

Representative Burris introduced SCR 3, sponsored by Senators Arnold & Sharp; Representatives Powell, Roy, Spence & Gilligan.

SCR 3 - Congratulating John Dickinson High School Upon Winning the Division I State Football Championship and Congratulating Coach Marty Apostolico Upon Being Named Coach of the Year.

Mr. Speaker assigned SCR 3 to the House Administration Committee.

Representative Burris introduced SCR 4, sponsored by Senators Marshall, Holloway, Berndt, McDowell, Hughes, Knox, Cook; Representatives Jonkiert, Powell, Sincoc, Ennis, Holloway & George.

SCR 4 - Commending John E. Babiarz of Wilmington for 31 Years of Outstanding Public Service.

SCR 4 was placed on Consent Calendar #1 for Thursday, January 15, 1981.

Representative Roy introduced HCR 1, jointly sponsored by Representatives Petrilli, Powell, Gilligan, Spence; Senators Sharp & Arnold; co-sponsored by Representatives Corrozi, Barnes, Sincoc & Bennett.

HCR 1 - Congratulating the Dickinson High School Rams and Their Coach, Marty Apostolico, on Winning the Division I State Football Championship, and the Five Players Who Were Chosen for the All-Flight A Team.

HCR 1 was placed on Consent Calendar #1 for Thursday, January 15, 1981.

Representative Plant introduced HCR 2, jointly sponsored by Representative Holloway & Senator Holloway, co-sponsored by Representatives Petrilli & Hebner.

HCR 2 - Marking the 52nd Birthday of the Rev. Dr. Martin Luther King Jr., Civil Rights Leader, on January 15, 1981.

HCR 2 was placed on Consent Calendar #1 for Thursday, January 15, 1981.

Representative Jester introduced HR 8.

HR 8 - Congratulating Mary Lou Gruwell, of Odessa, on Her Selection as Delaware's Junior Miss of 1981.

HR 8 was placed on Consent Calendar #1 for Thursday, January 15, 1981.

Representative West introduced HCR 3, jointly sponsored by Representative Cordrey; Senators Cordrey & Littleton; co-sponsored by Representative Burris.

HCR 3 - Wishing Joe Ben Hudson of Mission, Sussex County, a Happy Birthday as He Reaches Number 107 on January 26, 1981.

HCR 3 was placed on Consent Calendar #1 for Thursday, January 15, 1981.

The Majority Leader moved to adjourn at 2:55 p.m., thereby ending the previous legislative day. The House reconvened at 2:56 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Jane Maroney, Twelfth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous legislative day were approved as posted.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 2, SCR 3, SCR 4, SJR 2, HJR 1.

The following prefiled legislation was introduced:

HB 1 - PETRILLI, MACK, VAN SCIVER, SPENCE, ROY; SENATORS MCBRIDE, CONNOR, BAIR - EDUCATION: An Act to Amend Delaware Code, Title 14, Relating to the Method of Calculating Pupil Units in Order to Determine the Amount of State Financial Support to the Public Schools.

HB 2 - ROY, ANDERSON, BENNETT, BRADY, BURRIS, CAIN, CATHCART, FALLON, FREE, GILLIGAN, HARRINGTON, HEBNER, JONKIERT, MARONEY, MCKAY, OBERLE, PETRILLI, POWELL, RIDDAGH, SINCOCK, SMITH; SENATORS CONNOR, NEAL, MCBRIDE - JUDICIARY: An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware Relating to the Imposition of Taxes or License Fees. (2/3 bill)

HB 3 - POWELL - HEALTH & SOCIAL SERVICES: An Act to Amend Part VI, Title 16 of the Delaware Code Relating to Health and Safety; and Providing for Restrictions in the Use of Certain Petroleum Products.

HB 4 - OBERLE, HARRINGTON, PETRILLI, HEBNER, POWELL, SMITH, ROY, VAN SCIVER, CAIN; SENATORS ARNOLD, CONNOR, SHARP, CITRO, NEAL - EDUCATION: An Act to Amend Chapter 31, Title 14 of the Delaware Code Relating to Exceptional Children.

HB 5 - OBERLE - HOUSE ADMINISTRATION: An Act to Amend Chapter 85, Title 29, of the Delaware Code, Relating to the Reimbursement of Out-of-Pocket Expenses of Members Attending Meetings of the Governor's Council on Labor.

HB 6 - OBERLE - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 7, Title 19, of the Delaware Code Relating to Employment Practices.

HB 7 - GEORGE, SINCOCK, MCKAY - APPROPRIATIONS: An Act to Amend Section 6301, Chapter 63, Title 29, Delaware Code, Relating to the Appropriation of Funds From all Sources.

HB 8 - WEST - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Del. C., Relating to Personal Exemptions on the Delaware State Income Tax.

HB 9 - WEST - REVENUE & FINANCE: An Act to Repeal Chapter 117, Volume 61, Laws of Delaware, Relating to Occupational License Taxes, Contractors' License Taxes, Manufacturers' License Taxes, Wholesaler License Taxes, Food Processor License Taxes, Grain and Feed Dealer Taxes, Retailer License Taxes, Restaurant Retailer License Taxes and Farm Machinery Retailer License Taxes on Aggregate Gross Receipts.

HB 10 - WEST - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30, Del. C., Relating to Personal Income Tax Rates.

HB 11 - PLANT - APPROPRIATIONS: An Act to Amend Title 19, Delaware Code, by Creating a Public Work Program and Providing a Supplementary Appropriation Therefor.

HB 12 - PLANT - EDUCATION: An Act to Amend Chapter 15, Title 15 of the Delaware Code, to Provide for the Appointment of Deputy Registrars Whose Sole Function Would be to Register Qualified Voters Enrolled in a Public, Nonpublic or Vocational School in This State.

HB 13 - BENNETT - REVENUE & FINANCE: An Act to Amend Subchapter III, Chapter 33, Title 19, Delaware Code, Relating to the Supplemental Assessment Rate on Employers.

HB 14 - BENNETT - ADMINISTRATIVE SERVICES: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation by Restoring the Rehire Credit for Computing Variations in the Standard Rate.

HB 15 - BENNETT - REVENUE & FINANCE: An Act to Amend Chapter 46, Title 9, Delaware Code Relating to the Time Limitation for the Kent County Levy Court to Issue Notes in Anticipation of Bond Sales.

HB 16 - BURRIS, PETRILLI, CAIN, BENNETT, BRADY; SENATORS ADAMS, KNOX - HOUSE ADMINISTRATION: An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to the General Corporation Law. (2/3 bill)

HB 17 - MCKAY, RIDDAGH, BENNETT - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Deductions for Federal Personal Income Tax.

HB 18 - BRADY, MARONEY, GEORGE - EDUCATION: An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to Election of School Board Members.

HB 19 - PLANT, HOLLOWAY; SENATOR HOLLOWAY - HOUSE ADMINISTRATION: An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays and Establishing Martin Luther King's Birthday as a Legal Holiday.

HB 20 - BENNETT, MCKAY, PETRILLI - REVENUE & FINANCE: An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Certification of Licensure for Real Estate Salespersons, and Their Retention of an Inactive List.

HB 21 - BENNETT, MCKAY, PETRILLI - REVENUE & FINANCE: An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Deductions for Real Estate Brokers, Salespersons and Real Estate Appraisers by Providing for the Appointment of a Real Estate Appraiser Committee.

HB 22 - BENNETT, MCKAY, PETRILLI - REVENUE & FINANCE: An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Expenditures From the Real Estate Guaranty Fund.

HB 23 - BENNETT - EDUCATION: An Act to Amend Chapter 17, Title 14 of the Delaware Code, Relating to the Number of Units of Pupils in a School District and the Method of Calculating Such Units.

HB 24 - MCKAY, BENNETT - HOUSE ADMINISTRATION: An Act to Amend Title 29 of the Delaware Code Relating to Compensation of Members of the General Assembly.

HB 25 - MCKAY, BENNETT - REVENUE & FINANCE: An Act to Amend Chapter 11, Title 5, Delaware Code, Relating to the Rate of the Franchise Tax on Net Income of Banks, Trust Companies and National Banks.

HB 26 - MCKAY, BENNETT - REVENUE & FINANCE: An Act to Amend Chapter 54, Title 30, Delaware Code, Relating to the Realty Transfer Tax.

HB 27 - MCKAY, BENNETT - REVENUE & FINANCE: An Act to Amend Chapter 19, Title 30, Delaware Code, Relating to the Rate of the Corporation Income Tax.

SJR 2 - CORDREY, BERNDT - APPROPRIATIONS: Revising the Official Estimate of General Fund Revenues for Fiscal Year 1981.

Mr. Speaker Hebner appointed Representatives Burris, Petrilli, Hebner, George and Cain to the Legislative Council Committee.

Consent Calendar #1 was adopted by voice vote and SCR 2, SCR 4 were returned to the Senate; HCR 1, HCR 2, HCR 3 were sent to the Senate for concurrence.

Representative Plant requested a moment of silent prayer for Martin Luther King, Jr.

Representative Derrickson introduced HCR 4, jointly sponsored by Senator Cordrey, co-sponsored by Representatives McKay, Minner, Edwards, Ennis, Smith, Van Sciver, Brady, Fallon, Maroney & Senator Knox.

HCR 4 - Encouraging the United States Coast Guard to Locate Their Research and Development Center at the University of Delaware Marine Studies Complex Lewes, Delaware.

Mr. Speaker assigned HCR 4 to the Natural Resources & Agriculture Committee.

Representative Free introduced HR 9.

HR 9 - Providing for a Travel Allowance to Members of the House of Representatives of the 131st General Assembly and Their Staff.

Mr. Speaker assigned HR 9 to the House Administration Committee.
Representative Maroney introduced HCR 5, co-sponsored by Representatives McKay, Mack, Ennis & Buckworth.

HCR 5 - Commending the Alfred I. du Pont Institute, Rockland, for Its Services to 50,000 Patients.

Mr. Speaker assigned HCR 5 to the Health & Social Services Committee.

Representative Sincok introduced HR 10.

HR 10 - Authorizing the Payment of Mileage to the Members of the House of Representatives of the 131st General Assembly.

Mr. Speaker assigned HR 10 to the House Administration Committee.

Representative Burris moved to recess for committee meetings at 3:25 p.m.

The House reconvened at 5:08 p.m.

Mr. Speaker Hebner announced that Representative Jonkiert had been appointed to the Sunset Committee.

Representative Burris moved to recess at 5:13 p.m.

The House reconvened at 5:55 p.m.

Representative Derrickson introduced HB 28, jointly sponsored by Senator Cordrey; Representatives Powell, Sincok, Petrilli, Burris, Fallon, Edwards, Corrozi, Cathcart, Harrington, Spence, Barnes, Buckworth, Ennis, Roy, Plant, George, Bennett, Anderson, Dixon, Jonkiert, Soles, Jester, Holloway; Senators Berndt, Bair, Cook, Hughes, Neal, Holloway, Murphy, Knox, Arnold, Citro, Littleton & Adams.

HB 28 - An Act to Amend Title 5 and Title 6 of the Delaware Code by Providing for the Acquisition of Stock in Delaware Banks by Out-of-State Bank Holding Companies; by Providing for the Regulation of Bank Revolving Credit and Closed End Credit; by Providing Rules for the Taxation of Income of Non-United States Branch Offices of Delaware Banks; by Adopting New Rates for the Taxation of Net Income of Banks in Excess of \$20 Million Dollars; by Eliminating Ceilings on Interest Rates Which May be Charged in Respect of Small Loans, Secondary Mortgage Loans, Motor Vehicle Loans and Retail Installment Sales; by Providing for Refunds of Precomputed Interest Charges in Accordance With the Actuarial Method; by Providing for the Issuance of Regulations by the Bank Commissioner Establishing Reasonable Times for the Opening of a Branch of a Savings Bank; by Regulating the Making of Loans Directly or Indirectly to Directors and Executive Offices of Banks; and by Deleting From the Code Previously Repealed Provisions Relating to the Collection, Payment and Dishonor of Demand Items and Revocation of Letters of Credit; and to Amend Title 30 to Provide for the Taxation of Affiliated Finance Companies.

Mr. Speaker assigned HB 28 to the Revenue & Finance Committee.

Representative Derrickson introduced HB 29, jointly sponsored by Senator Cordrey; Representatives Powell, Sincok, Petrilli, Burris, Fallon, Edwards, Corrozi, Cathcart, Harrington, Spence, Barnes, Buckworth, Ennis, Roy, Plant, George, Bennett, Anderson, Dixon, Jonkiert, Soles, Jester, Holloway; Senators Berndt, Bair, Cook, Hughes, Neal, Holloway, Murphy, Knox, Arnold, Citro, Littleton & Adams.

HB 29 - An Act to Amend Chapter 7 of Title 5 of the Delaware Code by Establishing the Number and Qualifications of Persons Required to Form a Bank or Trust Company Controlled by an Out-of-State Bank Holding Company; by Providing for the Issuance of Regulations by the Bank Commissioner Establishing Reasonable Times for the Startup of a Bank or Trust Company or the Opening of a Branch; by Amending the Requirements Regulating the Percentage of a Bank's Capital, Surplus and Undivided Profits Which May be Invested in Real Estate; by Deleting From Section 764 (b) a Reference Which is No Longer Applicable; by Providing That No Letter of Credit Shall be Construed as a Guarantee; and by Authorizing the Establishment of Branch Offices Without the State of Delaware. (2/3 bill)

Mr. Speaker assigned HB 29 to the Revenue & Finance Committee.

Representative Burris moved to recess to the call of the Chair at 6:02 p.m.

4th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

January 21, 1981

The Speaker called the House to order at 1:35 p.m.

Representative Burris introduced SCR 5, sponsored by Senator Cordrey; Representatives McKay, Burris, Mack & Buckworth.

SCR 5 - Congratulating the Philadelphia Phillies for Their First World Series Championship.

SCR 5 was placed on Consent Calendar #2 for Thursday, January 22, 1981.

The Majority Leader moved to adjourn at 1:37 p.m., thereby ending the previous legislative day. The House reconvened at 1:38 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Barnes - 1.

A prayer was offered by Representative Donald J. Van Sciver, Sixteenth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 5.

January 21, 1981

LEGISLATIVE ADVISORY #1

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 1/13/81 - SJR 1; 1/15/81 - HJR 1.
January 20, 1981

The Honorable Charles L. Hebner

Speaker of the House

House of Representatives

Legislative Hall

Dover, Delaware 19901

Dear Mr. Speaker:

As required by Article VII, Section 1 of the Delaware Constitution, I am hereby transmitting to the General Assembly copies of all reprieves, pardons and remissions granted by me in 1980.

I would appreciate your advising the members of the House that this transmittal has been received and making it available to them. I would also appreciate your reading this communication into the Journal, as formal acknowledgement of receipt.

Sincerely yours,
Pierre S. du Pont
Governor

Attachments

PSduP/slm

The minutes of the previous legislative day were approved as posted.

The following prefiled legislation was introduced:

HB 30 - VAN SCIVER, CATHCART, CORROZI, DIXON, HARRINGTON, FREE, HOLLOWAY, MACK, PLANT, SPENCE - NR/AGRI. An Act to Amend Chapter 199, Volume 62, Laws of Delaware Relating to Financial Assistance to Certain Delaware Families for the Purchase of Energy Conservation Materials.

HB 31 - FREE, OBERLE, MARONEY, POWELL, PETRILLI; SENATOR NEAL - R & F: An Act to Require Affected State Agencies to Report Annually Their Efforts to Comply With the Policy of This State to Encourage Employee Stock Ownership Plans.

HB 32 - MCKAY, GILLIGAN - H/ADM: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Length of Legislative Sessions. (2/3 bill)

HB 33 - ROY, GILLIGAN; SENATORS ARNOLD, SHARP - H/SS: An Act to Make an Appropriation to the Mid County Senior Center. (3/4 bill)

HB 34 - FREE, CATHCART, EDWARDS, GILLIGAN; SENATORS MARSHALL, CITRO - JUD: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Gambling. (2/3 bill)

HB 35 - GILLIGAN - R & F: An Act to Amend Section 1106, Title 30, Del. C., Relating to the Pension Modification on State Personal Income Tax Returns.

HB 36 - GILLIGAN - R & F: An Act to Amend Chapter 11, Title 30, Del. C., Relating to the Personal Income Tax on Pension Income.

HB 37 - ANDERSON - H/ADM: An Act to Amend Chapter 45, Part IV, Title 15 of the Delaware Code Relating to Elections; and Requiring the Listing of Polling Places Prior to an Election.

HB 38 - ANDERSON - JUD: An Act to Amend Chapter 27, Part II, Title 21 of the Delaware Code, Relating to Parents' Signatures for Driver Licenses.

Representative Burris introduced HR 11, jointly sponsored by Representative Petrilli.

HR 11 - Relating to Classification, Titles and Compensation Rates for Officers of the House.

Mr. Speaker assigned HR 11 to the House Administration Committee.

Representative Anderson introduced HR 12.

HR 12 - Urging the City of Newark Carefully to Scrutinize Plans of the Developer of "College Square", at the Intersection of Marrows Road and Route 273, Newark as Those Plans Relate to Storm Water Management Impacting Onto "Cool Run".

Mr. Speaker assigned HR 12 to the House Administration Committee.

Representative Burris moved to recess for committee meetings at 1:48 p.m.

The House reconvened at 3:05 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 7.

Representative Burris introduced SCR 6, sponsored by Senators Murphy, Cook, Cordrey, Sharp, Adams, Zimmerman, Holloway, Marshall, McDowell, Martin, Vaughn, McBride, Connor, Knox, Arnold, Hughes, Littleton, Berndt, Bair, Citro, Neal; Representatives Cordrey, Jonkiert, Minner, Dixon, Darling, Anderson, Gilligan, Holloway, West, Bennett, Plant, George, Cain, Soles, Campanelli & Jester.

SCR 6 - Commending Senator Calvin R. McCullough of Holloway Terrace for His Long and Illustrious Career in the Delaware General Assembly.

SCR 6 was placed on Consent Calendar #2 for Thursday, January 22, 1981.

Representative Burris moved to suspend the rules which interfere with action on SCR 7. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought SCR 7, sponsored by Senator Sharp before the House for consideration.

SCR 7 - Providing That a Joint Session of the House of Representatives and the Senate be Convened for the Purpose of Opening and Publishing the Election Returns for Lt. Governor.

SCR 7 was adopted by voice vote and returned to the Senate.

Mr. Speaker Hebner declared a recess for the Joint Session at 3:11 p.m.

JOINT SESSION
SENATE CHAMBER
January 21, 1981

Pursuant to SCR 7, the House and Senate convened for Joint Session in the Senate Chamber at 3:15 p.m., January 21, 1981.

On motion of Senator Sharp and without objection, the President of the Senate was appointed to preside over the Joint Session.

On motion of Senator Sharp and without objection, the Secretary of the Senate and Chief Clerk of the House were appointed as secretaries of the Joint Session.

The President directed the Reading Clerk to read the Certificates of Election as follows:

THE STATE OF DELAWARE
NEW CASTLE COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November in the year of our Lord nineteen hundred and eighty, for New Castle County, according to the Constitution and Laws of the State of Delaware, 62,143 votes were given for given for THOMAS B. SHARP for Lieutenant Governor; 92,703 votes were given for MICHAEL N. CASTLE for Lieutenant Governor; 554 votes were given for MARY D. GIES for Lieutenant Governor; 1,311 votes were given for MARGARET R. BUCHANAN for Lieutenant Governor; which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the election districts of the County, according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, We, the undersigned Judges constituting the Superior Court in New Castle County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County on the 7th day of November, A.D. 1980.

Albert J. Stiftel,
President Judge
Andrew D. Christie,
Resident Judge

THE STATE OF DELAWARE
KENT COUNTY, SS.

BE IT REMEMBERED, That at the General Election held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and Eighty for Kent County, according to the Constitution and Laws of the State of Delaware, Eleven Thousand Nine Hundred Four votes were given for Thomas B. Sharp for Lieutenant-Governor; Fifteen Thousand Nine Hundred Forty votes were given for Michael N. Castle for Lieutenant-Governor; Seventy Six votes were given for Mary D. Gies for Lieutenant-Governor; One Hundred Ninety Three votes were given for Margaret R. Buchanan for Lieutenant-Governor; which is manifest by calculating and ascertaining the aggregate amount of all votes given for each person voted for in all the Hundreds and Election Districts of the County, according to the provisions made by law in this behalf.

In Testimony Whereof, We, William Marvel and George R. Wright constituting the Superior Court for Kent County, who have met and ascertained the state of the election throughout the said County, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said County, on this 6th day of November, A.D. 1980.

William Marvel
Chancellor
George R. Wright
Resident Associate Judge

THE STATE OF DELAWARE
SUSSEX COUNTY, S.S.

Be it remembered, that at the general election held on the Tuesday next after the first Monday in November, 1980, for Sussex County, according to the Constitution and Laws of the State of Delaware, Fourteen thousand one hundred and seventy-seven (14,177) votes were given for Thomas B. Sharp for Lieutenant Governor Twenty thousand one hundred and eighty four (20,184) votes were given for Michael N. Castle for Lieutenant Governor Fifty Seven (57) votes were given for Mary D. Gies for Lieutenant Governor One hundred Fifty (150) votes were given for Margaret R. Buchanan for Lieutenant Governor which is manifest by calculating and ascertaining the aggregate amount of all the votes given for each person voted for in all the hundreds and election districts of the county according to the provisions made by law in this behalf.

IN TESTIMONY WHEREOF, WE Hon. Claud L. Tease and Hon. Joseph T. Walsh, the Judges constituting the Superior Court in Sussex County, who have met and ascertained the state of the election throughout the said county, as the law requires, have hereunto set our hands and caused the seal of the said Superior Court to be hereunto affixed at the Court House in said county on this 6th day of November, 1980.

Claud L. Tease,
Res. Assoc. Judge
Joseph T. Walsh,
Assoc. Judge.

* * * * *

On motion of Senator Sharp, the Secretary of the Senate and the Clerk of the House compared their journals and found them to agree.

On motion of Senator Sharp, the Joint Session then adjourned.

* * * * *

The House reconvened at 3:57 p.m.

The Chief Clerk read the following Committee Reports into the record:

APPRO: SJR 2 - 6F.

H/ADM: HB 16 - 3F, 2M; SCR 3 - 4F, 1M; HR 11 - 4F, 1M; HR 12 - 5M.

NR/AGRI: HCR 4 - 5F.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 6, HCR 1, HCR 2, HCR 3.

Representative Fallon moved to suspend the rules which interfere with introduction of and action on HCR 6. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Fallon introduced and brought HCR 6, jointly sponsored by Senators Littleton and Adams; Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West; Senators Arnold, Bair, Berndt, Citro, Connor, Cook, Cordrey, Holloway, Hughes, Knox, Marshall, Martin, McBride, McDowell, Murphy, Neal, Sharp, Vaughn and Zimmerman before the House for consideration.

HCR 6 - Welcoming Home Marine Sergeant Gregory A. Persinger, of Seaford, One of the 52 Hostages Held by Iran.

HCR 6 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 4:05 p.m.

5th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

January 22, 1981

The Speaker called the House to order at 1:45 p.m.

Representative Maroney requested that HCR 5 be placed on Consent Calendar #2 for Thursday, January 22, 1981.

HCR 5 was placed on Consent Calendar #2.

Representative Edwards introduced HR 13.

HR 13 - Congratulating Lillian Poole Mook, of Claymont, Who Celebrated Her 100th Birthday on January 8, 1981.

HR 13 was placed on Consent Calendar #2 for Thursday, January 22, 1981.

Representative Darling introduced HCR 7, jointly sponsored by Representatives Bennett, Buckworth, Harrington, Minner & Riddagh; co-sponsored by Representatives Darling, Mack; Senators Zimmerman, Murphy, Cook & Vaughn.

HCR 7 - Congratulating Renie Martin, Former Dover High School Star, Now a Starting Pitcher for the Kansas City Royals, Upon His Selection as Delaware Athlete of the Year.

HCR 7 was placed on Consent Calendar #2 for Thursday, January 22, 1981.

Representative Smith introduced HCR 8, jointly sponsored by Representatives Derrickson, Minner, Jester & Soles.

HCR 8 - Mourning the Death of Dudley C. Lunt, Naturalist-Writer-Lawyer, Who Helped the Cause of Conservation in Delaware for Many Years.

HCR 8 was placed on Consent Calendar #2 for Thursday, January 22, 1981.

Representative Derrickson introduced HR 14.

HR 14 - Expressing Regret at the Death of Clarence P. Norwood, of Lewes, a Former Attache of the General Assembly and a Community Leader.

HR 14 was placed on Consent Calendar #2 for Thursday, January 22, 1981.

Representative Fallon introduced HCR 9, jointly sponsored by Representative Barnes; Senators Littleton & Adams; co-sponsored by Representatives Mack & Buckworth.

HCR 9 - Commending June C. Soukup for Being Selected as the 1981 Delaware Teacher of the Year.

HCR 9 was placed on Consent Calendar #2 for Thursday, January 22, 1981.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 6.

The Chief Clerk read the following Committee Reports into the record:

H/ADM: HB 19 - 1F, 4M.

H/SS: HCR 5 - 3F.

R&F: HB 28 - 4F; HB 29 - 4F.

Representative Powell requested that HB 28 & HB 29 be added to the Agenda for Thursday, January 22, 1981.

Mr. Speaker Hebner added HB 28 & HB 29 to the Agenda for Thursday, January 22, 1981.

The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous legislative day. The House reconvened at 1:59 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Reverend Ronald Hayden, Pike Creek Baptist Temple, Newark, DE.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous legislative day were approved as posted.

The following prefiled legislation was introduced:

HB 39 - OBERLE, HARRINGTON, PETRILLI, HEBNER, POWELL, SMITH, ROY, VAN SCIVER, CAIN; SENATORS ARNOLD, CONNOR, SHARP, CITRO, NEAL - ED: An Act to Amend Chapter 31, and Chapter 17, Title 14 of the Delaware Code Relating to Exceptional Children.

HB 40 - HOLLOWAY - R & F: An Act to Amend Titles 4 and 30 of the Delaware Code, Relating to Taxes on Alcoholic Beverages and Tobacco Products.

HB 41 - OBERLE - ADM/S: An Act to Amend Section 1701, Title 7 of the Delaware Code Relating to Dog Licenses.

HR 15 - MCKAY, RIDDAGH, VAN SCIVER - H/ ADM: Providing for a Travel Allowance to the House of Representatives of the 131st General Assembly.

HA 1 to HB 1 - PETRILLI - ED: Placed with the bill.

Representative Sincok brought SJR 2, jointly sponsored by Senators Cordrey & Berndt; co-sponsored by Representative Petrilli, before the House for consideration.

SJR 2 - Revising the Official Estimate of General Fund Revenues for Fiscal Year 1981.

The roll call on SJR 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SJR 2 was returned to the Senate.

Representative Burris brought HB 16, jointly sponsored by Representatives Petrilli, Cain, Bennett, Brady; Senators Adams & Knox, before the House for consideration.

HB 16 - An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to the General Corporation Law. (2/3 bill)

The roll call on HB 16 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representatives Campanelli, Jester - 2.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 16 was sent to the Senate for concurrence.

Representative Burris brought SCR 3, sponsored by Senators Arnold, Sharp; Representatives Powell, Roy, Spence & Gilligan, before the House for consideration.

SCR 3 - Congratulating the John Dickinson High School Upon Winning the Division I State Football Championship and Congratulating Coach Marty Apostolico Upon Being Named Coach of the Year.

SCR 3 was adopted by voice vote and returned to the Senate.

Representative Burris brought HR 11, jointly sponsored by Representative Petrilli, before the House for consideration.

HR 11 - Relating to Classification, Titles and Compensation Rates for Officers of the House.

HR 11 was adopted by voice vote.

Representative Anderson brought HR 12 before the House for consideration.

HR 12 - Urging the City of Newark Carefully to Scrutinize Plans of the Developer of "College Square", at the Intersection of Marrows Road and Route 273, Newark as Those Plans Relate to Storm Water Management Impacting Onto "Cool Run".

HR 12 was adopted by voice vote.

Representative Derrickson brought HCR 4, jointly sponsored by Senator Cordrey; co-sponsored by Representatives McKay, Minner, Edwards, Ennis, Smith, Van Sciver, Brady, Fallon, Maroney & Senator Knox, before the House for consideration.

HCR 4 - Encouraging the United States Coast Guard to Locate Their Research and Development Center at the University of Delaware Marine Studies Complex Lewes, Delaware.

HCR 4 was adopted by voice vote and sent to the Senate for concurrence.

Representative Petrilli announced that Representative Sincok had been elected Chairman of the Joint Finance Committee and Senator Cook had been elected Vice-Chairman to serve beginning in January, 1981.

Representative Petrilli announced that Senator Cook had been elected Chairman of the Joint Finance Committee and Representative Sincok had been elected Vice-Chairman to serve beginning in January, 1982.

Representative Burris brought Consent Calendar #2 before the House for consideration.

Consent Calendar #2 was adopted by voice vote and SCR 5 & SCR 6 were returned to the Senate; HCR 5, HCR 7, HCR 8 & HCR 9 were sent to the Senate for concurrence.

Representative Burris moved to recess for caucus at 2:50 p.m.

The House reconvened at 5:42 p.m.

Mr. Speaker Hebner appointed Representative Powell as Chairman of the newly formed Interstate Relations Committee and appointed Representatives Roy and Plant to the Committee.

Representative Derrickson brought HB 28, jointly sponsored by Senator Cordrey; Representatives Powell, Sincok, Petrilli, Burris, Fallon, Edwards, Corrozi, Cathcart, Harrington, Spence, Barnes, Buckworth, Ennis, Roy, Plant, George, Bennett, Anderson, Dixon, Jonkiert, Soles, Jester, Holloway; Senators Berndt, Bair, Cook, Hughes, Neal, Holloway, Murphy, Knox, Arnold, Citro, Littleton & Adams, before the House for consideration.

HB 28 - An Act to Amend Title 5 and Title 6 of the Delaware Code by Providing for the Acquisition of Stock in Delaware Banks by Out-of-State Bank Holding Companies; by Providing for the Regulation of Bank Revolving Credit and Closed End Credit; by Providing Rules for the Taxation of Income of Non-United States Branch Offices of Delaware Banks; by Adopting New Rates for the Taxation of Net Income of Banks in Excess of \$20 Million Dollars; by Eliminating Ceilings on Interest Rates Which May be Charged in Respect of Small Loans, Secondary Mortgage Loans, Motor Vehicle Loans and Retail Installment Sales; by Providing for Refunds of Precomputed Interest Charges in Accordance With the Actuarial Method; by Providing for the Issuance of Regulations by the Bank Commissioner Establishing Reasonable Times for the Opening of a Branch of a Savings Bank; by Regulating the Making of Loans Directly or Indirectly to Directors and Executive Offices of Banks; and by Deleting From the Code Previously Repealed Provisions Relating to the Collection, Payment and Dishonor of Demand Items and Revocation of Letters of Credit; and to Amend Title 30 to Provide for the Taxation of Affiliated Finance Companies.

Representative Derrickson brought HA 1 to HB 28, jointly sponsored by Representatives Powell, Brady, Oberle, George, Dixon & Anderson, before the House for consideration. HA 1 was adopted by voice vote.

Representative Powell brought HA 2 to HB 28, jointly sponsored by Representatives Derrickson, Brady, Oberle, George, Dixon & Anderson, before the House for consideration. HA 2 was adopted by voice vote.

Representative Free brought HA 3 to HB 28 before the House for consideration.

Representative Burris requested and was granted the privilege of the floor for O. Francis Biondi, Attorney, representing Chase Manhattan Corporation and J. P. Morgan, Co., Inc.

Representative Burris rose on a point of order. Mr. Speaker concurred.

Representative Burris moved to place HA 3 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

The roll call on HB 28 w/HA 1,2 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Maroney, McKay, Minner, Petrilli, Plant, Powell, Roy, Sincok, Smith, Soles, Spence, Mr. Speaker Hebner - 33.

NO: Representatives Oberle, Van Sciver, West - 3.

NOT VOTING: Representatives Anderson, Cain, Mack, Riddagh - 4.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, HB 28 w/HA 1,2 was sent to the Senate for concurrence.

Representative Derrickson brought HB 29, jointly sponsored by Senator Cordrey; Representatives Powell, Sincoc, Petrilli, Burris, Fallon, Edwards, Corrozi, Cathcart, Harrington, Spence, Barnes, Buckworth, Ennis, Roy, Plant, George, Bennett, Anderson, Dixon, Jonkiert, Soles, Jester, Holloway; Senators Berndt, Bair, Cook, Hughes, Neal, Holloway, Murphy, Knox, Arnold, Citro, Littleton & Adams, before the House for consideration.

HB 29 - An Act to Amend Chapter 7 of Title 5 of the Delaware Code by Establishing the Number and Qualifications of Persons Required to Form a Bank or Trust Company Controlled by an Out-of-State Bank Holding Company; by Providing for the Issuance of Regulations by the Bank Commissioner Establishing Reasonable Times for the Startup of a Bank or Trust Company or the Opening of a Branch; by Amending the Requirements Regulating the Percentage of a Bank's Capital, Surplus and Undivided Profits Which May be Invested in Real Estate; by Deleting From Section 764 (b) a Reference Which is No Longer Applicable; by Providing That No Letter of Credit Shall be Construed as a Guarantee; and by Authorizing the Establishment of Branch Offices Without the State of Delaware. (2/3 bill)

The roll call on HB 29 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 38.

NO: Representative West - 1.

NOT VOTING: Representative Cain - 1.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 29 was sent to the Senate for concurrence.

Representative Harrington introduced HCR 10, jointly sponsored by Senator Hughes.

HCR 10 - Requesting the Governor to Designate February 14 through February 24 as National Defense Week.

Mr. Speaker assigned HCR 10 to the House Administration Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 8, SB 9, SB 7 w/SA 1, SCR 9.

Representative Burris moved to recess to the call of the Chair at 6:58 p.m.

6th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

January 27, 1981

The Speaker called the House to order at 1:39 p.m.

Representative Barnes introduced HCR 11, co-sponsored by Representatives Derrickson, Bennett, West; Senators Adams, Cordrey & Littleton.

HCR 11 - Expressing the Sorrow of the Members of the 131st General Assembly at the Death of Mrs. Mabel Wilkins Lambden, of Cokesbury, Mother of the Year in 1978.

HCR 11 was placed on Consent Calendar #3.

Representative Barnes introduced HCR 12, co-sponsored by Representatives McKay, Bennett, Derrickson, West, Burris; Senators Adams, Cordrey & Littleton.

HCR 12 - Mourning the Death of Houston Wilson, a Prominent Attorney and Past President of the Sussex County Bar Association.

HCR 12 was placed on Consent Calendar #3.

Representative Minner introduced HR 16, co-sponsored by Representative Burris.

HR 16 - Mourning the Death of James L. Davis, of Milford, a Member of the State Senate in the 105th and 106th General Assemblies.

HR 16 was placed on Consent Calendar #3.

Representative Burris introduced SCR 8, sponsored by Senators Holloway & Hughes.

SCR 8 - Expressing Sorrow at the Death of the Reverend David F. Ray at Age 104.

SCR 8 was placed on Consent Calendar #3.

Representative Burris introduced SCR 9, sponsored by Senator Martin.

SCR 9 - Urging the Members of the Delaware Congressional Delegation to Encourage Negotiations Between the United States and Japan to Restrain Auto Exports to the United States and Any Other Efforts to Assist the Auto Industry to Meet the Challenge of Foreign Car Imports.

Mr. Speaker assigned SCR 9 to the Administrative Services Committee.

The Majority Leader moved to adjourn at 1:46 p.m., thereby ending the previous legislative day. The House reconvened at 1:47 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Ruth Ann Minner, Thirty-Third District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous legislative day were approved as posted.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 4, HCR 5, HCR 7, HCR 8, HCR 9.

The following prefiled legislation was introduced:

HB 42 - POWELL - R&F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to the Definition of Nonresident Individual for Personal Income Tax Purposes, and to Creditable Taxes for Personal Income Tax Purposes.

HB 43 - BURRIS - H/ADM: An Act to Amend Title 4 and Title 10 of the Delaware Code Relating to Statutory Liabilities of Persons Who Sell or Dispense Alcoholic Liquors. (2/3 bill)

HB 44 - SMITH; SENATORS NEAL, BAIR - ADM/S: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to Unjust or Unreasonable Utility Rates and Preferences; and Prohibiting Discrimination Against Renewable Energy Sources.

HB 45 - SMITH, GEORGE - ADM/S: An Act to Amend Chapter 1, Title 13 of the Delaware Code Relating to a Determination of the Residency of Certain Persons Desiring to be Married Within the State of Delaware.

HB 46 - BENNETT; SENATORS SHARP, HUGHES - ADM/S: An Act to Amend Chapter 13, of Title 24, Delaware Code, Relating to Private Detectives. (2/3 bill)

HB 47 - BURRIS - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code With Reference to Professional Sabbatical Leave.

HB 48 - OBERLE; SENATOR SHARP - H/SS: An Act to Amend Chapter 33, Title 16 of the Delaware Code Relating to Adulteration and Misbranding of Drugs. (2/3 bill)

HB 49 - OBERLE; SENATOR SHARP - H/SS: An Act to Amend Chapter 25, Title 24 of the Delaware Code Relating to Penalties for Violating Pharmacy Licensing Provisions. (2/3 bill)

HB 50 - ROY, ENNIS, VAN SCIVER, CORROZI, EDWARDS, CATHCART, OBERLE, SPENCE, BUCKWORTH, POWELL, GILLIGAN, ANDERSON, CORDREY, DIXON - JUD: An Act Proposing an Amendment to the Constitution of the State of Delaware to Provide for Initiative and Referendum by the People. (2/3 bill)

HB 51 - ROY, BENNETT - ADM/S: An Act to Amend Section 3316, Chapter 33, Title 19 of the Delaware Code, Relating to Seasonal Unemployment Compensation Benefits.

HB 52 - ROY - JUD: An Act to Amend Subchapter V, Title 11 of the Delaware Code Relating to Sexual Exploitation of Children. (2/3 bill)

HB 53 - ROY - ADM/S: An Act to Amend Chapter 51, Subchapter III, Title 30, Delaware Code Relating to Municipal Street Aid Funds.

HB 54 - ROY - JUD: An Act to Amend Chapter 42, Section 4209, Title 11 of the Delaware Code Relating to the Method of Punishment for First Degree Murder.

HB 55 - ROY - R&F: An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to Fees Charged for Driving Records and Vehicle Registration Records Furnished by the Division of Motor Vehicles.

HB 56 - ROY, GILLIGAN; SENATORS ARNOLD, SHARP - H/SS: An Act to Make an Appropriation to the Mid County Senior Center. (3/4 bill)

SB 7 w/SA 1 - HOLLOWAY - JUD: An Act to Amend Chapter 49, Title 15, Delaware Code, Relating to Sample Ballots. (FN)

SB 9 - CORDREY, COOK, HUGHES, MCBRIDE; REPRESENTATIVES DERRICKSON, HARRINGTON, BENNETT - R&F: An Act to Amend Subchapter IV, Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates.

Consent Calendar #3 was adopted by voice vote and HCR 11, HCR 12 were sent to the Senate for concurrence and SCR 8 was returned to the Senate.

Representative Burris moved to recess for caucus at 2:00 p.m.

The House reconvened at 4:10 p.m.

Representative Burris moved to recess to the call of the Chair at 4:12 p.m.

7th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

January 28, 1981

The Speaker called the House to order at 1:50 p.m.

Representative Smith introduced HCR 13, co-sponsored by Senators Adams & Zimmerman.

HCR 13 - Mourning the Death of Claude E. Phillips, Retired Chairman of the Agronomy Department at the University of Delaware.

HCR 13 was placed on Consent Calendar #4.

Mr. Speaker re-assigned HB 65 to the Health & Social Services Committee.

Representative Soles introduced HR 17, co-sponsored by Representative Anderson.

HR 17 - Recognizing the Community Achievements of the Late George M. Wilson and Expressing the Sympathy of the House of Representatives to His Family.

HR 17 was placed on Consent Calendar #4.

Representative Oberle introduced HR 18, jointly sponsored by Senator Neal; co-sponsored by Representative Soles.

HR 18 - Urging Southeastern Pennsylvania Transportation Authority (SEPTA) to Continue Commuter Rail Service to Newark, Delaware.

HR 18 was placed on Consent Calendar #4.

Representative Burris introduced HCR 14, jointly sponsored by Representative Petrilli.

HCR 14 - Providing That a Joint Session of the Senate and the House of Representatives be Convened to Hear the Presentation of the Governor's Annual State of the State Address and Budget Message.

HCR 14 was placed on Consent Calendar #4.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the previous legislative day. The House reconvened at 2:06 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Brady - 1.

A prayer was offered by Reverend Rudolph W. Coleman, Mount Zion AME Church, Dover, DE.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous legislative day were approved as posted.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 25 w/SA 1, HCR 11, HCR 12.

The following prefiled legislation was introduced:

HB 57 - OBERLE, SPENCE, MACK, CATHCART, ENNIS, CORROZI, CAMPANELLI, GILLIGAN - R&F: An Act to Amend Chapter 11, Title 30, Delaware Code, to Increase the Amount of the Pension That May be Subtracted From the Federal Adjusted Gross Income in Computing the State Income Tax.

HB 58 - BENNETT - ED: An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to Employment Formula and Salary Schedules for Certain Professional Personnel Employed by the School District.

HB 59 - OBERLE, POWELL, HARRINGTON, MACK, SPENCE, GILLIGAN, CATHCART; SENATORS MCBRIDE, SHARP, CITRO, HUGHES - JUD: An Act to Amend Chapter 43, Part II, Title 11 of the Delaware Code Relating to the Conduct of Hearings on Applications for Parole.

HB 60 - SMITH; SENATOR MARSHALL - ADM/S: An Act to Amend Title 13 and Title 27 of the Delaware Code Relating to Ordained Ministers.

HB 61 - SMITH; SENATOR MARSHALL - ADM/S: An Act to Amend Chapter 1, Title 13 of the Delaware Code Relating to the Fee for Issuing Marriage Licenses. (3/4 bill)

HB 62 - CAMPANELLI - ADM/S: An Act to Amend Chapter 17, Title 15 of the Delaware Code Relating to Change of Party Designation.

HB 63 - HARRINGTON; SENATOR CORDREY - R&F: An Act to Amend Chapter 19, Title 5, Delaware Code, Relating to Powers of Federally Chartered Institutions.

HB 64 - HOLLOWAY, PLANT, DIXON, VAN SCIVER; SENATOR HOLLOWAY - APPRO: An Act Making a Supplemental Appropriation to the Department of Community Affairs and Economic Development for the Purpose of an Emergency Concerning Repair Services to Assist Homeowners and Others in Obtaining Certain Emergency Services. (3/5 bill)

HB 65 - HEBNER, SMITH, EDWARDS; SENATORS HUGHES, BERNDT - H/ADM: An Act to Help the Claymont Community Center Meet One-Time Relocation Expenses by Making an Appropriation Therefor. (3/4 bill)

HB 66 - HEBNER, SINCOCK, CATHCART, MARONEY, SPENCE, JONKIERT, CAMPANELLI; SENATORS MCDOWELL, HOLLOWAY, MARSHALL, BERNDT, CONNOR - JUD: An Act to Amend Part IV, Title 10 of the Delaware Code Relating to Courts and Judicial Procedure; and Providing for a Dispute Mediation Act.

SB 25 w/SA 1 - HOLLOWAY; REPRESENTATIVE MARONEY - H/SS: An Act to Amend Chapter 17, Title 24 of the Delaware Code Relating to Accreditation of Anatomical Studies.

Representative Burris moved to recess for committee meetings at 2:15 p.m.

The House reconvened at 4:38 p.m.

The Chief Clerk read the following Committee Reports into the record:

H/ADM: HCR 10 - 5M; HB 43 - 1F,4M; HB 32 - 3F,2M.

ADM/S: HB 41 - 5M; HB 6 - 5M.

H/SS: HB 65 - 3F,1M; HB 56 - 3F,1M; SB 25 w/SA 1 - 3F.

NR/AGRI: HB 30 - 4F.

JUD: HB 34 - 3F,1M,1UF.

APPRO: HB 19 - 1M,5UF.

Mr. Speaker re-assigned HB 14 to the Labor Subcommittee.

Mr. Speaker re-assigned HB 51 to the Labor Subcommittee.

Mr. Speaker re-assigned HB 53 to the Transportation Subcommittee.

Consent Calendar #4 was adopted by voice vote and HCR 13, HCR 14 were sent to the Senate for concurrence.

Representative Burris moved to suspend the rules which interfere with introduction of and action on HCR 15. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought HCR 15, jointly sponsored by Representatives Hebner, Petrilli, George, Cain & All House Members, before the House for consideration.

HCR 15 - Concurring in a Joint Resolution Adopted by the Ninety-Seventh Congress of the United States Designating Thursday, January 29, 1981, as "A Day of Thanksgiving to Honor Our Returned Hostages" and Asking for Prayers of Thanks.

HCR 15 was adopted by voice vote and sent to the Senate for concurrence.

Representative Buckworth introduced HR 19.

HR 19 - Congratulating R. Leon Pleasanton, of Magnolia, a Former Member of the House of Representatives, on His Election to the Delaware Trapshooting Hall of Fame.
HR 19 was placed on Consent Calendar #5.
Representative Burris moved to recess to the call of the Chair at 4:50 p.m.

8th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

January 29, 1981

The Speaker called the House to order at 1:35 p.m.

Representative Burris moved to lift HR 7 from the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Burris brought HR 7, jointly sponsored by Representative George, before the House for consideration.

HR 7 - Providing for the Reimbursement of Travel Expenses to Members of the Staff of the House of Representatives of the 131st General Assembly.

Representative Jonkiert brought HA 1 to HR 7, jointly sponsored by Representatives Campanelli, Plant, Jester, Holloway & Dixon, before the House for consideration.

Representative Burris moved to place HA 1 on the Speaker's table. The motion was seconded by Representative McKay.

Representative Brady requested that he be marked present.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Maroney, McKay, Petrilli, Powell, Riddagh, Sincok, Smith, Mr. Speaker
Hebner - 19.

NO: Representatives Anderson, Bennett, Campanelli, Cathcart, Cordrey, Darling, Dixon, George, Gilligan, Jester, Jonkiert, Mack, Minner, Oberle, Plant, Soles, Spence, Van Seiver, West - 19.

ABSENT: Representatives Cain, Holloway, Roy - 3.

Therefore, not having received a constitutional majority, the motion was declared defeated and HA 1 to HR 7 remained before the House.

Representative Burris requested that HR 7 be stricken.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 46 w/SA 1; SB 59, SB 1 w/SA 1,3,5 w/SA 1, 6,7; SB 20 w/SA 1, SJR 4.

Representative Sincok requested that SB 59 be read in by title only.

SB 59 - An Act to Amend Chapter 423, Volume 62, Laws of Delaware, Being an Act Entitled "An Act to Amend An Act Entitled 'An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1981; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions, Being House Bill 950 of the 130th General Assembly of the State of Delaware,' Being House Bill 1175 of the 130th General Assembly of the State of Delaware."

Mr. Speaker assigned SB 59 to the Appropriations Committee.

The Majority Leader moved to adjourn at 1:46 p.m., thereby ending the previous legislative day. The House reconvened at 1:47 p.m.

The Chief Clerk called the roll.

Members Present: 41.

Representative Burris moved to recess for the purpose of convening in Joint Session at 1:50 p.m.

The Sergeant-at-Arms announced the President and Members of the Senate.

They were admitted and seated. The Speaker invited Lieutenant Governor Castle and President Pro Tempore Cordrey to a seat on the rostrum.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous legislative day were approved as posted.

JOINT SESSION
House Chamber
January 29, 1981

Pursuant to HCR 14, the House and Senate met for a Joint Session in the House Chamber.

Representative Burris moved that the House and Senate convene in Joint Session. There was no objection.

Representative Burris moved that the Chief Clerk of the House and Secretary of the Senate act as Secretaries of the Joint Session. The motion prevailed.

Representative Burris moved that a committee of four be appointed to escort the Governor to the House Chamber. The motion prevailed.

The Speaker appointed Representative Sincok, Representative Minner, Senator Cook and Senator Neal to escort the Governor to the Chamber.

The Sergeant-at-Arms announced the Members of the Judiciary. They were admitted and seated.

The Sergeant-at-Arms admitted the Governor and the duly appointed Committee to the House Chamber. The Speaker invited the Governor to the rostrum and introduced him to the Joint Session.

The Governor addressed the members of the General Assembly as follows:

Mr. Speaker, Lt. Governor Castle, Mr. President Pro Tempore, members of the 131st General Assembly, Members of the Judiciary, honored guests, and ladies and gentlemen:

This afternoon, for the fifth consecutive year I have the distinct pleasure and privilege of reporting to you on the state of our State and presenting to you my recommendations for the State Budget for the coming fiscal year. This unique annual message is important for it is an opportunity to reflect for a moment on where we are and to suggest where we should be going in the next year and into the next decade.

The progress we have achieved in the past several years has been on many fronts -- from restoring our financial equilibrium to improving the availability of housing for our state's older citizens; from improving our correctional and criminal justice system to modernizing our transportation network; from expanding our economic base to providing educational and job opportunities for our young people. The progress we have made has not come easily. It's taken personal discipline from each of us and political discipline from all of us. It's meant forsaking short-term gain for long-term stability and the result has been a better managed Delaware government, one that is affordable yet responsive to the human needs of our citizens. This progress is a tribute not only to the members of this Administration, but to each of you -- legislators, judges, government employees and taxpayers. I thank you for your patience and your support for together we have achieved a great deal.

But of course there is still a lot of unfinished business before us. In the past four years, the legislature has come close, but has not yet enacted financial disclosure and ethics legislation. I think that time is now. There has been consideration of making Dr. Martin Luther King's birthday a state holiday. I think that time is now. Similarly, now is the time to rededicate ourselves towards improving confidence in our public education system, much as we have done with our state finances.

There are many other challenges as well, challenges, as I said in my Inaugural Address last week, that are more complex than in the past. Challenges that will require greater thought, more tolerance, and statesmanship from each of us. And challenges which are going to require cooperation from all of us.

Now is the time to accept the challenge of resolving problems that have needed attention for many years, problems we have avoided because of the high cost of solving them. Now is the time to use the goodwill and the cooperation and the confidence and the sense of integrity that we have created in the past to tackle the difficult problems facing us in the future. We have a unique opportunity, one that is built upon a firm foundation and one that we must seize to develop new partnerships and blaze new paths to progress.

This afternoon I'd like to explore the new partnerships we need to form and the new paths to progress we need to discover in two principal contexts: first, in the way our government works; and second, in what our government does.

Progress in the Way Delaware Government Works

The sum total of all of our efforts to significantly improve the way Delaware government works should and must be to see that there is greater reliance placed on, greater recognition of, and greater reward for excellence and quality.

If our paths to progress in making government work were limited to just one, we would surely follow the path towards meaningful reform of our merit system for personnel. What once was rightfully conceived as a necessary bulwark against arbitrary action in a politically volatile environment has long ago become a disincentive for individual initiative and a cumbersome roadblock to the efficient conduct of necessary and legitimate personnel actions. In fifteen years, times have changed; concerns about the political dismissals of public employees belong to an earlier generation. Indeed, practically all public employees now enjoy constitutional protection against such dismissal.

Based upon the experience of the past four years, I have no illusions about the difficulty of bringing basic reform to a system that is short on merit and long on system. Indeed, the past four years have been marked by difficulty in restoring integrity and reason to the Personnel Commission, in opening of the merit system to qualified candidates from outside government. We have instituted an Affirmative Action program to correct past inequities in the hiring, training and promotion of state employees -- and even this has not been a simple step in a very cumbersome system.

It's time to rethink and re-examine our personnel system; to begin to restore incentive and flexibility and prompt response to the needs of our Departments. I will designate a task force that will include Administration and legislative representatives to develop specific recommendations for fundamental changes in our merit system and to insure protection for the basic rights of state employees. That task force is to submit before the conclusion of this session of the General Assembly recommendations so that we might take action in the next session.

In addition, I am recommending that we begin an incentive pay system to compensate the exceptional employee for quality work. This incentive pay would be in addition to the basic increase most employees receive based on length of service; it would reward outstanding employees for meritorious work. It is time to adopt the teachings of the private sector that an employee should in some measure be compensated in proportion to the quality of his or her work.

A similar challenge confronts us in the sensitive but vitally important area of adequate compensation for the officers of our government. Judges, cabinet secretaries, legislators, and statewide elected officials have been denied adequate compensation to the point that qualified individuals are driven from or refuse to enter public service. It's difficult to persuade judicial and Cabinet nominees of exceptional quality to enter public service under current circumstances.

Indexing salaries to the cost of living is not an appropriate answer to this difficult problem (although I have recommended in this Budget that judicial officers receive the same annual salary increment as other State employees), nor is leaving the determination of salary levels to a highly charged political debate between the three branches of government. Instead, I'm recommending a permanent salary commission be established to recommend, every two years, appropriate increases in salaries to be paid to judges, cabinet officials, legislators and state wide elected officials. I shall designate seven individuals from the private sector, men and women of high calibre and reputation, to review salary levels and to make recommendations. I would hope that, after the designation of this Commission that they could make recommendations by April first of this year in time for inclusion in this year's budget and I hope that Commission will be permanently established by a statute requiring that the Administration include in its recommendations and its proposed budget the product of that Commission's work. As always, for elected officials, the increases should not take effect until after the next election for their respective offices.

Another path to progress leads from the success we have enjoyed in contracting out such functions as janitorial services and prison health care to the private sector. We have learned that in many cases the private sector can provide better service at less cost than the public sector. I believe there are a variety of other services, ranging from fleet automobile rental and maintenance to food service, that might more effectively and less expensively be provided by contracting with private vendors. I have today directed each of my cabinet secretaries to review the programs and services within their Departments and to recommend to me within sixty days those additional services which Delaware government can better provide through contracting with the private sector.

Of course, there is one such service already known to us: the banking service necessary to handle state funds. It is time for Delaware to get out of the banking business; we must sell the Farmers Bank so we can free the tens of millions of dollars in state deposits for profitable investment at market rates. I believe the agreement of sale that is pending before the General Assembly is a fair one. Delaware receives a return of its capital and the taxpayers will be relieved of the \$1 million-a-month cost of owning that Bank.

And as we consider involving private enterprise in providing public services, I think we also have to consider ways to control the often arbitrary distribution of public funds to private entities through the Grants-in-Aid program. In the past five years we have placed limits on the growth of our capital budget, our operating budget, and our taxes. During the time we were focusing our attention on these matters, the Grants-in-Aid expenditures have nearly doubled, from \$4.6 million in FY 1977, to \$8.0 million in the current fiscal year and the authorization, auditing, and use of these funds is almost without control. I would recommend to the General Assembly four basic reforms in the Grants-in-Aid process: first, that the total size of the Grants-in-Aid spending be capped at 1% of appropriations or \$8.5 million, whichever is greater, and that those sums be paid quarterly to the grantee; second, and I understand this is already underway, that the Joint Finance Committee undertake to review Grants-in-Aid expenditures as it does other expenditures; third, that all grantees be required to submit an annual audit in a form acceptable to the State Auditor and to provide a waiver permitting the Auditor to examine the operations of the grantee if he chooses to do so; and, finally, the Grants bill should be split in two -- the traditional grant to fire companies and veterans organizations being passed separately this year with a 25%, \$250,000, increase in Grants-in-Aid for fire companies -- the first such increase in many, many years.

The last of our major new paths to progress we must follow in the way government works is that leading to the reorganization of the Department of Community Affairs and Economic Development. I have spoken often of the need for strengthening our economic development effort and for an equally responsive Department of Community Affairs. Yesterday, Acting Secretary Hayward and I put forward a sound and comprehensive program. It is being introduced in the General Assembly today so that you may have ample time to examine the recommendations, schedule hearings, and plan for its consideration upon the reconvening of the General Assembly in March.

Progress in What Government Does

Well, not only must we re-examine the way government operates but we also must seek progress in what government does. The largest single expenditure of the state goes to public education. And while we have made substantial progress in public education -- in such areas as basics education, graduation and promotion standards and handicapped programs among others -- we must resolve the lack of confidence parents now feel towards public education, especially in New Castle County. We have begun to take the first tentative steps towards restoring that confidence. In just two days time, elections will be held to elect members of four new schoolboards that will be governing the education system in our largest county. I believe that this will return local control of schools to parents and taxpayers in New Castle County, where it rightfully belongs.

We must redouble our efforts to make certain that basic skills are taught to every student and that no students graduate without having demonstrated minimal educational competency. No less important is the task of seeing that those who are intent upon moving directly into the job market from school are targeted, counselled, trained and assisted in their efforts to become immediate and productive wage earners. Funds to continue these efforts are included in the budget as are increases in Division III and gifted and talented programs.

But, I believe, if we want measurable progress throughout the State in educating our children and in developing community confidence in our school system, two additional steps must be taken.

First, we must insist that our teachers, no less than the students they teach, demonstrate that level of competence necessary to assure learning. I have assigned the Department of Public Instruction the task of recommending a sound teacher competence testing program for Delaware so that parents, administrators, and students can be confident that teaching is being conducted by qualified and competent teachers.

Second, we must establish and adequately fund, through the unit formula, alternative schools which guarantee that unruly and disruptive students will not destroy the learning atmosphere for those youngsters who want an education. These schools will provide for disruptive students, for some indefinite period, a highly disciplined learning environment outside of the regular classroom so that sincere and motivated students may obtain a sound education within the classroom. Funding for this program should receive top priority as revenue projections increase later in the year, as I will further discuss in a moment.

But, the task of transforming our most valuable resource — our children — into productive adults is only partially the responsibility of the public school system. Elsewhere lie responsibilities for helping us to develop the potential of all children — providing for foster care, assisting the handicapped child, the emotionally disturbed child, and the disruptive and anti-social child. For the more than \$15 million that we spend each year on child services, from school to clinic to prison, I believe we can do better and so I have asked Secretary Schramm, as Chairman, and Commissioner Sullivan, Superintendent Keene and Secretary Whittington to join with major providers of child care services to consider how we might better serve the young people of Delaware across the full range of youth services. Once I have received the recommendations of this group, I will be prepared to recommend to the General Assembly appropriate legislation to improve the delivery of child care services.

While Delaware's most precious human resource is its children, its most precious natural resource is water. We are consuming our water supplies at record rates; the water table is not replenishing to meet the increased demand and, as a result, the four states of the Delaware River Basin Compact declared a drought emergency earlier this month. Tomorrow, the first steps of establishing a conservation plan will be taken when representatives of all levels of government and the private sector meet to discuss possible reductions in water usage. Water conservation may well become the major resource challenge confronting us in the years ahead.

Finally, our odyssey should take us this next year down new paths towards progress in the administration of justice. Two alternatives lie before us in the way we sentence offenders to prison; we must as a community consider them, decide whether we can accept or afford to take either, or perhaps select a compromise between the two.

In the last four years, I have asked the General Assembly for close to \$30 million in order to construct two new prisons and the corrections budget has grown from \$14 million to \$29 million, a 212% increase in 4 years. The reason for this massive investment in corrections programs has been the ever-escalating population of inmates in our corrections facilities. Although the rate of incarceration continues to slowly increase, this rate is not really the culprit. The principal culprit is the pattern of mandatory and consecutive sentencing which has governed our sentencing process for the past decade. As a result of these laws, fewer people are coming out of our prisons than are going in.

By way of example, between 1974 and 1978, 134 adults were sentenced to terms of ten years or more while only 23 adults serving sentences of 10 years or more were released from prison. This means that our corrections system in that period has effectively lost 111 beds for the foreseeable future. The end result is an inevitable spiral of overcrowding followed by massive expenditures for new prison beds.

A new prison bed in a secure facility in all likelihood costs more than your house did to build. The cost of maintaining an inmate for a year now exceeds the annual cost for tuition, room, and board at Harvard University. It is clearly time to reconsider the very expensive prison construction program that has been the basis of our corrections program for the past four years.

I challenge our criminal justice system to develop a comprehensive alternative to current sentencing policies which will let us progress from the whirlpool that now engulfs us to a new system which is less costly, consistent and equitable, and, most important, maintains strict security conditions for those felons who require it. To this end, I am today asking the Chief Justice, the Speaker of the House and the President Pro Tem of the Senate, the Attorney General and the Commissioner on Corrections and their designates to join my former Executive Assistant, David Swayzye, in forming a working group which will consider and report by year end its recommendations for change. Their examination ought to consider close scrutiny of all mandatory sentencing laws in Delaware and other jurisdictions and alternatives to incarceration, including those now in effect in Delaware for lesser offenders.

THE BUDGET

Turning our attention now to the budget for the coming fiscal year, in his Inaugural Address last week President Reagan spoke very eloquently of the heavy burden and severe distortions inflation has placed on the American Family.

He said, and I quote: " We suffer from the longest and one of the worst sustained inflations in our national history. It distorts our economic decisions, penalizes thrift and crushes the struggling young and the fixed-income elderly alike. It threatens to shatter the lives of millions of our people."

Well, the burden has been no less difficult for State Government. The past two years, the Consumer Price Index has risen 11 and 12 1/2% respectively. This inflationary pressure has had its effect on government services, as we have battled year after year to deliver adequate service at an affordable cost to the taxpayer. Our schools, our hospitals, our prisons, our service programs, our recreational resources all have suffered under continually rising costs and chief among these costs have been the enormous increases in energy and the employee salary and fringe benefit costs which have, for the past several years, taken the largest share of our increased revenues.

The dual impact of inflation driving up costs and the recession driving down revenue growth makes next year's budget a very, very tight one. It is my conviction that we must properly maintain those programs that we choose to continue before we expand or begin new efforts and the budget I am presenting today follows this course: a basic budget covering the basic costs of government and some new program proposals that should be folded into that budget as projected revenues for FY 1982 increase between now and the passage of the budget in June.

In the last session, the General Assembly appropriated a budget of about \$634 million and an emergency appropriation of a little over \$9 million for Medicaid payments in state institutions. You will recall that the emergency appropriation was necessary both to cover all expenses of government and also to prevent an ever increasing excess of funds from accumulating, above and beyond the constitutionally established "Rainy Day" fund of 5% of our General Fund Revenues.

Well, this year I am proposing a similar approach. I am submitting for your consideration today a budget bill totaling \$700 million and emergency appropriations of \$11.4 million and this again will prevent the unnecessary build-up of surpluses in addition to the "Rainy Day" fund, which at the end of this fiscal year will reach almost \$36 million. After accounting adjustments, total expenditures under this budget, including Grants-in-Aid, are expected to reach \$712 million which is in balance with the DEFAC projected revenue estimate of \$712 million and it will also be, and this is important, just \$3.1 million less than our mandatory spending limit of 100% of revenue. It is a very, very tight budget.

BUDGET INCREASES

My proposed FY 1982 appropriations are about 9.5% larger than the current year's appropriations, considerably less than the inflation rate of about 12 1/2% so that the cost of government in constant dollars will decline again, for the fourth straight year.

With the DEFAC revenue estimate set at \$712 million, there was available to us an increase of about \$64 million for allocation in the new budget. That is \$64 million more from revenue growth than we had last year. Of this increase, almost 40%, or \$24 million, has been set aside for state employee salary increases, \$8 million more for energy and other cost increases for the operation of government, and \$16 million more for education. To put it in a little different perspective, we have programmed a basic pay increase of 8% for state employees, a 6% inflation increase for general government operations, and 10 and 11% increases, respectively, for Division II and Division III in public education. Support programs for education, that is, transportation and basic skills and private placement of the handicapped require an additional \$5 million in increased funds next year.

Further, the budget contains increases to compensate for inflation in road repair costs and to operate the two new prisons that will open at the beginning and the end of the coming fiscal year. These provisions complete the basic budget, although of course there are many other programs we would like to fund if revenues were available.

Revenue Increases

I believe revenues are going to be available because, on January 15th, the Farmers Bank Commission signed an agreement on behalf of the State of Delaware to sell our stock in the bank. This agreement, if approved by the General Assembly by March 31, which is the last day for approval under the agreement, will result in the freeing up of all state and school district funds and the competitive investment of these funds in the commercial banking system effective September 30, 1981. At current investment yields, this could mean approximately \$9 million of additional revenues for the state in the coming fiscal year. Because legislative consideration of the Farmer's Bank sale agreement will not come until March, I am unable to include these revenues in my budget today. But I very much hope approval by the Legislature will be forthcoming so that these revenues and any additional revenue growth that might occur in the economy could be used for the following five priority programs:

* First, an education program that will provide the resources to improve the management, the education atmosphere, and the operation of our school districts. I have already spoken of the alternative schools for disruptive youth which should receive top priority funding. We should also adopt a guaranteed annual unit count procedure to end the chaotic RIF-ing that is so disruptive to students and teachers and school districts alike. I am in support of such a proposal — Representative Petrilli's H.B. 1 — with the understanding that its cost not exceed \$550,000 per year. In addition, I am recommending a modification of the secretarial unit formula to increase secretarial support particularly in larger school districts and a change in the unemployment compensation system for school districts that will place future funding for unemployment compensation upon the level of government responsible for paying the employee: federal, state or local.

Now, these recommendations touch upon many of the financial troubles of the New Castle County School District; I believe they will help resolve the financial problems of the District. But, I add and I underscore the need for the district or districts to keep their pledge to close some twenty under-utilized schools at the end of the school year and to implement the additional recommendations of the Financial Overview Committee. My support for additional financial resources is absolutely dependent upon the keeping of that pledge.

* The second of the five priority areas that we should use our additional resources for is for an additional salary increment for state employees above the 8% provided in the basic budget but, as I discussed earlier, I would hope that this additional increase would be awarded within overall guidelines to those employees who have demonstrated superior achievement in this past year.

* The third program is continued progress in overhauling and upgrading Delaware's road system. In the past two years we have invested about \$15 million in overhauling our highways. This has brought about some dramatic improvement in a near devastated road system; but there is still an awful lot to be done. We have not yet built into the budget an ongoing program of major road repair. Our highways, so important to our economic development and personal well-being are a tremendous investment and should not be ignored. Out of any increase in revenues, a portion must be dedicated to another major effort at road repair.

* Fourth, an affordable and carefully limited prescription drug program for Delaware's elderly poor. You will recall, I'm sure, that I vetoed such a measure last July because it did not contain funding for its implementation. I want to restate the basic understanding upon which rests my support for this program: It must be fully funded and it must be included in the budget package approved by the General Assembly in June.

Following my veto of that legislation last July, I began two efforts to meet this need. First, Secretary Schramm and I began discussions with the Nemours Foundation about a prescription drug program, identifying it as the number one medical need of Delaware's elderly. You will recall that the Foundation is obligated by law to spend about \$2.5 million each year on programs for the elderly in Delaware. Our discussions, to put it mildly, have been prolonged and frustrating but I believe that we may yet persuade the Foundation Trustees to support such a program and I hope to attend the March Trustees meeting in Florida to complete our efforts for financing this program with Foundation resources.

In addition, last July I asked Secretary Schramm to conduct a study of alternative health care programs, including pharmaceutical benefits, ranging from Medicaid extensions on one hand to 100% fully funded state programs on the other. That study will shortly be available to us but primary findings underscore the basic problem with programs of this kind: they are expensive and their cost is uncontrollable because they are entitlement programs; that is, once the program is enacted everyone falling within its provisions is entitled to its benefits, regardless of the cost to the state. It is impossible to know precisely how many people will apply and what their entitlement benefits may be and thus the cost of the program is not controllable.

The federal government, with all of its resources, has been unable to control the cost of entitlement programs. Social Security, Medicaid, Medicare — all have proven enormously expensive, impossible to control, and have produced annual federal budget deficits. For a small state like Delaware to enter an open-ended entitlement program is unwise, for sooner or later a program will have to be capped or cut back or discontinued. Thus, my support for a prescription drug bill must also depend upon firm cost controls being placed upon the program from the beginning — specifically, limitations both on eligibility and how much an individual may draw in benefits in any given year. These limitations will protect us against escalating costs of unknown magnitude and will insure that the state continues to live within its means. Should our efforts with the Nemours Foundation fail, we are prepared to offer an appropriate proposal for consideration by the Joint Finance Committee.

* Fifth, should additional revenues become available, the state should assume the costs of the family violence program which have formerly been paid by the Federal government.

And finally, I should mention one area where the executive and legislative branches of government still need to reach an understanding: the longstanding question of school bus contractor payments. There remains a 2¢ per pupil misunderstanding that I hope we can resolve between now and the passage of the budget in June.

I believe that with the sale of the Farmers Bank and the improving economy as we emerge from the recession, that revenue projections for the next fiscal year will rise substantially between now and June. Those revenues, in my judgment, should be allocated to these priority programs if we are going to continue to improve the quality of government services in Delaware.

* * * * *

What I have outlined today is an agenda for Delaware's future. Our efforts commenced four years ago when we began constructing a solid financial base for our government. The paths to progress for Delaware have encountered many road blocks and no doubt they will encounter many more, but we are progressing in our journey because we have attacked the difficult issues concerning the way our government works and what our government does. The progress I detailed today and the agenda I have set forth for the future chart Delaware's course for the 1980's and, as we embark upon this course, let me say that I will strive to continue the spirit of cooperation which has been the hallmark of the past few years in Delaware government. I know that all of you will join me in the spirit of doing what is best for Delaware.

I thank you for your attention.

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Representative Sincok, Representative Minner, Senator Cook and Senator Neal escorted the Governor from the Chamber.

Representative Burris moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals. The motion prevailed.

The Chief Clerk of the House and the Secretary of the Senate compared their Journals, found them to agree, and so notified the Speaker.

Representative Burris moved that the Joint Session be adjourned and that the two Houses separate to reconvene in their respective Chambers. The motion prevailed.

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Representative Burris moved that the House stand in brief recess to allow the Chamber to be cleared. The motion prevailed.

The House reconvened at 2:50 p.m.

The following prefiled legislation was introduced:

HB 67 - BURRIS, BENNETT; SENATOR KNOX - R&F: An Act to Amend Title 29 of the Delaware Code by Creating the Delaware Development Office, the Council on Development Finance and the Development Appeals Board and to Amend Title 6, Title 7, Title 14, Title 16, and Title 29 of the Delaware Code by Transferring to Such Agencies Certain Functions and Responsibilities Vested in the Office of Management, Budget and Planning, the Division of Economic Development of the Department of Community Affairs and Economic Development, the Council on Industrial Financing, the Council on State Planning and the Coastal Zone Industrial Control Board and to Make Other Necessary Conforming Amendments to the Laws of Delaware and the Delaware Code.

HB 68 - PETRILLI; SENATOR KNOX - R&F: An Act to Amend Titles 9, 14, 16, 19, 25, 29, 30, 31 of the Delaware Code and Chapters 277, 416 and 423, Volume 62, Laws of Delaware, Providing for the Establishment of a Department of Community Affairs and Providing for Amendments and Corrections Related Thereto.

HB 69 - BUCKWORTH, BURRIS - R&F: An Act Amending Chapter 61 of Title 10 of the Delaware Code Relating to Condemnation of Real Property.

HB 70 - GILLIGAN - JUD: An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Governor's Election and Term of Office. (2/3 bill)

HB 71 - CATHCART - ADM/S: An Act to Amend Chapter 9, Title 24, Delaware Code, Relating to Deadly Weapons.

HB 72 - VAN SCIVER, DIXON, SPENCE, ENNIS, CAMPANELLI, BUCKWORTH, JESTER, CORROZI, ROY, CATHCART, GILLIGAN, MACK; SENATORS CITRO, CONNOR, VAUGHN - ADM/S: An Act to Amend Delaware Code, Title 14, in Order to Provide for a Limited Program in Driver Education for Motorcycle Drivers.

HB 73 - VAN SCIVER; SENATOR CITRO - R&F: An Act Directing the Board of Pension Trustees to Repay the Pension Contribution of Former State Policeman Francis R. Spence.

HB 74 - ANDERSON, DIXON, CORDREY, GILLIGAN, PETRILLI, VAN SCIVER; SENATORS CORDREY, MCBRIDE, HUGHES - H/SS: An Act to Amend Title 16, Delaware Code, Relating to Regulation and Sale of Portable Oil Fueled Heaters.

HR 20 - CATHCART, OBERLE, MACK - ADM/S: Urging the Public Advocate to Investigate the Feasibility of Proposing Special Rates for Utility Consumers Who are Senior Citizens.

HR 21 - WEST - ED: Respectfully Requesting the Hon. Murray M. Schwartz, Judge of the U.S. District Court for the District of Delaware, to Order a Stay in the Forthcoming Elections Scheduled by the New Castle County Board of Education.

HCR 16 - MARONEY, ANDERSON, FALLON, JESTER, MINNER, SMITH, SOLES; SENATORS BAIR, COOK - ED: Designating March 8-14 as Women's History Week and Requesting Educational Institutions Throughout the State to Give Special Attention to This Subject During That Time.

SB 20 w/SA 1 - MARTIN, CONNOR, BAIR, HUGHES, CITRO, MARSHALL - JUD: An Act to Amend Part E., Title 10, Delaware Code Relating to Privacy of Family Court Proceedings.

SJR 4 - BERNDT, CITRO, MCBRIDE, MARTIN, MURPHY, KNOX; REPRESENTATIVES VAN SCIVER, MARONEY, EDWARDS, CAMPANELLI, CORROZI, GILLIGAN - H/SS: Proclaiming 1981 as the International Year of Disabled Persons in Delaware.

Mr. Speaker removed HB 19 from the Agenda as it had been inappropriately reported out of the Appropriations Committee.

Representative Burris moved to recess for caucus at 2:55 p.m.
The House reconvened at 4:44 p.m.
The Chief Clerk read the following Committee Reports into the record:
APPRO: HB 19 reconsidered - 5M,1U; SB 59 - 5F.
The Reading Clerk read the following communications into the record:
The Senate wishes to inform the House that it has passed: HCR 13, HCR 14, HCR 15.
Representative Fallon introduced HR 22, co-sponsored by Representatives Bennett & Barnes.
HR 22 - Mourning the Death of Nellie Allen, of Seaford, Mother of Former Representative Warren
L. Allen and Co-Founder of Allen's Hatchery Inc.
HR 22 was placed on Consent Calendar #5.
Representative West introduced HB 76, jointly sponsored by Representatives Anderson, Barnes, Brady, Campanelli, Cordrey, Corrozi, Dixon, Free, Gilligan, Holloway, Jonkiert, Plant & Van Seiver.
HB 76 - An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Exclusion of Rural Electrification Companies From the Jurisdiction of the Public Service Commission.
Mr. Speaker assigned HB 76 to the Administrative Services Committee.
Mr. Speaker Hebner appointed Representative Petrilli as Temporary Speaker.
Representative Hebner introduced HB 75, jointly sponsored by Representatives Burris, Petrilli & Sincok.
HB 75 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.
Mr. Temporary Speaker assigned HB 75 to the Appropriations Committee.
Mr. Speaker Hebner resumed the Chair.
Representative Spence moved to suspend the rules which interfere with introduction of HJR 2. The motion was properly seconded and adopted by voice vote.
Representative Spence introduced HJR 2.
HJR 2 - Requesting Governor Pierre S. Dupont IV to Issue an Executive Order Requiring That as a Memorial to the Seizure of the 53 American Hostages a Yellow Ribbon be Flown With All American, State or Municipal Flags for 444 Days.
Mr. Speaker assigned HJR 2 to the House Administration Committee.
Representative Harrington brought HCR 10, jointly sponsored by Senator Hughes, before the House for consideration.
HCR 10 - Requesting the Governor to Designate February 14 Through February 24 as National Defense Week.
HCR 10 was adopted by voice vote and sent to the Senate for concurrence.
Representative Burris brought HB 43 before the House for consideration.
HB 43 - An Act to Amend Title 4 and Title 10 of the Delaware Code Relating to Statutory Liabilities of Persons Who Sell or Dispense Alcoholic Liquors.
Representative Burris moved to place HB 43 on the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.
Representative Oberle brought HB 41 before the House for consideration.
HB 41 - An Act to Amend Section 1701, Title 7 of the Delaware Code Relating to Dog Licenses.
Representative Oberle brought HA 1 to HB 41 before the House for consideration. HA 1 was adopted by voice vote.
The roll call on HB 41 w/HA 1 was taken and revealed:
YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 41.
Therefore, having received a constitutional majority, HB 41 w/HA 1 was sent to the Senate for concurrence.
Mr. Speaker re-assigned HB 65 to the Appropriations Committee.
Mr. Speaker re-assigned HB 56 to the Appropriations Committee.
Representative Oberle brought HB 6 before the House for consideration.
HB 6 - An Act to Amend Chapter 7, Title 19, of the Delaware Code Relating to Employment Practices.
Representative Oberle moved to place HB 6 on the Speaker's table. The motion was properly seconded and adopted by voice vote.
Representative Van Seiver brought HB 30, jointly sponsored by Representatives Cathcart, Corrozi, Dixon, Harrington, Free, Holloway, Mack, Plant & Spence, before the House for consideration.
HB 30 - An Act to Amend Chapter 199, Volume 62, Laws of Delaware Relating to Financial Assistance to Certain Delaware Families for the Purchase of Energy Conservation Materials.
Representative Van Seiver introduced HA 1 to HB 30.
Representative Free rose on a point of order. Mr. Speaker concurred.
Representative Sincok requested and was granted the privilege of the floor for Christopher Warner, Director, Delaware Energy Office.
Representative Roy requested and was granted the privilege of the floor for Controller General Duane Olsen.

Representative Roy rose on a point of order. Mr. Speaker concurred.

Representative Van Sciver requested that the Fiscal Note for HA 1 be waived. The motion was seconded by Representative Holloway and adopted by voice vote.

HA 1 to HB 30 was adopted by voice vote.

Representative Van Sciver requested and was granted the privilege of the floor for Christopher Warner, Director, Delaware Energy Office.

Representative Van Sciver rose on a point of order. Mr. Speaker concurred.

Representative Van Sciver moved to place HB 30 w/HA 1 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Harrington introduced HB 77, jointly sponsored by Representatives Powell, Derrickson, Brady, Dixon, Jester, Oberle; Senators Zimmerman, Adams, Littleton & Citro.

HB 77 - An Act to Amend Chapter II, Part II, Title 30 of the Delaware Code Relating to the Personal Income Tax; and Providing an Exemption for Certain Interest Earned From Savings Accounts.

Mr. Speaker assigned HB 77 to the Revenue & Finance Committee.

Representative Burris moved to suspend all necessary rules which interfere with introduction of and action on HR 23. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought HR 23 before the House for consideration.

HR 23 - Providing for the Reimbursement of Travel Expenses to Members of the Staff of the House of Representatives of the 131st General Assembly.

Representative Jonkiert rose on a point of order. Mr. Speaker concurred.

Representative Petrilli rose on a point of order. Mr. Speaker concurred.

Representative Plant rose on a point of order. Mr. Speaker concurred.

The roll call on HR 23 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 16.

Therefore, having received a constitutional majority, HR 23 was adopted.

Representative Sincock requested that SB 59 be added to the Agenda on a day certain, Wednesday, February 4, 1981.

Representative Darling introduced HCR 17, jointly sponsored by Representatives Bennett, Buckworth, Cordrey, Derrickson, Fallon, Harrington, Minner, Riddagh, West; Senators Adams, Cook, Cordrey, Littleton & Murphy.

HCR 17 - Requesting Evan Wilner, the Public Advocate, to Investigate the Additional Surcharge for Electricity Made by the Delaware Electric Cooperative Inc., and to Obtain Information and Make Recommendations to the General Assembly.

Mr. Speaker assigned HCR 17 to the House Administration Committee.

Representative Oberle requested that HA 1, 2 to HR 6; HB 4 be stricken.

Representative Roy requested that HB 33 be stricken.

Representative Burris moved to recess to the call of the Chair at 6:30 p.m.

9th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

February 3, 1981

The Acting Speaker called the House to order at 1:43 p.m.

The Majority Leader moved to adjourn at 1:45 p.m., thereby ending the previous legislative day. The House reconvened at 1:46 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Fallon, Hebner - 2.

A prayer was offered by Representative B. Bradford Barnes, Thirty-Eighth District.

The Acting Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous legislative day were approved as posted.

The following prefiled legislation was introduced:

HB 78 - PETRILLI, HARRINGTON - R&F: An Act to Amend Title 21, §2118 of the Delaware Code to Require Insurers to Inform Their Claimants in Writing of the Two-Year Statute of Limitations.

HB 79 - CAMPANELLI - H/ADM: An Act to Amend Chapter 21, Title 29, of the Delaware Code Relating to the Salary of the Governor.

HB 80 - CAMPANELLI, DIXON - ADM/S: An Act to Amend Chapter 9, Part I, Title 19 of the Delaware Code Relating to Increases in the Minimum Wage Rate.

HB 81 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 13, Subchapter 1, Title 30, Delaware Code Relating to the Estate Tax Treatment of Survivor Benefits Awarded by a State or Political Subdivision Thereof.

HB 82 - BENNETT - ADM/S: An Act to Amend Title 19, Chapter 33, Delaware Code, Relating to the Definition of Wages.

HB 83 - BENNETT, FALLON, CAIN, DARLING, GILLIGAN; SENATORS COOK, ZIMMERMAN - ED: An Act to Amend Chapter 17, Title 14 of the Delaware Code to Provide a Three-Year Pilot Program in Elementary School Guidance and to Make an Appropriation Therefore.

HB 84 - OBERLE, BRADY, ROY, POWELL, SOLES, ENNIS; SENATOR MCBRIDE - ED: An Act Amending Chapter 13, Title 14 of the Delaware Code Providing State Support for the Fractional Part of the Salary of a Principal for a School With Declining Enrollment.

HB 85 - BRADY, FREE, CATHCART, ROY, GILLIGAN, OBERLE; SENATOR CONNOR - R&F: An Act Amending Chapter 55, Title 30 of the Delaware Code Exempting Public Schools From the Public Utilities Taxes.

HB 86 - BURRIS, PETRILLI, RIDDAGH, SINCOCK, ENNIS, HARRINGTON, MARONEY, FALLON, POWELL, ROY, BRADY, GEORGE, MINNER, GILLIGAN, SOLES, DARLING, ANDERSON, PLANT, HOLLOWAY, MCKAY, BENNETT; SENATORS KNOX, BERNDT, NEAL, CITRO, HUGHES, BAIR, CONNOR, MARTIN, MCBRIDE, HOLLOWAY - R&F: An Act to Authorize and Approve the State's Proposed Sale of Its Preferred and Common Stock in the Farmers Bank of the State of Delaware, to Amend Certain Provisions of the Code of Delaware Dealing Specifically With the Farmers Bank of the State of Delaware and to Make Provisions for the Disposition of Money Previously Deposited With the Farmers Bank of the State of Delaware.

HR 24 - BURRIS, PETRILLI, HEBNER, GEORGE, CAIN - H/ADM: Authorizing the Payment of Mileage to the Members of the House of Representatives of the 131st General Assembly.

HJR 3 - POWELL - R&F: Congratulating "Project 70001," a Program Created and Based in Delaware to Guide High School Drop-Outs Into Productive Employment; and Commending Certain Civic-Minded Delaware Businesses for Providing Job Opportunities and Encouragement.

HA 2 to HB 1 - PETRILLI - ED: Placed with the bill.

HA 1 to HB 17 - MCKAY - R&F: Placed with the bill.

HA 1 to HB 18 - BRADY - ED: Placed with the bill.

HA 1 to HB 65 - SMITH - APPRO: Placed with the bill.

SB 1 w/SA 1,3,5,SA 1 to SA 5; 6,7 - MCBRIDE & MCDOWELL; HOLLOWAY, MARSHALL; REPRESENTATIVES ANDERSON, PLANT, DIXON, GILLIGAN, CAIN, GEORGE, CAMPANELLI, JONKIERT, SOLES - APPRO: An Act to Amend Chapter 5, Part I, Title 31 of the Delaware Code Relating to Pharmaceutical Assistance for the Aged; and Providing an Appropriation Therefor. (FN)

SB 46 w/SA 1 - HOLLOWAY, KNOX; REPRESENTATIVES MARONEY, MCKAY - H/SS: An Act to Amend Chapter 58A, Title 29 of the Delaware Code Relating to Laws Regulating the Conduct of Officers and Employees of the State to Provide for Handling of Medicaid Funds.

The Reading Clerk read the following communications into the record:

To the Members of the House of Representatives of the 131st General Assembly:

As Speaker of the House of Representatives of the 131st General Assembly and due to circumstances which necessitate my temporary absence from the Office of Speaker, I hereby appoint Representative Joseph R. Petrilli as Speaker Pro Tempore, pursuant to the provisions of Rule 7, to act in my place and stead, who shall have all rights, powers and privileges included therein.

Charles L. Hebner
Speaker of the House

The Senate wishes to inform the House that it has passed: SB 27, SB 43 w/SA 1, SB 44.

Representative Burris moved to recess for caucus at 1:51 p.m.

The House reconvened at 3:33 p.m.

Representative George introduced HCR 18, jointly sponsored by Representatives Burris, Cain, Sincock & Senator Cook; co-sponsored by Representatives Bennett, Maroney, Powell, McKay & Petrilli.

HCR 18 - Expressing the Best Wishes of the 131st General Assembly to Weston E. (Pete) Nellius, Former Secretary of the Department of Finance, as He Pursues a New Career in Private Industry.

HCR 18 was placed on Consent Calendar #5.

Representative Burris moved to suspend the rules which interfere with introduction of and action on HCR 19. The motion was properly seconded and adopted by voice vote.

Representative Burris introduced and brought HCR 19 before the House for consideration.

HCR 19 - Expressing Sympathy and Condolences of the House of Representatives of the 131st General Assembly, With the Concurrence of the Senate Therein to the Family of Felix E. Spurney.

HCR 19 was adopted by voice vote and sent to the Senate for concurrence.

Representative Burris moved to suspend the rules which interfere with introduction of and action on HJR 4. The motion was seconded by Representative Derrickson and adopted by voice vote.

Representative Burris introduced and brought HJR 4, jointly sponsored by Senator Cordrey; Representatives Petrilli, George, Cain; Senators Sharp, Cook, Knox & Arnold, before the House for consideration.

HJR 4 - Delegating Full Powers to the Legislative Council of the 131st General Assembly in the Determination of the Composition and Reapportionment of the General Assembly; and Providing Funds Therefor.

The roll call on HJR 4 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Sincock, Smith, Soles, Spence, Van Sciver, West, Acting Speaker Petrilli - 36.

ABSENT: Representatives Bennett, Fallon, Hebner, Holloway, Roy - 5.

Therefore, having received a constitutional majority, HJR 4 was sent to the Senate for concurrence.

Representative Minner moved to suspend the rules which interfere with introduction of and action on HCR 20. The motion was properly seconded and adopted by voice vote.

Representative Minner introduced and brought HCR 20, jointly sponsored by Representative Burris, co-sponsored by Senator Adams, before the House for consideration.

HCR 20 - Congratulating Cassie Blizzard, of Milford, Who Celebrated Her 109th Birthday on January 30, 1981.

HCR 20 was adopted by voice vote and sent to the Senate for concurrence.

Representative George moved to suspend the rules which interfere with action on HCR 18. The motion was properly seconded and adopted by voice vote.

Representative George brought HCR 18, jointly sponsored by Representatives Burris, Cain, Sinecock & Senator Cook, co-sponsored by Representatives Bennett, Maroney, Powell, McKay & Petrilli, before the House for consideration.

HCR 18 - Expressing the Best Wishes of the 131st General Assembly to Weston E. (Pete) Nellius, Former Secretary of the Department of Finance, as He Pursues a New Career in Private Industry.

HCR 18 was adopted by voice vote and sent to the Senate for concurrence.

Representative Gilligan introduced HR 25, jointly sponsored by Representatives Petrilli & George.

HR 25 - Expressing Our Condolences to the Family of George V. Kirk, Acting Superintendent of the New Castle County School District, Whose Mother Died on January 20, 1981.

HR 25 was placed on Consent Calendar #5.

Representative McKay brought HB 32, jointly sponsored by Representative Gilligan, co-sponsored by Representatives Burris, George, Cain & Petrilli, before the House for consideration.

HB 32 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to the Length of Legislative Sessions. (2/3 bill)

Representative George requested and was granted the privilege of the floor for House Attorney Richard Cooch.

The roll call on HB 32 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Sinecock, Soles, Spence, Acting Speaker Petrilli - 33.

NO: Representatives Jonkiert, Riddagh, Roy, Smith, Van Seiver - 5.

ABSENT: Representatives Fallon, Hebner, West - 3.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 32 was sent to the Senate for concurrence.

Representative Maroney moved to suspend the rules which interfere with action on SB 46 w/SA 1. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Maroney brought SB 46 w/SA 1, jointly sponsored by Senator Holloway & Representative McKay, co-sponsored by Senator Knox, before the House for consideration.

SB 46 - An Act to Amend Chapter 58A, Title 29 of the Delaware Code Relating to Laws Regulating the Conduct of Officers and Employees of the State to Provide for Handling of Medicaid Funds.

Representative Maroney requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on SB 46 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sinecock, Smith, Soles, Spence, West, Acting Speaker Petrilli - 34.

NO: Representatives Cain, Gilligan - 2.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Burris, Fallon, Hebner, Van Seiver - 4.

Therefore, having received a constitutional majority, SB 46 w/SA 1 was returned to the Senate.

Representative Plant brought HB 19, jointly sponsored by Representative Holloway & Senator Holloway, before the House for consideration.

HB 19 - An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays and Establishing Martin Luther King's Birthday as a Legal Holiday.

Representative Plant requested and was granted the privilege of the floor for Controller General Duane Olsen.

The roll call on HB 19 was taken and revealed:

YES: Representatives Anderson, Brady, Cain, Campanelli, Cathcart, Cordrey, Dixon, Ennis, Free, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Plant, Soles - 17.

NO: Representatives Barnes, Bennett, Buckworth, Burris, Darling, Derrickson, Edwards, Harrington, Maroney, McKay, Minner, Oberle, Powell, Riddagh, Roy, Sinecock, Smith, Spence, Acting Speaker Petrilli - 19.

ABSENT: Representatives Corrozi, Fallon, Hebner, Van Seiver, West - 5.

Therefore, not having received a constitutional majority, HB 19 was declared defeated.

Representative Free brought HB 34, jointly sponsored by Representatives Cathcart, Edwards, Gilligan; Senators Marshall & Citro, before the House for consideration.

HB 34 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Gambling. (2/3 bill)

Representative Brady brought HA 1 to HB 34 before the House for consideration. HA 1 was adopted by voice vote.

Representative Free requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HB 34 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Maroney, Oberle, Plant, Powell, Roy, Sincok, Smith, Soles, Spence, Van Seiver - 29.

NO: Representatives Bennett, Burris, Cain, Harrington, McKay, Minner, Riddagh, West, Acting Speaker Petrilli - 9.

NOT VOTING: Representative Derrickson - 1.

ABSENT: Representatives Fallon, Hebner - 2.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 34 w/HA 1 was sent to the Senate for concurrence.

Representative Burris introduced HB 87, jointly sponsored by Representative Bennett.

HB 87 - An Act to Amend Titles 19, 9, 11, 18, 24, 29, 30 and 31 of the Delaware Code Relating to Workers' Compensation, Providing for the "Workers' Compensation Act of 1981" and Further Providing for an Appropriation for the Implementation of That Act.

Mr. Speaker assigned HB 87 to the Revenue & Finance Committee.

Representative Burris moved to recess to the call of the Chair at 5:51 p.m.

10th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Session

February 4, 1981

The Speaker called the House to order at 1:44 p.m.

Representative Burris introduced SCR 12, jointly sponsored by Senators Cordrey, Sharp, Knox; Representatives Hebner & George.

SCR 12 - Congratulating Robert E. Ellegood, M.D., as He Celebrates His 100th Birthday on February 9, 1981.

SCR 12 was placed on Consent Calendar #5.

Representative Burris introduced SCR 13, sponsored by Senators Marshall, Holloway, Citro & Representative Jonkiert.

SCR 13 - Commemorating the 235th Anniversary of the Birth of General Thaddeus Kosciuszko, American Revolutionary War Hero.

SCR 13 was placed on Consent Calendar #5.

Mr. Speaker Hebner appointed Representative Petrilli as Temporary Speaker.

Representative Hebner introduced HR 26, jointly sponsored by Representative Edwards.

HR 26 - Congratulating the Claymont Falcons for Winning the 105-Pound Division Regional Championship of the Bert Bell Football League.

HR 26 was placed on Consent Calendar #5.

Mr. Speaker Hebner resumed the Chair.

Representative Maroney introduced HR 27, jointly sponsored by Representatives Anderson, Fallon, Jester, Minner, Smith & Soles.

HR 27 - Designating March 8-14 as Women's History Week and Requesting Educational Institutions Throughout the State to Give Special Attention to This Subject During That Time.

HR 27 was placed on Consent Calendar #5.

Representative Burris introduced HR 28, jointly sponsored by Representative Petrilli.

HR 28 - Authorizing the Chief Clerk to Purchase Postage Stamps for the First Session of the 131st General Assembly.

HR 28 was placed on Consent Calendar #5.

Representative Burris moved to lift HB 30 w/HA 1 from the Speaker's table for the purpose of adding it to the Agenda for February 4, 1981.

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the previous legislative day. The House reconvened at 1:56 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Gwynne P. Smith, Tenth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous legislative day were approved as posted.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 28 w/HA 1, 2; SCR 12, SCR 13, HB 29, HCR 10, HCR 18, HCR 19, HCR 20, HJR 4, SB 62 w/SA 1.

The Chief Clerk read the following Committee Reports into the record:

R&F: HJR 3 - 3F,2M; HB 15 - 4F,2M.

Representative Burris moved to recess for caucus and committee meetings at 2:06 p.m.

The House reconvened at 4:00 p.m.

The following prefiled legislation was introduced:

HB 88 - RIDDAGH; SENATOR SHARP; REPRESENTATIVES DERRICKSON, HARRINGTON, POWELL, SMITH; SENATOR ARNOLD - R&F: An Act to Amend Title 9, Title 22 and Title 25 of the Delaware Code Relating to Fire Insurance Liens.

HB 89 - DERRICKSON; SENATOR CORDREY - JUD: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Penalties for Passing Stopped School Buses. (2/3 bill)

HB 90 - MARONEY; SENATOR HOLLOWAY - ADM/S: An Act to Amend Chapter 19, Title 24 of the Delaware Code Relating to Examination and Licensing of Nurses.

HB 91 - GILLIGAN, SINCOCK - H/SS: An Act to Amend Chapter 68, Title 16 Del. C. Relating to the Exemption of Persons From Liability When Rendering Emergency Care.

HB 92 - POWELL, DIXON; SENATORS ADAMS, LITTLETON - R&F: An Act to Amend Chapter 23, Part III, Title 30 of the Delaware Code Relating to the Gross Receipts Tax; and Providing an Exemption for Draymen or Movers.

HB 93 - VAN SCIVER, BRADY, ENNIS, CATHCART, MACK, CORROZI, DIXON, FREE, JESTER, BARNES, RIDDAGH, SPENCE, BUCKWORTH; SENATORS CITRO, CONNOR - ADM/S: An Act to Amend Title 29, Delaware Code, Section 4308, by Requiring a Notary Public to Ensure That the Individual Whose Presence is Being Certified to by the Notary, Provide Proof of Their Identity.

HB 94 - HARRINGTON; SENATORS BAIR, VAUGHN - ED: An Act to Amend Chapter 41, Part I, Title 14 of the Delaware Code Relating to Drugs, Dangerous Instruments, and Deadly Weapons on School Premises.

HB 95 - BURRIS - JUD: An Act to Amend Chapter 7, of Title 21, of the Delaware Code to Remove as Obsolete the Requirement That a Person Arrested Without a Warrant for a Motor Vehicle Offense be Taken, or Summoned to Appear, Before the Nearest Available Justice of the Peace.

HB 96 - FREE, BRADY, VAN SCIVER; SENATOR NEAL - ED: An Act to Amend Part V, Title 14 of the Delaware Code Relating to Education; Establishing Annual Teacher-of-the-Year Awards; and Providing a Supplementary Appropriation Therefor.

HB 97 - ENNIS - ED: An Act to Increase the Number of School Nurses Available in Public Schools of the State.

HB 98 - PETRILLI - ED: An Act to Amend Delaware Code, Title 14, by Providing for an Increase in the Number of School Secretaries in the Public Schools of the State.

HB 99 - SMITH, ANDERSON, ENNIS, GILLIGAN, MARONEY, MINNER, RIDDAGH, SOLES; SENATORS MARTIN, ARNOLD, CONNOR, KNOX, LITTLETON, MCBRIDE, NEAL - NR/AGRI: An Act to Amend An Act Being Chapter 503, Volume 61, Laws of Delaware Entitled An Act to Amend Title 7 of the Delaware Code Relating to the Reclamation and Recycling of Beverage Containers by Changing the Effective Date Thereof.

HB 100 - PETRILLI, MCKAY - H/ADM: An Act to Amend Part VI, Title 29 of the Delaware Code Relating to State Government; and Providing for the Granting of Monetary Awards for Suggestions That Result in Financial or Economic Benefit to the State of Delaware.

HB 101 - BRADY, POWELL, OBERLE, MARONEY, PETRILLI, WEST, SOLES - R&F: An Act to Amend Chapter II, Title 30 of the Delaware Code Relating to Personal Income Tax.

HB 102 - ROY - ADM/S: An Act to Amend Title 4 of the Delaware Code Relating to the Sale of Alcoholic Beverages.

HB 103 - BURRIS - H/ADM: An Act to Amend Part III of Title 25, of the Delaware Code by Excluding Leases for Certain Commercial Units From Application of Certain Provisions of the Landlord-Tenant Code.

HB 104 - BURRIS - H/ADM: An Act to Amend Subchapter II, Title 23 of the Delaware Code Relating to Requirements for Licenses of Pilots.

HA 1 to HB 5 - OBERLE - H/ADM: Placed with the bill.

HA 1 to HB 6 - OBERLE - Placed with the bill. (Laid on the Table)

HA 1 to HB 86 - BRADY - R&F: Placed with the bill.

SB 27 - HOLLOWAY, KNOX; REPRESENTATIVE MARONEY - H/SS: An Act to Amend Chapter 17, Title 24, Delaware Code, Relating to the Practice of Medicine.

SB 43 w/SA 1 - ADAMS; REPRESENTATIVES MINNER, BARNES - JUD: An Act to Amend Title 21, Chapter 44, Relating to Abandoned Vehicles.

SB 44 - ADAMS; REPRESENTATIVES MINNER, BARNES - JUD: An Act to Amend Chapter 25 and Chapter 67, Title 21 of the Delaware Code Relating to the Transfer and Selling of Salvages or Total Loss Motor Vehicles and Relating to the Responsibility of the Vehicle Owners. (2/3 bill)

SB 62 w/SA 1 - CORDREY, ADAMS, COOK, LITTLETON, MURPHY, BERNDT, ZIMMERMAN; REPRESENTATIVES BURRIS, MINNER, BRADY, BARNES, BUCKWORTH, RIDDAGH, DERRICKSON, EDWARDS, HARRINGTON, JESTER, WEST, ANDERSON, DARLING - H/ADM: An Act to Amend Sub Chapter II, Chapter I, Title 26, Delaware Code Relating to the Jurisdiction of the Public Service Commission.

Representative Ennis introduced HR 29, jointly sponsored by Representative Buckworth.

HR 29 - Expressing the Condolences of the House of Representatives of the 131st General Assembly to the Family of Raymond "Jiggs" Failing, Jr.

HR 29 was placed on Consent Calendar #5.

Representative Harrington introduced HR 30.

HR 30 - Requesting the Governor to Designate February 14 Through February 24 as National Defense Week.

HR 30 was placed on Consent Calendar #5.

Representative Roy introduced HR 31, jointly sponsored by Representatives Gilligan & Jonkiert, co-sponsored by Representatives Van Seiver & Corrozi.

HR 31 - Observing the Week of February 1-7 as Catholic Schools Week and Congratulating the Schools for Their Contribution to Education in the First State.

HR 31 was placed on Consent Calendar #5.

Representative Edwards introduced HR 32, jointly sponsored by Representative Burris, co-sponsored by Representative McKay.

HR 32 - Mourning the Death of Howard A. Cropper, Alcohol and Drug Counselor at Trinity Episcopal Church in Wilmington.

HR 32 was placed on Consent Calendar #5.

Representative Smith introduced HCR 21, jointly sponsored by Representative Brady; Senators Bair & Neal.

HCR 21 - Requesting All Departments to Continue Their Commitment to Energy Conservation as a State Policy.

HCR 21 was placed on Consent Calendar #5.

Representative Burris moved to suspend the rules which interfere with action on SB 62 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought SB 62 w/SA 1, jointly sponsored by Senators Adams & Cordrey, co-sponsored by Senators Cook, Littleton, Murphy, Berndt, Zimmerman; Representatives Minner, Brady, Barnes, Buckworth, Riddagh, Derrickson, Edwards, Harrington, Jester, West, Anderson & Darling, before the House for consideration.

SB 62 - An Act to Amend Sub Chapter II, Chapter I, Title 26, Delaware Code Relating to the Jurisdiction of the Public Service Commission.

The Reading Clerk read the following communication into the record at the request of Representative Burris:

The Cooperative is convinced that the action taken last year by the legislature in removing it from P.S.C. jurisdiction was in the best interest of its members. However, it is apparent that the membership or a substantial number do not agree. The cooperative respects the feelings as recently expressed by its members and respectfully asked the House to pass the bill placing the cooperative back under the jurisdiction of the P.S.C.

Dean Betts
Attorney for Del. Ele. Coop
on behalf of the
Board of Directors

The roll call on SB 62 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, SB 62 w/SA 1 was returned to the Senate.

Representative Sincok brought SB 59, jointly sponsored by Senator Cook; Senators Adams, Bair, Berndt, Connor, Holloway, Hughes, Knox, Littleton, McDowell, Marshall, Martin, Murphy, Sharp, Vaughn, Zimmerman; Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Maroney, Minner, Oberle, Petrilli, Plant, Riddagh, Smith, Soles, Spence, Van Seiver & West, before the House for consideration.

SB 59 - An Act to Amend Chapter 423, Volume 62, Laws of Delaware, Being an Act Entitled "An Act to Amend An Act Entitled 'An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1981; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions, Being House Bill 950 of the 130th General Assembly of the State of Delaware,' Being House Bill 1175 of the 130th General Assembly of the State of Delaware.".

The roll call on SB 59 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, SB 59 was returned to the Senate.

Mr. Speaker Hebner declared a recess at 4:34 p.m. for the purpose of changing the recording tape.

The House reconvened at 4:37 p.m.

Representative Maroney brought SB 25 w/SA 1, jointly sponsored by Senator Holloway, before the House for consideration.

SB 25 - An Act to Amend Chapter 17, Title 24, of the Delaware Code, Relating to Accreditation of Anatomical Studies.

Representative Maroney requested and was granted the privilege of the floor for Mark Rollas, Professor of Anatomy, University of Delaware.

The roll call on SB 25 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 25 w/SA 1 was returned to the Senate.

Representative Van Seiver brought HB 30 w/HA 1, jointly sponsored by Representatives Cathcart, Corrozi, Dixon, Harrington, Free, Holloway, Mack, Plant & Spence, before the House for consideration.

HB 30 - An Act to Amend Chapter 199, Volume 62, Laws of Delaware Relating to Financial Assistance to Certain Delaware Families for the Purchase of Energy Conservation Materials.

Representative Derrickson brought HA 2 to HB 30 before the House for consideration. HA 2 was adopted by voice vote.

Representative Corrozi announced that due to a conflict of interest he will not be voting on HB 30 w/HA 1,2.

The roll call on HB 30 w/HA 1,2 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Cathcart, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

NO: Representative Bennett - 1.

NOT VOTING: Representatives Campanelli, Cordrey, Corrozi - 3.

Therefore, having received a constitutional majority, HB 30 w/HA 1,2 was sent to the Senate for concurrence.

Representative Corrozi requested that his name be removed as a sponsor of HB 30.

Representative Burris requested that HR 28 be stricken.

Representative Harrington requested that HR 30 be stricken.

Representative Darling requested that HCR 17 be stricken.

Consent Calendar #5 was adopted by voice vote and HCR 21 was sent to the Senate for concurrence and SCR 12, SCR 13 were returned to the Senate.

Representative Burris moved to suspend the rules which interfere with introduction of and action on HR 33. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought HR 33, jointly sponsored by Representatives Petrilli, Hebner, George & Cain, before the House for consideration.

HR 33 - Authorizing the Chief Clerk to Purchase Postage Stamps for the First Session of the 131st General Assembly.

HR 33 was adopted by voice vote.

Representative Burris moved to suspend the rules which interfere with action on HR 24. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought HR 24, jointly sponsored by Representatives Petrilli, Hebner, George & Cain, before the House for consideration.

HR 24 - Authorizing the Payment of Mileage to the Members of the House of Representatives of the 131st General Assembly.

Representative West brought HA 1 to HR 24 before the House for consideration.

The roll call on HA 1 was taken and revealed:

YES: Representatives Anderson, Campanelli, Cordrey, Darling, Dixon, George, Holloway, Jester, Jonkiert, Plant, West - 11.

NO: Representatives Barnes, Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 27.

NOT VOTING: Representatives Bennett, Cain, Cathcart - 3.

Therefore, not having received a constitutional majority, HA 1 to HR 24 was declared defeated.

HR 24 was adopted by voice vote.

Representative Jonkiert moved to suspend the rules which interfere with introduction of and action on HR 34. The motion was seconded by Representative Cain and defeated by voice vote.

HR 34 - Providing for the Payment of Mileage to Members of the Staff of the House of Representatives of the 131st General Assembly; Exceptions.

The Chief Clerk read the following Committee Reports into the record:

Revenue & Finance: HB 55 - 5F; HB 63 - 5F; HB 31 - 3F,2M.

Administrative Services: HB 72 re-assigned to Transportation Subcommittee, HB 80, HB 82 - re-assigned to Labor Subcommittee.

Judiciary: SB 43 w/SA 1; HB 89 re-assigned to Public Safety.

Representative Burris moved to recess to the call of the Chair at 5:41 p.m.

11th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Session

March 24, 1981

The Speaker called the House to order at 1:43 p.m.

Mr. Speaker Hebner appointed Representative Petrilli as Temporary Speaker.

Representative Hebner introduced and brought HCR 22, jointly sponsored by Representatives Burris, Petrilli, George, Cain; Senators Cordrey, Sharp, McDowell, Knox & Arnold, before the House for consideration.

HCR 22 - RECOGNIZING AND WELCOMING THE LEGISLATORS AND STAFF OF THE WEST AFRICAN NATION OF NIGERIA TO THE STATE OF DELAWARE.

WHEREAS, the people of Nigeria have chosen a democratic form of government through their Constitution signed in 1979; and

WHEREAS, the Constitution has established a National Assembly and nineteen unicameral state assemblies and has provided for their staffing; and

WHEREAS, the National Assembly and the State Legislatures of Nigeria have sought to strengthen their legislatures by sending delegations of their legislators to the United States for training and observation of the American system; and

WHEREAS, as a part of this training and observation program, a delegation of Nigerian legislators are guests of the Delaware General Assembly; and

WHEREAS, the people of Delaware wish to congratulate and applaud the West African nation of Nigeria in their efforts toward establishing and preserving a democracy for their people.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 131st General Assembly of the State of Delaware, the Senate concurring therein, that the Nigerian legislators and staff who are visiting Delaware are hereby welcomed to the "First State".

BE IT FURTHER RESOLVED that the Delaware legislature wishes to extend congratulations to the Nigerian people for their diligent efforts in establishing and preserving a democracy for their people.

BE IT FURTHER RESOLVED that upon passage of this Resolution by both Houses that suitably prepared copies be presented to each of the visiting legislators and staff:

Mr. MacDuhu
Mr. Bayero
Mr. Osuji
Mr. Bolalola
Mr. Noma
Mr. Oloyo
Mr. Awolowo
Mr. Batu
Mr. Kadushi
Mr. Adekanmi

HCR 22 was adopted by voice vote and sent to the Senate for concurrence.

Mr. Speaker Hebner resumed the Chair.

Representative Fallon moved to suspend the rules which interfere with introduction of and action on HB 106. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Fallon introduced HB 106.

HB 106 - An Act to Validate the Acts Done and Proceedings Taken by the Town of Blades, a Municipal Corporation, and By Its Officers and Agents in Relation to the Issuance of the "Two Hundred Eleven Thousand Dollars (\$211,000.00) Blades Water Issue of 1981" and to Legalize and Validate Said Bonds and to Provide for the Payment of Said Bonds. (2/3 bill)

Representative Fallon moved to place HB 106 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Riddagh announced that SB 43 and SB 44 have been re-assigned to the Public Safety Subcommittee.

The Chief Clerk read the following Committee Reports into the record:

Judiciary: HB 66 - 5M; SB 7 w/SA 1 - 5F; SB 20 w/SA 1 - 4F, 1M.

Health & Social Services: SJR 4 - 5F.

Administrative Services: SCR 9 - 3M; HB 45 - 3M; HB 90 - 3M; HB 93 - 3M; HB 46 - 3M; HB 62 - 3M; HB 61 - 3M; HB 71 - 3M; HB 102 - 1M, 2UF.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the previous legislative day. The House reconvened at 2:11 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Members Absent: Representative Cain - 1.

A prayer was offered by Representative Batu of the Nigerian Legislature.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous legislative day were approved as posted.

The following prefiled legislation was introduced:
HB 105 - WEST - ADM/S: An Act to Amend Chapter 83, Title II, Delaware Code, Relating to Length of Service of State Police Officers.

HA 1 to HB 39 - OBERLE - ED: Placed with the bill.

HA 1 to HB 101 - WEST - R/F: Placed with the bill.

The Reading Clerk read the following communication into the record at the request of Representative Burris:

Box 38
Delaware City, DE
February 24, 1981

Dear Representative Burris:

Congratulations for successfully maneuvering the assault on House Bill 19, the legislation that has been proposed to honor the late Dr. Martin Luther King, Jr. Your rationale for voting against this legislation was a vivid display of the political racism, the inculcated ideology of "downstate" white superiority and the indigenous chicanery of lower Delaware bar room politicians.

My prediction, prior to the voting on House Bill 19, was that Kent and Sussex County legislators would vote on the issue from a racial basis; that these legislators believe that their voting record must identify with the prejudices of their constituency.

As the Majority Leader, and the apparent spokesman for the "Grand Old Party" in the House of Representatives, your negative voting and your statements elevated me to the "prestigious position" as an accurate prognosticator on the voting record of "downstate" legislators. Any issue pertaining to the Black citizen that would have a positive affect receives negative votes -- unless it is the death penalty when an overwhelming positive vote is a certainty.

Having been exposed to blatant racism in Milford, and the "downstate" area, one hopes that this dread disease would be eliminated through the educational and human relations processes. You are proof that this hope has not and probably cannot be realized -- soon.

Young, intelligent and ambitious for the office of Governor, Congressman and/or Senator, it seems that you are convinced that racism must be a ploy if you are to appeal to the "downstate" constituency. Sadly but realistically, we Blacks know that the majority of white "downstate" citizens have not progressed mentally, emotionally nor socially beyond the 1954 attitude that gave Bryant Bowles a successful venture in the area. If they had made such progress, you would not have reacted to House Bill 19 as you did.

Your ridiculous statements, "the holiday would hurt the State's credibility in the private sector", and "the holiday smacks in the face of an economy that's in the doldrums", is a sophisticated method of expressing innate hatred for Black people. It is the Neo-Bryant Bowles way of presenting prejudice. Bowles would be very proud of you, Mr. Burris. Very Proud.

Dr. King lived his philosophy that all men are brothers and that we must love our brothers. Loving one's brother means respecting and recognizing humans and their right to equality. Assuming that you are a christian, is it impossible for you -- the "Honorable" Jack Burris -- to disregard local prejudicial patterns and recognize a man that nations accepted and honored? A ridiculous question because the answer can only be a positive one.

Representative Burris, with maturity and with exposure to education in the field of human rights, you may some day be encouraged to understand, respect and even appreciate the contributions that Black citizens have made.

May God, the God that you recognize, grant you the courage to accept the Black man as a part of the family of mankind. I am certain that Dr. King would pray for this and I shall do the same.

Sincerely,
Littleton P. Mitchell

Representative Burris moved to recess for caucus at 2:52 p.m.

The House reconvened at 4:25 p.m.

Representative Petrilli introduced HS 1 for HB 1, jointly sponsored by Representative Bennett; Senator McBride; Representatives Mack, Van Seiver, Spence, Roy, Minner, Dixon, Soles, Powell, Buckworth, Edwards, Corrozi, Oberle, Ennis, Fallon, Gilligan, Anderson, Jester; Senators Connor, Bair, Neal, Arnold, Citro, Littleton, Hughes, Murphy & Berndt.

HS 1 for HB - An Act to Amend Delaware Code, Title 14, Relating to the Method of Calculating Pupil Units in Order to Determine the Amount of State Financial Support to the Public Schools.

Mr. Speaker assigned HS 1 for HB 1 to the Education Committee.

Mr. Speaker re-assigned SB 1 to the Health & Social Services Committee and SB 7 w/SA 1 to the Judiciary Committee.

Representative Buckworth introduced HR 35.

HR 35 - Congratulating Lynn Deukins, President of the Camden-Wyoming Little League, Upon her Selection to Receive the Pat Knight Award of the Lower Delaware Gridiron Club.

HR 35 was placed on Consent Calendar #6.

Representative Buckworth introduced HR 36.

HR 36 - Commending Jeff Smith, Caesar Rodney High School Senior, for His Outstanding Career as a Wrestler.

HR 36 was placed on Consent Calendar #6.

Representative Cathcart introduced HJR 5, jointly sponsored by Representatives Brady, George, Petrilli, Free; Senators McBride & Connor.

HJR 5 - Ordering the Clerk of the Peace of New Castle County to Postpone Advertising and Conducting Certain School Board Elections and the Department of Elections of New Castle County to Postpone Conducting Certain School Board Elections Until the Federal District Court has Ruled on the Constitutionality of the Reorganization of the New Castle County Board of Education.

Mr. Speaker assigned HJR 5 to the Education Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 21, HCR 22, SCR 10.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Philip Corrozi, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HB 30.

Date: 2/4/81.

Signed: Corrozi.

February 19, 1981

LEGISLATIVE ADVISORY #2

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 2/4/81 - SJR 2; 2/7/81 - HJR 4; 2/11/81 - SB 46 aab SA 1; 2/18/81 - HB 28 aab HA 1 & 2; HB 29.

February 26, 1981

LEGISLATIVE ADVISORY #3

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 2/19/81 - SB 25 aab SA 1; SB 62 aab SA 1; 2/23/81 - SB 59.

TO: Speaker Charles L. Hebner

FROM: Representative Thomas E. Brady

RE: Absence from Session

DATE: March 25, 1981

Because of a prior business commitment, I must ask to be excused from session tomorrow, March 25, 1981.

Thank you.

TEB/gr

cc: Representative John Burris

Representative Smith brought HB 45, jointly sponsored by Representative George, before the House for consideration.

HB 45 - An Act to Amend Chapter 1, Title 13 of the Delaware Code Relating to a Determination of the Residency of Certain Persons Desiring to be Married Within the State of Delaware.

The roll call on HB 45 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Cain, Roy, Spence - 3.

Therefore, having received a constitutional majority, HB 45 was sent to the Senate for concurrence.

Representative Bennett brought HB 46, jointly sponsored by Senators Sharp & Hughes, before the House for consideration.

HB 46 - An Act to Amend Chapter 13, of Title 24, Delaware Code, Relating to Private Detectives. (2/3 bill)

Representative Bennett brought HA 1 to HB 46 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 46 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Van Seiver, West, Mr. Speaker Hebner - 38.

NOT VOTING: Representatives Bennett, Spence - 2.

ABSENT: Representative Cain - 1.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 46 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh deferred action on SB 20 w/SA 1 to a day certain, Wednesday, March 25, 1981.

Representative Cathcart brought HB 71 before the House for consideration.

HB 71 - An Act to Amend Chapter 9, Title 24, Delaware Code, Relating to Deadly Weapons.

The roll call on HB 71 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Cain, Free, Petrilli - 3.

Therefore, having received a constitutional majority, HB 71 was sent to the Senate for concurrence.

Representative Van Seiver brought HB 93, jointly sponsored by Representatives Brady, Ennis, Cathcart, Mack, Corrozi, Dixon, Free, Jester, Barnes, Riddagh, Spence, Buckworth; Senators Citro & Connor, before the House for consideration.

HB 93 - An Act to Amend Title 29, Delaware Code, Section 4308, by Requiring a Notary Public to Ensure That the Individual Whose Presence is Being Certified to by the Notary, Provide Proof of Their Identity.

Representative Van Seiver requested and was granted the privilege of the floor for House Attorney Gerri Street.

Mr. Speaker Hebner appointed Representative Petrilli as Temporary Speaker.

The roll call on HB 93 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Jester, Mack, Maroney, McKay, Oberle, Riddagh, Roy, Smith, Soles, Spence, Van Seiver, Acting Speaker Petrilli - 26.

NO: Representatives Bennett, Campanelli, Darling, Gilligan, Jonkiert, Minner, Plant, West - 8.

NOT VOTING: Representatives Cordrey, Derrickson, Holloway, Powell, Sincok - 5.

ABSENT: Representatives Cain, Hebner - 2.

Therefore, having received a constitutional majority, HB 93 was sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 5:26 p.m.

12th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Session

March 25, 1981

The Acting Speaker called the House to order at 2:23 p.m.

The Reading Clerk read the following communication into the record:

To the Members of the House of Representatives of the 131st General Assembly:

As Speaker of the House of Representatives of the 131st General Assembly and due to circumstances which necessitate my temporary absence from the Office of Speaker, I hereby appoint Representative Joseph R. Petrilli as Speaker Pro Tempore, pursuant to the provisions of Rule 7, to act in my place and stead, who shall have all the rights, powers and privileges included therein.

Charles L. Hebner

Speaker of the House

Representative Soles introduced SCR 14, jointly sponsored by Senator McBride & Representative Soles; co-sponsored by Senators Mc Dowell, Holloway, Marshall, Berndt, Bair, Sharp, Neal, Citro, Connor, Vaughn, Cook, Adams, Littleton; Representatives Ennis, Hebner, Mc Kay, Corrozi, Campanelli, Dixon, Gilligan, Oberle, Anderson, Petrilli, Cain, Jester, Free, Fallon & Minner.

SCR 14 - Requesting the State Board of Education to Study the Feasibility of Some Modification in the Administration of Public School Programs for Exceptional Children.

Mr. Acting Speaker assigned SCR 14 to the Education Committee.

Representative Fallon moved to lift HB 106 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

HB 106 - An Act to Validate the Acts Done and Proceedings Taken by the Town of Blades, a Municipal Corporation, and By Its Officers and Agents in Relation to the Issuance of the "Two Hundred Eleven Thousand Dollars (\$211,000.00) Blades Water Issue of 1981" and to Legalize and Validate Said Bonds and to Provide for the Payment of Said Bonds. (2/3 bill)

Representative Fallon brought HA 1 to HB 106 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 106 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Riddagh, Roy, Sincok, Smith, Spence, Van Seiver, Mr. Acting Speaker Petrilli - 22.

NO: Representatives George, Jonkiert, Minner, Powell, West - 5.

NOT VOTING: Representatives Anderson, Bennett, Campanelli, Cordrey, Dixon, Gilligan, Holloway, Jester, Plant, Soles - 10.

ABSENT: Representatives Brady, Cain, Darling, Hebner - 4.

Therefore, not having received a constitutional majority of at least two-thirds members of the House, HB 106 w/HA 1 was declared defeated.

The Majority Leader moved to adjourn at 2:32 p.m., thereby ending the previous legislative day. The House reconvened at 2:33 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Brady, Cain, Hebner - 3.

A prayer was offered by Reverend Robert Starrett, Wyoming United Methodist Church.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous legislative day were approved as posted.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 60, SB 48 w/SA 1, SCR 14, SCR 15, SCR 16, SCR 17.

The following prefiled legislation was introduced:

HB 107 - DERRICKSON; SENATOR CORDREY - H/ADM: An Act Authorizing the State of Delaware to Convey to the Town of Bethany Beach Property to be Used for Certain Storage Purposes. (2/3 bill)

HB 108 - RIDDAGH, JONKIERT - JUD: An Act to Amend Chapter 25, Title 11 of the Delaware Code Requiring Actual Notice to be Received by Prosecutors From Sentenced Prisoners in Other States Who are Requesting Disposition of Detainers Lodged Against Them by Delaware.

HB 109 - SINCOCK & SENATOR COOK; REPRESENTATIVES FREE, MCKAY, CORROZI; SENATOR MCBRIDE - APPRO: An Act Making a Supplemental Appropriation to the Postsecondary Education Commission for Payment of Student Benefits Under the Educational Benefits for Children of Deceased Veterans and State Police.

HB 110 - SINCOCK - APPRO: An Act Awarding Special Pension Benefits to Joseph C. Taggart, a Former Employee of the Family Court of the State of Delaware.

HB 111 - WEST - R&F: An Act to Amend Title 18 of the Delaware Code to Require That Rating Organizations Fixing Rates for Motor Vehicle Premiums Shall Take Into Consideration the Decrease in Driving Caused by Unemployment and High Costs of Gasoline.

HB 112 - HARRINGTON, BUCKWORTH; SENATOR BERNDT - JUD: An Act to Amend Chapter 67, Title 21 of the Delaware Code Relating to Removal of Identification Numbers From Bicycles. (2/3 bill)

HB 113 - HARRINGTON; SENATOR ZIMMERMAN; REPRESENTATIVES SMITH, FALLON, WEST, MINNER; SENATORS KNOX, ARNOLD, HUGHES, BERNDT, MURPHY, COOK - H/ADM: An Act to Amend Chapter 17, Title 7, of the Delaware Code Relating to the Killing of Dogs. (2/3 bill)

HB 114 - ROY, OBERLE, HEBNER, GILLIGAN; SENATOR NEAL - R&F: An Act to Amend Chapter 52, Title 29, of the Delaware Code Relating to Health Care Insurance.

HB 115 - HARRINGTON - R&F: An Act to Amend Chapter 29, Part III, Title 30 of the Delaware Code Relating to the Delaware Mercantile Tax.

HB 116 - OBERLE, EDWARDS - JUD: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Admissibility in Evidence of Results of Chemical Test.

HB 117 - ROY, OBERLE, HEBNER, ANDERSON, CATHCART - R&F: An Act to Amend Chapter 11, Part II, Title 30 of the Delaware Code Relating to the Personal Income Tax; and Providing Certain Modifications for Parents of Children Attending Kindergarten Through Grade Twelve in Schools Outside the State of Delaware.

HB 118 - PLANT - JUD: An Act Proposing an Amendment to Article V, §2, of the Delaware Constitution Relating to Qualifications for Voting. (2/3 bill)

HJR 6 - BRADY, BURRIS, GEORGE, SINCOCK; SENATORS KNOX, CORDREY - H/ADM: Commending David S. Swayze on His Return to Private Practice for His Outstanding Service to Delaware as Legal Counsel and Executive Assistant to Governor Pierre S. du Pont 4th.

HA 1 to HB 62 - JONKIERT - Placed with the bill.(Agenda)

SB 48 w/SA 1 - MARTIN; REPRESENTATIVE OBERLE - ED: An Act to Amend Volume 62, Chapter 277, Laws of Delaware Relating to Bus Transportation of Public School Students Previously Declared Ineligible by the Unique Hazards Committee.(F/N)

SB 60 - MCBRIDE; REPRESENTATIVE PETRILLI - JUD: An Act to Amend Chapter 16, Title 24, Delaware Code Relating to Adult Entertainment Establishment.

Representative George moved to reconsider HB 106 w/HA 1. The motion was seconded by Representative Burris.

HB 106 - An Act to Validate the Acts Done and Proceedings Taken by the Town of Blades, a Municipal Corporation, and By Its Officers and Agents in Relation to the Issuance of the "Two Hundred Eleven Thousand Dollars (\$211,000.00) Blades Water Issue of 1981" and to Legalize and Validate Said Bonds and to Provide for the Payment of Said Bonds. (2/3 bill)

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Seiver, West, Mr. Acting Speaker Petrilli - 37.

ABSENT: Representatives Brady, Cain, Darling, Hebner - 4.

Therefore, having received a constitutional majority, the motion was adopted and Representative Fallon brought HB 106 w/HA 1 before the House for consideration.

The roll call on HB 106 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Acting Speaker Petrilli - 37.

ABSENT: Representatives Brady, Cain, Darling, Hebner - 4.

Therefore, having received a constitutional majority of at least two-thirds members of the House, HB 106 w/HA 1 was sent to the Senate for concurrence.

Representative Bennett moved to reconsider HB 19. The motion was seconded by Representative Holloway.

HB 19 - An Act to Amend Chapter 5, Title 1, Delaware Code, Relating to Legal Holidays and Establishing Martin Luther King's Birthday as a Legal Holiday.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Bennett, Campanelli, Cathcart, Cordrey, Dixon, Ennis, Free, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West, Mr. Acting Speaker Petrilli - 18.

NO: Representatives Barnes, Buckworth, Burris, Corrozi, Darling, Derrickson, Edwards, Fallon, Harrington, Mack, Maroney, McKay, Oberle, Powell, Riddagh, Roy, Sincok, Smith, Van Sciver - 19.

ABSENT: Representatives Brady, Cain, Hebner, Spence - 4.

Therefore, not having received a constitutional majority, the motion was declared defeated.

Representative Burris moved to recess for committee meetings at 3:00 p.m.

The House reconvened at 5:12 p.m.

The Chief Clerk read the following Committee Reports into the record:

ED: HJR 5 - 1F,3M; SCR 14 - 4F; HS 1 for HB 1 - 1F,4M; HB 18 - HA 1 - 2F,3M.

R&F: HB 92 - 5F.

Representative Cathcart moved to suspend the rules which interfere with action on HJR 5. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Cathcart brought HJR 5, jointly sponsored by Representatives Brady, George, Petrilli, Free; Senators McBride & Connor, before the House for consideration.

HJR 5 - Ordering the Clerk of the Peace of New Castle County to Postpone Advertising and Conducting Certain School Board Elections and the Department of Elections of New Castle County to Postpone Conducting Certain School Board Elections Until the Federal District Court has Ruled on the Constitutionality of the Reorganization of the New Castle County Board of Education.

Representative Cathcart requested and was granted the privilege of the floor for House Attorney, Bruce Hudson.

Representative Roy requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Cathcart moved to place HJR 5 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Burris introduced HB 119, jointly sponsored by Senator Knox.

HB 119 - An Act to Amend Title 29, Chapter 91 and Chapter 92 of the Delaware Code by Redesignating the Office of Management, Budget and Planning as the Office of Planning and Development, by Creating the Position of Chief Planner, by Clarifying the Roles and Responsibilities of the Director of the Office and the Chief Planner; to Amend Title 29, Chapter 86 of the Delaware Code, and Title 6, Chapter 70 of the Delaware Code to Assign Certain Responsibilities to the Delaware Economic Development Authority and to Redesignate the Council on Industrial Financing as the Council on Development Finance; to Amend Title 7, Chapter 70 of the Delaware Code to Clarify the Responsibility for Decisions Under the Coastal Zone Act; to Amend Title 14, Title 16, and Title 29 of the Delaware Code by Transferring to the Office of Planning and Development Certain Functions; to Amend the FY 1981 Appropriations Act, as Amended; and to Make Other Necessary Conforming Amendments to the Laws of Delaware and the Delaware Code.

Mr. Speaker assigned HB 119 to the Revenue & Finance Committee.

Representative Burris moved to recess to the call of the Chair at 5:40 p.m.

13th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Session

March 26, 1981

The Speaker called the House to order at 1:55 p.m.

Representative Corrozi introduced HR 39, jointly sponsored by Representative McKay.

HR 39 - Congratulating the Alexis I. du Pont High School Volleyball Team Upon Winning the 1980-81 State Championship.

HR 39 was placed on Consent Calendar #6.

Representative Burris brought SCR 14, jointly sponsored by Senator McBride and Representative Soles, co-sponsored by Senators Mc Dowell, Holloway, Marshall, Berndt, Bair, Sharp, Neal, Citro, Connor, Vaughn, Cook, Adams, Littleton; Representatives Ennis, Hebner, Mc Kay, Corrozi, Campanelli, Dixon, Gilligan, Oberle, Anderson, Petrilli, Cain, Jester, Free, Fallon & Minner, before the House.

SCR 14 - Requesting the State Board of Education to Study the Feasibility of Some Modification in the Administration of Public School Programs for Exceptional Children.

SCR 14 was placed on Consent Calendar #6.

The Majority Leader moved to adjourn at 2:00 p.m., thereby ending the previous legislative day. The House reconvened at 2:01 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Members Absent: Representative Plant - 1.

A prayer was offered by Representative Kevin W. Free, Fourth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous legislative day were approved as posted.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 104, SCR 18, SCR 19, HB 106 w/HA 1.

To: Representative Charles L. Hebner, Speaker of the House

From: David B. McBride, Senator

Subject: House Bill 74 Re: Kerosene Heaters

Date: March 24, 1981

Senator David B. McBride wishes to strike his name from House Bill No. 74, of which Representative Anderson is the sponsor. Re: Kerosene Heaters

DBMcBil

The following prefiled legislation was introduced:

HB 120 - OBERLE, EDWARDS; SENATOR SHARP - JUD: An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to Adjudication Procedure in the Interest of a Child.

HB 121 - OBERLE, EDWARDS - JUD: An Act to Amend Chapter 6, Title 11 of the Delaware Code Relating to Vehicular Homicides and Assaults and to Amend Chapter 12 of Title 11 Relating to Civil Immunity, and to Amend Chapter 2 of Title 11 in Order to Provide a Definition of Negligence. (2/3 bill)

HB 122 - CAMPANELLI - ADM/S: An Act to Amend Section 6425, Chapter 64, Title 29 of the Delaware Code Relating to Cost of Transcripts Under the Administrative Procedures Law.

HB 123 - CAMPANELLI - R&F: An Act to Amend Chapter 23, Title 19, Delaware Code, Relating to Workmen's Compensation With Respect to Certain Prohibited Practices of Employers and Insurance Carriers.

HB 124 - MINNER - R&F: An Act to Amend Chapter 52, Title 29, Delaware Code, Relating to Health Care Insurance by Providing Coverage for Regular Part-Time Employees.

HS 1 for HB 91 - SINCOCK, GILLIGAN - JUD: An Act to Amend Chapter 68, Title 16, Delaware Code Relating to the Exemption of Persons From Liability When Rendering Emergency Care.

HA 1 to HB 90 - MARONEY - Placed with the bill. (Agenda)

HCR 23 - RIDDAGH; SENATOR VAUGHN - ADM/S: Authorizing the Twentieth Century Club of Smyrna to Erect Information Signs North and South of Smyrna in the Parkway of U.S. 13.

SB 104 - CORDREY - NR/AGRI: An Act to Amend Chapter 21, Title 23, Delaware Code, Relating to Nonstate Agency Locations for the Registration of Motorboats.

SCR 18 - MARTIN - ADM/S: A Concurrent Resolution Requesting the Department of Transportation Study the Highway Signs Near and Surrounding the Christina Mall.

The following prefiled Consent Calendar #6 was introduced:

HR 35 - BUCKWORTH - Congratulating Lynn Deakins, President of the Camden-Wyoming Little League, Upon her Selection to Receive the Pat Knight Award of the Lower Delaware Gridiron Club.

HR 36 - BUCKWORTH - Commending Jeff Smith, Caesar Rodney High School Senior, for His Outstanding Career as a Wrestler.

HR 37 - HARRINGTON - Mourning the Death of William S. Taber, State Forester for More Than Forty Years.

HR 38 - HARRINGTON - Congratulating Charles Rowe Upon the Selection of His Painting of Two Flying Snow Geese for Use on the State's Second Annual Waterfowl Stamp.

HCR 24 - BENNETT; SENATOR ZIMMERMAN - Mourning the Death of Andy B. Clements, Dover Businessman and Public Official.

HCR 25 - WEST; SENATOR CORDREY - Congratulating the Indian River High School Basketball Team on Winning the State Championship for the Second Consecutive Year.

HCR 26 - MINNER, FALLON, MARONEY - Calling Attention to the Valuable Services Provided by Delaware Libraries.

HCR 27 - MINNER, DARLING, BURRIS, COOK, BUCKWORTH; SENATORS MURPHY, ADAMS - Congratulating the Milford High School Wrestling Team for Its Second Consecutive State Championship.

HCR 28 - GEORGE, OBERLE, ANDERSON, CAMPANELLI, SOLES, EDWARDS, CORROZI, HOLLOWAY, BRADY, PLANT, ROY, MACK, POWELL, VAN SCIVER, GILLIGAN, JESTER, DIXON, PETRILLI, CAIN; SENATORS MCBRIDE, MCDOWELL, NEAL, CONNOR, MARSHALL, SHARP, HOLLOWAY - Recognizing the Historic Accomplishments of Organized Labor Now Celebrating Its Centennial in the United States.

SCR 10 - HOLLOWAY, CONNOR - Designating January 26-31, 1981 as ESEA Title I Week in Delaware.

SCR 15 - MCBRIDE, BAIR; REPRESENTATIVE HEBNER - Congratulating Nancy E. Fleming, of Wilmington, Upon Winning the State Voice of Democracy Contest.

SCR 16 - NEAL; REPRESENTATIVE SOLES - Mourning the Death of John E. Hocutt Sr., First Dean of Students and a Retired Vice President of the University of Delaware.

SCR 17 - ZIMMERMAN, ADAMS, ARNOLD, BAIR, BERNDT, CITRO, CONNOR, COOK, CORDREY, HOLLOWAY, HUGHES, KNOX, LITTLETON, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MURPHY, NEAL, SHARP, VAUGHN - Congratulating the Seventy Graduating High School Seniors Selected to Represent the Blue and Gold Teams at the 26th Annual Blue-Gold All Star Football Game August 8.

Consent Calendar #6 was adopted by voice vote and HCR 24, HCR 25, HCR 26, HCR 27, HCR 28 were sent to the Senate for concurrence and SCR 10, SCR 14, SCR 15, SCR 16, SCR 17 were returned to the Senate.

Representative Burris moved to recess for caucus at 2:13 p.m.

The House reconvened at 2:40 p.m.

Representative Riddagh brought SB 20 w/SA 1, sponsored by Senator Martin; co-sponsored by Senators Connor, Bair, Hughes, Citro & Marshall, before the House for consideration.

SB 20 - An Act to Amend Part E., Title 10, Delaware Code Relating to Privacy of Family Court Proceedings.

Representative Riddagh moved to place SB 20 w/SA 1 on the Speaker's table. The motion was seconded by Representative Anderson and adopted by voice vote.

Representative Maroney brought SJR 4, jointly sponsored by Senators Berndt, Citro, McBride, Martin, Murphy, Knox; Representatives Van Seiver, Edwards, Campanelli, Corrozi & Gilligan, before the House for consideration.

SJR 4 - Proclaiming 1981 as the International Year of Disabled Persons in Delaware.

The roll call on SJR 4 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

NO: Representatives Bennett, Jonkiert - 2.

ABSENT: Representatives Plant, Riddagh - 2.

Therefore, having received a constitutional majority, SJR 4 was returned to the Senate.

Representative Campanelli requested that HB 62 be stricken.

Representative Free brought HB 31, jointly sponsored by Representatives Oberle, Maroney, Powell, Petrilli & Senator Neal; co-sponsored by Representative Campanelli, before the House for consideration.

HB 31 - An Act to Require Affected State Agencies to Report Annually Their Efforts to Comply With the Policy of This State to Encourage Employee Stock Ownership Plans.

The roll call on HB 31 was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Campanelli, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 25.

NO: Representatives Anderson, Bennett, Cain, Cordrey, Darling, Dixon, George, Jester, Minner, Soles, West - 11.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Barnes, Gilligan, Plant, Riddagh - 4.

Therefore, having received a constitutional majority, HB 31 was sent to the Senate for concurrence.

Representative Roy brought HB 55 before the House for consideration.

HB 55 - An Act to Amend Chapter 3, Title 21 of the Delaware Code Relating to Fees Charged for Driving Records and Vehicle Registration Records Furnished by the Division of Motor Vehicles.

Representative Powell requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HB 55 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Petrilli, Powell, Roy, Sincok, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 25.

NO: Representatives Cain, Campanelli, Darling, George, Gilligan, Jester, Jonkiert, Minner, Oberle, Soles, West - 11.

NOT VOTING: Representatives Bennett, Cordrey, Holloway - 3.

ABSENT: Representatives Plant, Riddagh - 2.

Therefore, having received a constitutional majority, HB 55 was sent to the Senate for concurrence.

Representative Smith brought HB 61, jointly sponsored by Senator Marshall, before the House for consideration.

HB 61 - An Act to Amend Chapter 1, Title 13 of the Delaware Code Relating to the Fee for Issuing Marriage Licenses.

Representative Smith brought HA 1 to HB 61 before the House for consideration. HA 1 was adopted by voice vote.

Representative Smith brought HA 2 to HB 61 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 61 w/HA 1,2 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Petrilli, Powell, Roy, Sincok, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 28.

NO: Representatives Anderson, Bennett, Cain, Campanelli, George, Gilligan, Holloway, Jester, Oberle, Soles, West - 11.

ABSENT: Representatives Plant, Riddagh - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 61 w/HA 1,2 was sent to the Senate for concurrence.

Representative Harrington brought HB 63, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 63 - An Act to Amend Chapter 19, Title 5, Delaware Code, Relating to Powers of Federally Chartered Institutions.

Representative George brought HA 1 to HB 63 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 63 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Roy, Sincok, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 36.

NO: Representative West - 1.

ABSENT: Representatives Derrickson, Plant, Riddagh, Smith - 4.

Therefore, having received a constitutional majority, HB 63 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney brought HB 90, jointly sponsored by Senator Holloway, before the House for consideration.

HB 90 - An Act to Amend Chapter 19, Title 24 of the Delaware Code Relating to Examination and Licensing of Nurses.

Representative Maroney brought HA 1 to HB 90 before the House for consideration. HA 1 was adopted by voice vote.

Representative Maroney moved to place HB 90 w/HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Powell brought HJR 3, co-sponsored by Representatives Dixon, Van Seiver, Corrozi, Mack & Ennis, before the House for consideration.

HJR 3 - Congratulating "Project 70001," a Program Created and Based in Delaware to Guide High School Drop-Outs Into Productive Employment; and Commending Certain Civic-Minded Delaware Businesses for Providing Job Opportunities and Encouragement.

The roll call on HJR 3 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Roy, Sincok, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Derrickson, Plant, Riddagh, Smith - 4.

Therefore, having received a constitutional majority, HJR 3 was sent to the Senate for concurrence.

Representative Roy moved to suspend the agenda rules which interfere with action on HB 102. The motion was properly seconded and adopted by voice vote.

HB 102 - An Act to Amend Title 4 of the Delaware Code Relating to the Sale of Alcoholic Beverages.

Representative Roy moved to defer action on HB 102 to a Day Certain, Wednesday, April 1, 1981.

Representative Petrilli introduced HA 1 to HB 68. HA 1 was placed with the bill.

Mr. Speaker re-assigned HS 1 for HB 1 to the Appropriations Committee.

Representative Burris moved to recess to the call of the Chair at 4:10 p.m.

14th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Session

March 31, 1981

The Speaker called the House to order at 1:52 p.m.

Representative Burris introduced HCR 29, jointly sponsored by Representatives Bennett, Buckworth, Darling, Harrington, Minner, Riddagh; Senators Cook, Murphy & Zimmerman.

HCR 29 - Congratulating Harry A. Thomas, Dover High School Junior, on Winning the Oratory Contest Sponsored Annually by the American Legion, Department of Delaware.

HCR 29 was placed on Consent Calendar #7.

Representative Plant requested that he be marked present for Thursday, March 26, 1981.

The Chief Clerk read the following Committee Reports into the record:

Judiciary: HB 2 - 5F; HB 50 - 4M, 1UF; HB 52 - 5M; HB 95 - 2F, 3M.

The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous legislative day. The House reconvened at 1:59 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Barnes - 1.

A prayer was offered by Representative Donald J. Van Seiver, Sixteenth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The following prefiled legislation was introduced:

HB 125 - DERRICKSON - R&F: An Act to Amend Chapter 61, Title 30 of the Delaware Code.

HB 126 - OBERLE, SENATOR BAIR; REPRESENTATIVES VAN SCIVER, JESTER, POWELL, EDWARDS, WEST, GEORGE, MACK, ROY, HARRINGTON, PETRILLI, SMITH, SOLES, CAIN, SPENCE, CATHCART, BUCKWORTH, RIDDAGH, BENNETT, ANDERSON, HOLLOWAY, DERRICKSON, ENNIS; SENATORS NEAL, MCDOWELL, ARNOLD, CITRO, CONNOR, HUGHES, KNOX AND SHARP - ED: An Act to Amend Delaware Code, Title 14, by Authorizing Alternative Programs for Disruptive Pupils in the Public Schools.

HB 127 - SINCOCK - APPR: An Act to Amend Chapter 3, Title 30 of the Delaware Code to Increase the Salary Paid to Members of the Tax Appeal Board.

HB 128 - CAIN - R&F: An Act to Amend Chapter 55, Part III, Title 25 of the Delaware Code Relating to Payment of Interest on Security and Other Escrow Deposits Paid by Renters of Certain Residential Property.

HB 129 - CAIN - R&F: An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Real Estate Brokers and Salesmen.

HB 130 - RIDDAGH, HARRINGTON, POWELL, CAIN; SENATORS CONNOR, MURPHY, ZIMMERMAN - JUD: An Act to Amend Chapter 15, Part IV, Title 12 of the Delaware Code Relating to Powers of Attorney; and Providing for a Uniform Durable Power of Attorney Act.

HB 131 - RIDDAGH, HARRINGTON, POWELL, CAIN; SENATORS CONNOR, MURPHY, ZIMMERMAN - JUD: An Act to Amend Title 12, Title 25, and Title 29 of the Delaware Code Relating to Acknowledgments; and Providing for a Uniform Recognition of Acknowledgements Act.

HB 132 - RIDDAGH, HARRINGTON, POWELL, CAIN; SENATORS CONNOR, MURPHY, ZIMMERMAN - JUD: An Act to Repeal Certain Provisions of the Delaware Code Relating to Evidence Which Have Been Superseded by the Delaware Uniform Rules of Evidence.

HB 133 - SINCOCK - R&F: An Act to Amend Chapter 57, Title 29, Delaware Code, Relating to Social Security Coverage of Employees of Political Subdivisions.

HB 134 - DERRICKSON, BURRIS - H/ADM: An Act to Amend Title 29 of the Delaware Code by Redesignating the Office of Management, Budget and Planning as the Office of Planning and Development; by Transferring to That Office Specified Functions of the Secretary of the Department of Community Affairs and Economic Development and the Division of Economic Development; by Designating a Position of Chief Planner and Clarifying the Responsibility for Decisions Under the Coastal Zone Act; to Amend the FY 1981 Budget Appropriations Act, as Amended (Chapters 277 and 423 of Volume 62 of Laws of Delaware); and to Make Necessary Conforming Amendments to Titles 6, 7, 14, 16 and 29 of the Delaware Code and Certain Laws of Delaware to Reflect the Change of Name and the Transfer of These Responsibilities.

SB 39 - ZIMMERMAN - NR/AGRI: An Act to Amend Chapter 7, Title 7, Delaware Code Relating to Prohibited Hunting and Trapping Methods. (2/3 bill)

SB 42 w/SA 1 - CORDREY - JUD: An Act to Amend Chapter 84, Title 11, Delaware Code, Relating to a Police Training Program. (2/3 bill)(F/N)

SB 80 - COOK, DARLING - H/ADM: An Act to Amend Chapter 162, Volume 40, Laws of Delaware, as Amended by Chapter 466, Volume 58 Laws of Delaware Relating to the Floating Debt of the City of Harrington. (2/3 bill)

SCR 19 - MARTIN - ADM/S: A Concurrent Resolution Requesting That the Governor Appoint a Commission to Study the Laws and Regulations of the State of Delaware Relating to Alcoholic Liquors and Recommend Revisions Where Necessary.

Consent Calendar #7 was adopted by voice vote and HCR 29 was sent to the Senate for concurrence.

Representative Burris requested and was granted the privilege of the floor for Harry Thomas, winner of the annual oratory competition of the American Legion, who addressed the House.

Representative Petrilli moved to recess for caucus at 2:20 p.m.

The House reconvened at 4:48 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 42 w/SA 1; SB 39, SB 101 w/SA 1; SB 107, HCR 24, HCR 25, HCR 26, HCR 27, HCR 28, HCR 29, SB 80.

The minutes of the previous calendar day were approved as posted.

Mr. Speaker re-assigned HB 134 to the Revenue & Finance Committee.

Representative Powell brought HB 92, jointly sponsored by Representative Dixon; Senators Adams & Littleton, before the House for consideration.

HB 92 - An Act to Amend Chapter 23, Part III, Title 30 of the Delaware Code Relating to the Gross Receipts Tax; and Providing an Exemption for Draymen or Movers.

Representative Powell read the following quotation from a letter from Robert W. Chastant, Director of Revenue:

"These considerations, combined with the fact that current revenues are not diminished, lead me to conclude that the Division's position is a neutral one if my recommendation is solicited."

Representative Powell requested and was granted the privilege of the floor for Mr. James C. Kindbeiter, President, Delaware Motor Transport Association.

The roll call on HB 92 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Burris - 1.

ABSENT: Representatives Barnes, Holloway, Plant - 3.

Therefore, having received a constitutional majority, HB 92 was sent to the Senate for concurrence.

Representative Burris moved to lift HB 43 from the Speaker's table for the purpose of adding it to the Agenda for Wednesday, April 1, 1981.

Representative Powell introduced HS 1 for HB 3, co-sponsored by Representatives Anderson, Dixon, Roy, Petrilli, Cordrey, West, Van Seiver, Riddagh; Senators Cordrey & Hughes.

HB 3 - An Act to Amend Title 16, Delaware Code, Relating to Regulation and Sale of Portable Oil Fueled Heaters.

Mr. Speaker assigned HS 1 for HB 3 to the Health & Social Services Committee.

Representative Free requested that HA 3 to HB 28 be stricken.

Representative Oberle requested that HB 39 be stricken.

Representative Burris requested that HB 87 be stricken.

Representative Burris moved to recess to the call of the Chair at 5:14 p.m.

15th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Session

April 1, 1981

The Speaker called the House to order at 1:52 p.m.

Representative Roy introduced HJR 7, jointly sponsored by Representative Oberle & Senator Sharp.

HJR 7 - Directing the Public Service Commission Not to Pay State Funds to Associated Utility Services Inc. of Cherry Hill, New Jersey, for the Forthcoming Diamond State Telephone Company Rate Case.

Mr. Speaker assigned HJR 7 to the Administrative Services Committee.

Representative Burris introduced SCR 21, sponsored by Senator Adams and All Members of the Senate and House Agriculture Committees - Senators Cordrey Vaughn, Cook, Littleton, Arnold; Representatives Barnes, Buckworth, Darling; and Representatives Smith & Fallon.

SCR 21 - Congratulating the Delaware Council of Farm Organizations for Aggressive Leadership in the Continuing Development of Agriculture, Our Major Industry.

SCR 21 was placed on Consent Calendar #8.

Representative Burris moved to suspend the rules which interfere with introduction of and action on SJR 8. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Barnes requested that he be marked present for the 14th Legislative Day.

Representative Burris introduced SJR 8, sponsored by Senator Hughes and All Senators and Representatives.

SJR 8 - Offering Our Thanks That God Spared President Ronald Reagan and Expressing Our Hope for a Full and Speedy Recovery for Him.

The roll call on SJR 8 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Buckworth, Campanelli, Ennis, Plant - 4.

Therefore, having received a constitutional majority, SJR 8 was returned to the Senate.

Representative Oberle introduced HB 152, jointly sponsored by Representatives Sincok, Spence & Harrington.

HB 152 - An Act to Amend Title 12, Chapter 39 of the Delaware Code Relating to Guardian and Ward.

Mr. Speaker assigned HB 152 to the House Administration Committee.

The Majority Leader moved to adjourn at 2:03 p.m., thereby ending the previous legislative day. The House reconvened at 2:04 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Katharine M. Jester, Twenty-Ninth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 135 - BURRIS, MINNER; SENATORS ADAMS, MURPHY - NR/AGRI: An Act to Amend Chapter 237, Volume 60, Laws of Delaware, by Authorizing an Additional Use for the Funds Appropriated Therein.

HB 136 - ROY, SINCOCK, ENNIS; SENATORS ARNOLD, BERNDT - ADM/S: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission; and Placing Municipally Owned Utilities That Provide Utility Services to Customers Residing Outside the Incorporated Boundaries of the Municipality Under the Jurisdiction of Said Commission. (2/3 bill)

HB 137 - HARRINGTON, OBERLE, ROY, EDWARDS, CATHCART, MACK, CAIN, DIXON, PLANT; SENATORS MARTIN, MCBRIDE, HOLLOWAY, SHARP, CONNOR, CITRO - ADM/S: An Act to Amend Chapter 69, Title 29, Del. C., by Providing for the Use of United States Produced Steel in State Contracts.

HB 138 - ROY - ADM/S: An Act to Amend Section 402 of Title 24, Delaware Code Pertaining to Appointment of Members of the State Board of Examiners.

HB 139 - ROY, GILLIGAN; SENATORS ARNOLD, SHARP - H/SS: An Act to Amend Chapter 423, Volume 62, Laws of Delaware, the Annual Budget Appropriation Act for Fiscal Year Ending June 30, 1981, as Amended, to Transfer Certain Funds to the Division of Aging.

HB 140 - HOLLOWAY - JUD: An Act to Amend Subchapter I, Chapter 17, Title 15, Delaware Code Relating to Voter Disqualification.

HB 141 - HOLLOWAY - JUD: An Act to Amend Chapter 65, Subchapter V of Title 11 of the Delaware Code Relating to Special Problems Groups.

HB 142 - HOLLOWAY; SENATOR HOLLOWAY - APPRO: An Act to Provide Funds for the Jimmy Jenkins Senior Center Located at 14th and Claymont Street, Wilmington, Delaware for the Purpose of Assisting the Center in Their Utility Cost. (3/4 bill)

HB 143 - HOLLOWAY - JUD: An Act Proposing an Amendment to Article V, §2, of the Delaware Constitution Relating to Qualifications for Voting. (2/3 bill)

HB 144 - PLANT, HOLLOWAY; SENATOR HOLLOWAY - ADM/S: An Act to Amend Chapter 69, Title 29 of the Delaware Code to Require Affirmative Action on Public Works.

HB 145 - HOLLOWAY, PLANT; SENATOR HOLLOWAY - APPRO: An Act to Provide Emergency Funds to the Central Administration Office and the Wilmington Branch of the Opportunities Industrialization Center. (3/4 bill)

HB 146 - HOLLOWAY - ED: An Act to Amend Subchapter I of Chapter 3, Title 31, Delaware Code Relating to the Registration of Persons Involved in the Teaching and Training of Minors in Private Homes. (2/3 bill)

HB 147 - RIDDAGH, HARRINGTON, POWELL, CAIN; SENATORS CONNOR, MURPHY, ZIMMERMAN - JUD: An Act to Amend Chapter 65, Part IV, Title 10 of the Delaware Code Relating to Courts and Judicial Procedure; and Providing for a Uniform Declaratory Judgments Act.

HB 148 - DERRICKSON, WEST; SENATOR CORDREY - H/ADM: An Act to Amend Chapter 649, Volume 18, Laws of Delaware, Entitled "An Act to Incorporate the Town of Ocean View in Sussex County, Delaware". (2/3 bill)

HB 149 - DERRICKSON - R&F: An Act to Amend Chapter 61, Title 30 of the Delaware Code Relating to Public Accommodation Taxes.

HB 150 - BURRIS - H/ADM: An Act to Amend Chapter 23, Title 30 of the Delaware Code Relating to Occupational Licenses and Fees.

HB 151 - BURRIS, MINNER, DERRICKSON; SENATORS COOK, ADAMS, MURPHY - NR/AGRI: An Act to Amend Chapter 315, Volume 60, Laws of Delaware, Entitled "An Act to Amend Chapter 237, Volume 60, Laws of Delaware, by Authorizing an Additional Use for the Funds Appropriated Therein."

HR 40 - BRADY - ADM/S: Requesting Postmaster General William F. Bolger to Rescind the Regulation Which Forbids the Delivery of Mail to Certain Homes in Wilmington and Calling This Situation to the Attention of the Delaware Congressional Delegation.

HA 2 to HB 86 - PLANT, HOLLOWAY; SENATOR HOLLOWAY - R&F: Placed with the bill.

HA 1 to SB 60 - PETRILLI - JUD: Placed with the bill.

SB 101 w/SA 1 - CORDREY - JUD: An Act to Amend Subchapter II, Chapter 5, Title 13, Delaware Code, Relating to Violation of Support Order. (2/3 bill)

SB 107 - CORDREY; REPRESENTATIVE DERRICKSON - H/ADM: An Act to Amend Subchapter III, Chapter 1, Title 25, Delaware Code Relating to the Recording of Deeds and Letters of Attorney.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 113, SCR 21, SJR 8.

TO: Speaker Charles L. Hebner

FROM: Representative Thomas E. Brady

DATE: April 1, 1981

I expect to be detained in Wilmington tomorrow, April 2, 1981, until about 3 P.M. and will therefore be late for session.

TEB/gr

Consent Calendar #8 was adopted by voice vote and SCR 21 was returned to the Senate.

Representative Burris moved to recess for Committee meetings at 2:10 p.m.

The House reconvened at 4:33 p.m.

Representative Burris requested that HB 104 be stricken.

Representative McKay requested that HR 15 be stricken.

Representative Free requested that HR 9 be stricken.

Representative Sincok requested that HR 10 be stricken.

Representative Spence requested that HJR 2 be stricken.

Representative Roy requested that HJR 7 be stricken.

Representative Oberle requested that HB 5 be stricken.

Representative Roy brought HB 102 before the House for consideration.

HB 102 - An Act to Amend Title 4 of the Delaware Code Relating to the Sale of Alcoholic Beverages.

Representative Roy brought HA 1 to HB 102 before the House for consideration. HA 1 was adopted by voice vote.

Representative Roy brought HA 2 to HB 102 before the House for consideration.

Representative Roy requested and was granted the privilege of the floor for Mr. John H. McDonald, Alcoholic Beverage Control Commission.

HA 2 was adopted by voice vote.

Representative Roy requested and was granted the privilege of the floor for Mr. John H. McDonald, Alcoholic Beverage Control Commission.

Representative Roy rose on a point of order. Mr. Speaker concurred.

The roll call on HB 102 w/HA 1,2 was taken and revealed:

YES: Representative Roy - 1.

NO: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representative Ennis - 1.

Therefore, not having received a constitutional majority, HB 102 w/HA 1,2 was declared defeated.

The Chief Clerk read the following Committee Reports into the record:

H/SS: HS 1 for HB 3 - 2F,2M,1UF; SB 27 - 4F, 1M.

NR/AGRI: HB 99 - 4F.

ADM/S: SCR 18 - 4M; HB 72 - 1F,4M; HCR 23 - 4M.

H/ADM: HJR 6 - 4F,1M; HB 79 - 5M; SB 80 - 1F,4M; HB 100 - 5M; HB 152 - 5M.

Representative Burris moved to recess to the call of the Chair at 5:48 p.m.

16th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Session

April 2, 1981

The Speaker called the House to order at 1:53 p.m.

Representative Roy introduced HR 41.

HR 41 - Commending the Delaware Parent Teacher Association.

HR 41 was placed on Consent Calendar #9.

Representative Oberle introduced HCR 30, jointly sponsored by Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Dearing, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver & West.

HCR 30 - Congratulating the Forty Delaware High School Seniors Who Have Been Named Finalists in the College Scholarship Competition of the National Merit Scholarship Corporation.

HCR 30 was placed on Consent Calendar #9.

Representative Roy introduced HJR 9, jointly sponsored by Representatives Oberle, Powell & Senator Sharp.

HJR 9 - Directing the Public Service Commission Not to Disburse Funds to Associated Utility Services Inc. of Cherry Hill, New Jersey, for the Forthcoming Diamond State Telephone Company Rate Case.

Mr. Speaker assigned HJR 9 to the Administrative Services Committee.

Representative Cathcart moved to lift HJR 5 from the Speaker's table for the purpose of placing it on the Agenda for Tuesday, April 7, 1981.

HCR 23 was placed on Consent Calendar #9 at the request of Representative Riddagh.

The Chief Clerk read the following Committee Reports into the record:

R&F: HB 20 - 6M; HB 21 - 1F,5M; HB 114 - 6M.

JUD: SB 60 - HA 1 - 5M; HB 121 - 5M; HB 116 - 5M; HS 1 for HB 91 - 5M; HB 59 - 4M; HB 108 - 2F,3M; HB 120 - 5M; HB 112 - 5M.

Mr. Speaker Hebner added HB 21, HB 120 and SB 27 to the Agenda for Thursday, April 2, 1981.
The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the previous legislative day. The House reconvened at 2:05 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Members Absent: Representative Brady - 1.

A prayer was offered by Reverend Grace R. Batten, Mt. Zion Holy Church, Milton, Delaware.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 102, SB 100, SB 140, SB 114 w/SA 2.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Philip J. Corrozi, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HB 50.

Date: 4/1/81.

Signed: Philip J. Corrozi.

April 2, 1981

TO: REPRESENTATIVE CHARLES L. HEBNER
SPEAKER OF THE HOUSE

FROM: REPRESENTATIVE RICHARD SINCOCK

RE: HB NO. 66

Please remove my name from sponsorship of HB No. 66.

Thanks!

Mr. Speaker,

I'd like to have my name stricken from HB 158.

J. G. Mack

The following prefiled legislation was introduced:

HB 153 - SINCOCK, SENATOR COOK; REPRESENTATIVES FREE, MCKAY, CORROZI; SENATOR MCBRIDE - APPRO: An Act Making a Transfer of Appropriation to the Postsecondary Education Commission for Payment of Student Benefits Under the Educational Benefits for Children of Deceased Veterans and State Police.

HB 154 - MARONEY, FREE, CATHCART, ENNIS, OBERLE; SENATOR KNOX - JUD: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to the Rules of the Road and the Use of Child Restraint Systems. (2/3 bill)

HB 155 - OBERLE; SENATOR MCBRIDE - ADM/S: An Act to Amend Chapter 1, Title 26 of the Delaware Code Relating to the Public Service Commission and Its Staff; and Providing for the Disclosure of Certain Expenditures and Gratuities.

HB 156 - BURRIS, MINNER, DARLING, BENNETT, BUCKWORTH, FALLON, HARRINGTON, DERRICKSON; SENATORS ADAMS, COOK, MURPHY - APPRO: An Act to Amend Chapter 423, Volume 62, Laws of Delaware, Being an Act Entitled "An Act to Amend An Act Entitled 'An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1981; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions, Being House Bill 950 of the 130th General Assembly of the State of Delaware,' Being House Bill 1175 of the 130th General Assembly of the State of Delaware."

HB 157 - JESTER, CAIN, DIXON, GEORGE, SPENCE; SENATOR VAUGHN - H/ADM: An Act to Amend Chapter 64, Part VII, Title 7 of the Delaware Code Relating to the Indemnification of Directors of the Delaware Solid Waste Authority.

HB 158 - JESTER, CAIN, DIXON, GEORGE, MACK, SPENCE; SENATORS VAUGHN, CONNOR - H/ADM: An Act to Amend Chapter 64, Part VII, Title 7 of the Delaware Code Relating to Fees and Charges Imposed by the Delaware Solid Waste Authority.

HB 159 - MARONEY - H/SS: An Act to Amend Title 24, Chapter 25 of the Delaware Code Relating to Drug Products and the Delaware Drug Advisory Board.

HB 160 - BENNETT, BUCKWORTH, DARLING, HARRINGTON, MINNER, RIDDAGH; SENATORS COOK, MURPHY, ZIMMERMAN - ADM/S: An Act to Amend Chapter 3, Title 9 of the Delaware Code Relating to the Award of Contracts for Public Work or Goods.

HB 161 - CAMPANELLI, CORROZI; SENATOR CITRO - H/ADM: An Act to Amend The Charter of the Town of Elsmere. (2/3 bill)

HJR 8 - BRADY, CAIN, GILLIGAN, SINCOCK; SENATORS CONNOR, ZIMMERMAN - H/ADM: Mourning the Death of James Francis (Jumbo) Elliott, Internationally Famous Villanova Track Coach, Who Worked With Many Delaware Athletes.

HA 1 to HS 1 for HB 1 - MCKAY - APPRO: Placed with the bill.

HA 1 to HB 7 - HARRINGTON - APPRO: Placed with the bill.

HA 2 to HB 90 - MARONEY - Placed with the bill. (Laid on the table)

HA 1 to HB 94 - HARRINGTON - ED: Placed with the bill.

SB 100 - CORDREY, LITTLETON - ADM/S: An Act to Amend Subchapter 1, Chapter 69, Title 29, Delaware Code, Relating to the Award of Contracts.

SB 102 - CORDREY, LITTLETON - H/SS: An Act to Amend Chapter 408, Volume 62, Laws of Delaware, to Transfer Funds From the Kent County Rape Crisis Center to the Rape Crisis Center of Sussex County. (3/4 bill)

SB 113 - SHARP, COOK, MCDOWELL, ADAMS - ADM/S: An Act to Amend Chapter 23, Title 19, Del. C., Relating to Workmen's Compensation Premiums.

SB 114 w/SA 2 - SHARP, COOK, MCDOWELL, BERNDT, ZIMMERMAN, BAIR, MARSHALL, ARNOLD, NEAL, LITTLETON, VAUGHN - ADM/S: An Act to Amend Chapter 23, Title 19, Del. C., Relating to Workmen's Compensation Insurance Carriers Financial Reports.

SB 140 - MURPHY, CORDREY; REPRESENTATIVE DERRICKSON - H/ADM: An Act to Permit the Marriage of Two Persons Prior to the Expiration of Ninety-Six Hours From the Issuance of the Marriage License.

Representative Burris moved to recess for caucus at 2:12 p.m.

The House reconvened at 3:40 p.m.

Representative Petrilli introduced HCR 31, jointly sponsored by Representatives Corrozi, Campanelli, George, Free; Senators Citro & Marshall.

HCR 31 - Thanking the Italo-American United Earthquake Relief Fund Committee for Leading the Campaign for \$100,000 to Help Survivors of the November Disaster.

HCR 31 was placed on Consent Calendar #9.

Representative Van Sciver introduced HR 42, jointly sponsored by Senator Citro.

HR 42 - Requesting Postmaster General William F. Bolger to Rescind the Regulation Which Forbids the Delivery of Mail to Certain Homes in New Castle County and Calling This Situation to the Attention of the Delaware Congressional Delegation.

HR 42 was placed on Consent Calendar #9.

Consent Calendar #9 was adopted by voice vote and HCR 23, HCR 30, & HCR 31 were sent to the Senate for concurrence.

Representative Burris deferred action on HB 43 to a Day Certain, Thursday, April 9, 1981.

Representative Roy brought HB 2, jointly sponsored by Representatives Anderson, Bennett, Brady, Burris, Cain, Cathcart, Fallon, Free, Gilligan, Harrington, Hebner, Jonkiert, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Sincoc, Smith; Senators Connor, Neal & McBride; co-sponsored by Representative Minner; Senators Adams & Citro; before the House for consideration.

HB 2 - An Act Concurring in a Proposed Amendment to the Constitution of the State of Delaware Relating to the Imposition of Taxes or License Fees. (2/3 bill)

The roll call on HB 2 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

ABSENT: Representatives Brady, Campanelli, Free, George, Holloway, Plant - 6.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 2 was sent to the Senate for concurrence.

Representative Roy brought HB 50, jointly sponsored by Representatives Ennis, Van Sciver, Corrozi, Edwards, Cathcart, Oberle, Spence, Buckworth, Powell, Gilligan, Anderson, Cordrey & Dixon; co-sponsored by Representative Riddagh, before the House for consideration.

HB 50 - An Act Proposing an Amendment to the Constitution of the State of Delaware to Provide for Initiative and Referendum by the People. (2/3 bill)

Representative Petrilli requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Cain rose on a point of order. Mr. Speaker concurred.

Representative George requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Petrilli moved to place HB 50 on the Speaker's table. The motion was seconded by Representative Sincoc.

The roll call on the motion was taken and revealed:

YES: Representatives Fallon, Free, Harrington, Jonkiert, Maroney, McKay, Petrilli, Sincoc, Smith, West, Mr. Speaker Hebner - 11.

NO: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, George, Gilligan, Holloway, Jester, Mack, Minner, Oberle, Powell, Riddagh, Roy, Soles, Spence, Van Sciver - 27.

ABSENT: Representatives Brady, Burris, Plant - 3.

Therefore, not having received a constitutional majority, the motion was declared defeated and HB 50 remained before the House.

The roll call on HB 50 was taken and revealed:

YES: Representatives Anderson, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Dixon, Edwards, Ennis, Gilligan, Jester, Mack, Oberle, Powell, Riddagh, Roy, Spence, Van Sciver - 19.

NO: Representatives Barnes, Bennett, Burris, Darling, Derrickson, Fallon, Free, George, Harrington, Holloway, Jonkiert, Maroney, McKay, Minner, Petrilli, Sincoc, Smith, Soles, West, Mr. Speaker Hebner - 20.

ABSENT: Representatives Brady, Plant - 2.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 50 was declared defeated.

Representative Burris brought HB 95 before the House for consideration.

HB 95 - An Act to Amend Chapter 7, of Title 21, of the Delaware Code to Remove as Obsolete the Requirement That a Person Arrested Without a Warrant for a Motor Vehicle Offense be Taken, or Summoned to Appear, Before the Nearest Available Justice of the Peace.

Representative Roy requested and was granted the privilege of the floor for House Attorney Richard Cooch.

The roll call on HB 95 was taken and revealed:

YES: Representatives Anderson, Barnes, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddag, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NO: Representative Gilligan - 1.

ABSENT: Representatives Bennett, Brady, Plant - 3.

Therefore, having received a constitutional majority, HB 95 was sent to the Senate for concurrence.

Representative Bennett brought HB 21, jointly sponsored by Representatives McKay & Petrilli, before the House for consideration.

HB 21 - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Real Estate Brokers, Salespersons and Real Estate Appraisers by Providing for the Appointment of a Real Estate Appraiser Committee.

Representative Bennett moved to place HB 21 on the Speaker's table. The motion was seconded by Representative Petrilli and defeated by voice vote.

Representative George moved to place HB 21 on the Speaker's table. The motion was seconded by Representative Cain and adopted by voice vote.

Representative Maroney brought SB 27, jointly sponsored by Senator Holloway, co-sponsored by Senator Knox, before the House for consideration.

SB 27 - An Act to Amend Chapter 17, Title 24, Delaware Code, Relating to the Practice of Medicine.

Representative Maroney deferred action on SB 27 to a Day Certain, Wednesday, April 8, 1981.

The Chief Clerk read the following Committee Reports into the record:

APPRO: HB 68 - HA 1 - 4F,1M; HS 1 for HB 1 - HA 1 - 5F,1M.

JUD: HB 112 - 5M.

H/ADM: SB 140 - 4M; HB 107 - 5M; HB 37 - 5M.

Representative Petrilli moved to recess to the call of the Chair at 5:19 p.m.

17th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

April 7, 1981

The Speaker called the House to order at 1:52 p.m.

Mr. Speaker re-assigned SB 113 & SB 114 to the Revenue & Finance Committee.

The Chief Clerk read the following Committee Reports into the record:

R&F: HB 134 - 3F,2M.

Mr. Speaker Hebner added HB 134 to the Agenda for Tuesday, April 7, 1981.

Representative Riddag announced that HB 141 had been re-assigned to the Corrections Subcommittee.

HJR 6 was added to the Agenda for Tuesday, April 7, 1981, at the request of Representative Brady.

Representative Maroney moved to lift HB 90 w/HA 1 - HA 2 from the Speaker's table. The motion was seconded by Representative McKay. HB 90 w/HA 1 - HA 2 was placed on the Agenda for Tuesday, April 7, 1981.

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the previous legislative day. The House reconvened at 1:56 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Anderson - 1.

A prayer was offered by Representative McKay, Thirteenth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 162 - MARONEY - H/SS: An Act to Amend Chapter 5, Title 31 of the Delaware Code Relating to Public Assistance.

HB 163 - EDWARDS, CAMPANELLI, CORROZI, FREE, JONKIERT, OBERLE, PETRILLI, SPENCE, VAN SCIVER; SENATORS ARNOLD, CITRO, MARSHALL, MCDOWELL - R&F: An Act to Amend Chapter 33, Title 18 of the Delaware Code Forbidding Abortion Coverage in Health Insurance Contracts Except With an Optional Rider for Which an Additional Premium Must be Paid.

HB 164 - GILLIGAN, BURRIS; SENATORS HOLLOWAY, CONNOR - H/SS: An Act to Amend Chapter 7, Title 13, Delaware Code, Relating to Consent of Minors to Donate Blood Voluntarily Without the Necessity of Obtaining Parental Permission or Authorization.

HB 165 - CORDREY - R&F: An Act to Amend Title 14, Chapter 10 of the Delaware Code to Provide for Comprehensive Liability Insurance and the Defense of Sovereign Immunity for School Boards.

HB 166 - CAMPANELLI - NR/AGRI: An Act to Provide a Moratorium on the Establishment or Enlargement of Borrow Pits in New Castle County.

HB 167 - FALLON, BUCKWORTH - ED: An Act to Authorize a School Superintendents' Summer Institute for Academically Talented Students—Summer 1981 and Appropriating Funds. (3/5 bill)

HB 168 - CATHCART - ADM/S: An Act to Amend Chapter 71, Title 29 of the Delaware Code Relating to the Use of State Vehicles by State Employees.

HB 169 - HARRINGTON; SENATOR ZIMMERMAN - R&F: An Act to Amend Chapter 18, Title 5, Delaware Code, Relating to the Report of Net Earnings and Payment of Tax by Building and Loan Associations.

HB 170 - CORROZI, ENNIS, BARNES, SPENCE, JONKIERT, BRADY, SINCOCK - ADM/S: An Act to Authorize the Department of Public Safety to Condemn or Procure Four-Tenths (4/10) Acre of Ground More or Less Adjacent to the Motor Vehicle Inspection Lanes in Wilmington for the Purpose of Use by the Division of Motor Vehicles, and Making an Appropriation Therefor.

HB 171 - FALLON; SENATOR LITTLETON - H/ADM: An Act to Amend An Act, Being Chapter 42, Volume 53, Laws of Delaware, As Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" Relating to Charges Made by the City of Seaford. (2/3 bill)

HB 172 - HEBNER; SENATOR SHARP - JUD: An Act to Amend Chapter 93, Title 10 of the Delaware Code Relating to Jurisdiction of the Justices of the Peace. (2/3 bill)

HB 173 - SMITH - R&F: An Act to Amend Titles 6 and 29 of the Delaware Code by Transferring the State Economic Development Functions From the Department of Community Affairs and Economic Development to the Executive Department and Creating an Office of Economic Development Within the Executive Department.

HB 174 - HEBNER, EDWARDS; SENATOR HUGHES - H/ADM: An Act to Amend Chapter 423, Volume 62, Laws of Delaware, The Annual Budget Appropriation Act for Fiscal Year Ending June 30, 1981, as Amended, to Transfer Certain Funds to the Department of Health and Social Services.

HA 1 to HB 113 - PETRILLI - H/ADM: Placed with the bill.

HA 1 to SB 20 - ANDERSON - Placed with the bill. (Agenda)

Representative Burris moved to recess for caucus at 2:21 p.m.

The House reconvened at 3:55 p.m.

Representative Spence moved to suspend the rules which interfere with introduction of and action on SCR 27. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Spence introduced and brought SCR 27, jointly sponsored by Senator McBride; co-sponsored by Senator Holloway; Representatives George, Brady, Van Sciver & Free, before the House for consideration.

SCR 27 - Commending Officer P. Kevin Smith of the Crime Prevention Unit of the Wilmington Police Department on His Selection to Receive the Kiwanis Award as 1980 Policeman of the Year.

SCR 27 was adopted by voice vote and returned to the Senate.

Representative Maroney brought HB 90 w/HA 1, jointly sponsored by Senator Holloway, before the House for consideration.

HB 90 - An Act to Amend Chapter 19, Title 24 of the Delaware Code Relating to Examination and Licensing of Nurses. (3/5 bill)

Representative Maroney brought HA 2 to HB 90 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 90 w/HA 1,2 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Campanelli, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Holloway, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 30.

NO: Representatives Bennett, Cordrey, Darling, Dixon, George, Gilligan, Jester, Minner, West - 9.

NOT VOTING: Representative Cain - 1.

ABSENT: Representative Anderson - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 90 w/HA 1,2 was sent to the Senate for concurrence.

Representative Oberle brought HB 120, jointly sponsored by Representative Edwards & Senator Sharp; co-sponsored by Representatives Spence & Corrozi, before the House for consideration.

HB 120 - An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to Adjudication Procedure in the Interest of a Child.

Representative Oberle brought HA 1 to HB 120, jointly sponsored by Representative Minner, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 120 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 33.

NO: Representatives Cordrey, Darling, Dixon, Holloway, Jester, Plant, West - 7.

ABSENT: Representative Anderson - 1.

Therefore, having received a constitutional majority, HB 120 w/HA 1 was sent to the Senate for concurrence.

Representative Derriekson brought HB 134, jointly sponsored by Representative Burris, before the House for consideration.

HB 134 - An Act to Amend Title 29 of the Delaware Code by Redesignating the Office of Management, Budget and Planning as the Office of Planning and Development; by Transferring to That Office Specified Functions of the Secretary of the Department of Community Affairs and Economic Development and the Division of Economic Development; by Designating a Position of Chief Planner and Clarifying the Responsibility for Decisions Under the Coastal Zone Act; to Amend the FY 1981 Budget Appropriations Act, as Amended (Chapters 277 and 423 of Volume 62 of Laws of Delaware); and to Make Necessary Conforming Amendments to Titles 6, 7, 14, 16 and 29 of the Delaware Code and Certain Laws of Delaware to Reflect the Change of Name and the Transfer of These Responsibilities.

Representative Bennett introduced HA 1 to HB 134, jointly sponsored by Representatives Cain, Cordrey, George, Gilligan, Holloway, Jester, Minner, Soles & West.

Mr. Speaker assigned HA 1 to HB 134 to the Revenue & Finance Committee.

Representative Bennett rose on a point of order. Mr. Speaker concurred.

Representative Bennett requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative George moved to suspend all rules which interfere with action on HA 1 to HB 134. The motion was seconded by Representative Bennett.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Cain, Cathcart, Cordrey, Darling, Dixon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Maroney, Minner, Plant, Soles, West - 17.

NO: Representatives Barnes, Brady, Buckworth, Burris, Campanelli, Corrozi, Derriekson, Edwards, Ennis, Fallon, Free, Mack, McKay, Petrilli, Powell, Riddagh, Roy, Sinecock, Spence, Van Seiver, Mr. Speaker Hebner - 21.

NOT VOTING: Representatives Oberle, Smith - 2.

ABSENT: Representative Anderson - 1.

Therefore, not having received a constitutional majority, the motion was declared defeated.

Representative Burris moved to recess at 4:37 p.m.

The House reconvened at 4:40 p.m.

Representative Derriekson moved to suspend the rules which interfere with action on HA 1 to HB 134. The motion was seconded by Representative Burris and adopted by voice vote.

The roll call on HA 1 to HB 134 was taken and revealed:

YES: Representatives Bennett, Cain, Cathcart, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Minner, Plant, Soles, West - 14.

NO: Representatives Barnes, Buckworth, Burris, Campanelli, Corrozi, Derriekson, Edwards, Ennis, Fallon, Free, Mack, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sinecock, Spence, Van Seiver, Mr. Speaker Hebner - 21.

NOT VOTING: Representatives Brady, Harrington, Maroney, Smith - 4.

ABSENT: Representatives Anderson, Jonkiert - 2.

Therefore, not having received a constitutional majority, HA 1 to HB 134 was declared defeated.

Representative Smith requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Bennett requested and was granted the privilege of the floor for Nathan Hayward, Acting Secretary, Department of Community Affairs and Economic Development.

Mr. Speaker Hebner declared a recess for the purpose of changing the recording tape at 5:28 p.m.

The House reconvened at 5:30 p.m.

The roll call on HB 134 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Derriekson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Holloway, Mack, McKay, Oberle, Powell, Riddagh, Roy, Sinecock, Soles, Spence, Mr. Speaker Hebner - 27.

NO: Representatives Bennett, Cordrey, Darling, Harrington, Jester, Maroney, Minner, Plant, Smith, West - 10.

ABSENT: Representatives Anderson, Jonkiert, Petrilli, Van Seiver - 4.

Therefore, having received a constitutional majority, HB 134 was sent to the Senate for concurrence.

Representative Sinecock introduced HCR 32, jointly sponsored by Senator Adams.

HCR 32 - Providing for the Appointment of a State Disability Reform Committee to Recommend Legislation Consolidating Disability Programs.

Representative Burris moved to recess to the call of the Chair at 6:23 p.m.

18th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Session

April 8, 1981

The Speaker called the House to order at 1:47 p.m.

Representative Petrilli brought HB 68, jointly sponsored by Senator Knox, before the House for consideration.

HB 68 - An Act to Amend Title 29 of the Delaware Code by Creating the Delaware Development Office, the Council on Development Finance and the Development Appeals Board and to Amend Title 6, Title 7, Title 14, Title 16, and Title 29 of the Delaware Code by Transferring to Such Agencies Certain Functions and Responsibilities Vested in the Office of Management, Budget and Planning, the Division of Economic Development of the Department of Community Affairs and Economic Development, the Council on Industrial Financing, the Council on State Planning and the Coastal Zone Industrial Control Board and to Make Other Necessary Conforming Amendments to the Laws of Delaware and the Delaware Code.

Representative Petrilli brought HA 1 to HB 68 before the House for consideration.

Representative Gilligan moved to place HB 68 - HA 1 on the Speaker's table. The motion was seconded by Representative George.

The roll call on the motion was taken and revealed:

YES: Representatives Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 15.

NO: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sinecock, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 25.

ABSENT: Representative Anderson - 1.

Therefore, not having received a constitutional majority, the motion was declared defeated and HA 1 remained before the House.

Representative Petrilli requested and was granted the privilege of the floor for Nathan Hayward, Acting Secretary, Department of Community Affairs and Economic Development.

HA 1 was adopted by voice vote.

Representative Derrickson brought HA 2 to HB 68 before the House for consideration.

Representative Derrickson requested and was granted the privilege of the floor for Mr. Reese Phillips, Chairman, Veterans Affairs Committee for Delaware.

Mr. Phillips read a short statement in support of HA 2 to HB 68.

Representative Gilligan requested and was granted the privilege of the floor for Mr. Frederick VanSant.

HA 2 to HB 68 was adopted by voice vote.

Representative Petrilli moved to place HB 68 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

The Majority Leader moved to adjourn at 3:30 p.m., thereby ending the previous legislative day. The House reconvened at 3:31 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Anderson, Ennis - 2.

A prayer was offered by Representative Jeffrey G. Mack, Nineteenth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 67 w/SA 1; SCR 23, SCR 24, SCR 25, SCR 27, SB 2, SJR 5 w/SA 1; SJR 7 w/SA 1.

April 2, 1981

LEGISLATIVE ADVISORY #4

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 3/25/81 - HB 106 aab HA 1; 4/2/81 - SJR 4, SJR 8.

The following prefiled legislation was introduced:

HB 175 - MCKAY, CAIN - R&F: An Act to Amend Chapter 11, Title 30 of the Delaware Code to Permit a Deduction for Certain Household and Dependent Care Expenses.

HB 176 - OBERLE - ADM/S: An Act to Amend Title 6, and Title 25 of the Delaware Code Relating to Door-to-Door and Other Solicitation Sales.

HB 177 - BENNETT, POWELL; SENATOR ZIMMERMAN - R&F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to the Withholding and Payment of Taxes.

HB 178 - CAIN, CORROZI - H/ADM: An Act to Amend Chapter 59, Part V, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration; and Providing for a Prohibition Against the Imposition of Non-Compensated Work as a Disciplinary Measure.

HB 179 - BURRIS, MINNER, DERRICKSON; SENATORS COOK, ADAMS, MURPHY, ZIMMERMAN - H/ADM: An Act to Amend Chapter 3, Title 29, of the Delaware Code Designating the Weakfish (Also Known as the Sea Trout) as the Official State Fish.

HB 180 - DERRICKSON; SENATOR CORDREY - NR/AGRI: An Act of the State of Delaware Authorizing the Issuance of Obligations to Finance the Cost of Purchasing a Dredge, Appropriating the Proceeds to the Department of Natural Resources and Environmental Control, and Specifying Certain Procedures, Conditions and Limitations for the Expenditure of the Proceeds of Such Obligations. (3/4 bill)

HB 181 - RIDDAGH; SENATOR SHARP - JUD: An Act to Amend Chapter 9, Part I, Title 10 of the Delaware Code Relating to the Family Court of the State of Delaware; and Providing for Expungement Under Certain Circumstances.

HB 182 - ENNIS, HEBNER, SMITH; SENATOR BAIR - ED: An Act to Amend Delaware Code, Title 14, as It Relates to Local Control Rather Than Federal Mandate.

HB 183 - DERRICKSON, GILLIGAN; SENATORS MARTIN, BERNDT - R&F: An Act Amending Title 18 of the Delaware Code Providing for the Regulation of Dental Service Benefits by Dental Plan Organizations.

HJR 10 - BENNETT; SENATOR ZIMMERMAN - ADM/S: Requesting the Delmarva Power Company to Study the Wheeling Transmission Rate of Providing Cheaper Electricity to Municipal Corporations Which Sell This Form of Energy to Their Customers.

HA 1 to HB 79 - CAMPANELLI - APPRO: Placed with the bill.

HA 1 to HB 136 - BENNETT - ADM/S: Placed with the bill.

HA 1 to HB 173 - SMITH - R&F: Placed with the bill.

SB 2 - HUGHES, CITRO - JUD: An Act to Amend Subchapter VI, Title 11 of the Delaware Code Relating to Tampering With a Witness.

SB 67 w/SA 1 - ZIMMERMAN; REPRESENTATIVE MARONEY - H/SS: An Act to Amend Title 14, Delaware Code by Establishing the Board of Trustees of the Delaware Institute of Dental Education and Research for the Purpose of Promoting the Dental Residency Program at Any General Hospital in the State of Delaware With an Accredited General Practice Residency in Dentistry.

SJR 5 w/SA 1 - BAIR, MCDOWELL, CONNOR, VAUGHN; REPRESENTATIVES BRADY, SMITH, BARNES - H/ADM: Relating to Agencies Made Subject to Review.

SJR 7 w/SA 1 - MCDOWELL; REPRESENTATIVE BRADY; SENATORS VAUGHN, MARSHALL, BAIR, CONNOR; REPRESENTATIVES SMITH, BARNES, SOLES, JONKIERT - H/ADM: Relating to Certain Functions; Powers and Duties of the Delaware Sunset Committee.

SCR 23 - NEAL, CORDREY; REPRESENTATIVES BURRIS, HEBNER, SMITH - H/ADM: Extending the Term of a Select Committee on Small Business to Develop Legislative Recommendations for State Policies to Encourage Small Business Development.

SCR 24 - NEAL, SHARP; REPRESENTATIVES ROY, SPENCE; SENATORS ARNOLD, MARTIN, VAUGHN; REPRESENTATIVES ANDERSON, CAIN, GILLIGAN, JESTER, PETRILLI, POWELL, SOLES - H/SS: Urging the Delaware Health Council and the Delaware Bureau of Health Planning and Development Not to Approve Applications for Any Additional Acute-Care Hospital Beds in New Castle County Pending the Decision of the Third U.S. Circuit Court of Appeals on the Plan Omega Appeal.

SCR 25 - MCDOWELL; REPRESENTATIVE BRADY - ADM/S: Urging the Postmaster General of the United States to Waive an Obscure Regulation Which is Denying Routine Postal Delivery to Residents of Wilmington and Other Municipalities.

The following prefiled Consent Calendar #10 was introduced:

HCR 33 - MACK - Saluting Professional Secretaries for Their Vital Contribution to our Society and Designating the Week of April 19-25 as Professional Secretaries Week and Wednesday, April 22, as Secretaries Day.

HR 43 - MACK - Congratulating the William Penn High School Wrestling Team and Coaches for an Undefeated Season.

HCR 34 - MARONEY - Mourning the Death of David J. King, M.D., Who Aided Crippled Children in Kent and Sussex Counties and Was a President of the Staff of the Former Wilmington General Hospital.

Representative Burris moved to recess for committee meetings at 3:37 p.m.

The House reconvened at 5:35 p.m.

Consent Calendar #10 was adopted by voice vote and HCR 33 & HCR 34 were sent to the Senate for concurrence.

Representative Maroney brought SB 27, jointly sponsored by Senator Holloway, co-sponsored by Senator Knox, before the House for consideration.

SB 27 - An Act to Amend Chapter 17, Title 24, Delaware Code, Relating to the Practice of Medicine. Representative Maroney requested and was granted the privilege of the floor for Dr. Keith Hamilton, Board of Medical Practice.

The roll call on SB 27 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Anderson, Ennis, Jonkiert - 3.

Therefore, having received a constitutional majority, SB 27 was returned to the Senate.

Representative Riddagh brought SB 20 w/SA 1, sponsored by Senator Martin; co-sponsored by Senators Connor, Bair, Hughes, Citro & Marshall; before the House for consideration.

SB 20 - An Act to Amend Part E., Title 10, Delaware Code Relating to Privacy of Family Court Proceedings.

Representative Riddagh moved to place SB 20 w/SA 1 on the Speaker's table. The motion was seconded by Representative George and adopted by voice vote.

Representative Cathcart moved to defer action on HJR 5 to a Day Certain, Thursday, April 9, 1981.

Representative Burris brought SB 140, sponsored by Senators Murphy, Cordrey & Representative Derrickson, before the House for consideration.

SB 140 - An Act to Permit the Marriage of Two Persons Prior to the Expiration of Ninety-Six Hours From the Issuance of the Marriage License.

The roll call on SB 140 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Anderson, Ennis, Jonkiert - 3.

Therefore, having received a constitutional majority, SB 140 was returned to the Senate.

Representative Smith moved to defer action on HB 99 to a Day Certain, Thursday, April 9, 1981.

Representative Sincok moved to suspend the rules which interfere with introduction of and action on HJR 11. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Sincok introduced and brought HJR 11, jointly sponsored by Senator Adams, co-sponsored by Representative Bennett, before the House for consideration.

HJR 11 - Providing for the Appointment of a State Disability Reform Committee to Recommend Legislation Consolidating Disability Programs.

The roll call on HJR 11 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representative Campanelli - 1.

ABSENT: Representatives Anderson, Ennis, Jonkiert, McKay, Roy - 5.

Therefore, having received a constitutional majority, HJR 11 was sent to the Senate for concurrence.

Representative Petrilli moved to suspend all rules which interfere with lifting and acting on HB 68 w/HA 1,2. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Gilligan brought HA 3 to HB 68 before the House for consideration.

Mr. Speaker Hebner appointed Representative Rodney Dixon to the State Disability Reform Committee.

The roll call on HA 3 was taken and revealed:

YES: Representatives Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Minner, Plant, West - 13.

NO: Representatives Barnes, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Fallon, Harrington, Mack, Maroney, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 22.

ABSENT: Representatives Anderson, Brady, Ennis, Free, Jonkiert, McKay - 6.

Therefore, not having received a constitutional majority, HA 3 was declared defeated.

Representative Gilligan brought HA 4 to HB 68 before the House for consideration.

The roll call on HA 4 was taken and revealed:

YES: Representatives Bennett, Cain, Cordrey, Darling, Dixon, George, Gilligan, Harrington, Holloway, Jester, Minner, Oberle, Plant, Roy, Soles, West - 16.

NO: Representatives Barnes, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Fallon, Free, Mack, Maroney, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 19.

ABSENT: Representatives Anderson, Brady, Campanelli, Ennis, Jonkiert, McKay - 6.

Therefore, not having received a constitutional majority, HA 4 was declared defeated.

Representative Burris moved to recess to the call of the Chair at 6:33 p.m.

19th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Session

April 9, 1981

The Speaker called the House to order at 2:12 p.m.

Representative Ennis requested that he be marked present for Wednesday, April 8, 1981.

Representative Burris moved to recess at 2:13 p.m.

The House reconvened at 3:38 p.m.

Representative Petrilli moved to place HB 68 w/HA 1,2 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Mr. Speaker Hebner appointed Representative Corrozi to the State Disability Reform Committee.

The Chief Clerk read the following Committee Reports into the record:

ED: HB 94 - HA 1 - 4M, 1UF; HB 126 - 5M.

ADM/S: HR 40 - 5M; SB 100 - 5M.

H/SS: HB 48 - 5M; HB 49 - 5M; SCR 24 - 1M, 4UF.

R&F: HB 133 - 2F, 3M; HB 88 - 2F, 3M; HB 73 - 5M; SB 9 - 3F, 2M.

H/ADM: HB 174 - 1F, 4M; HB 171 - 5M; HB 161 - 5M; HJR 8 - 5F; HB 103 - 4M; SJR 7 w/SA 1 - 5M; SJR 5 w/SA 1 - 5M; HB 148 - 4M; HB 113 - HA 1 - 5M.

The Reading Clerk read the following communication into the record:

To our Speaker:

A man known for his "quick wit" and intelligence, who when asked to name his greatest legislative achievement said, "Nothing stands out"...We wanted you to know that we think YOU stand out.

HAPPY BIRTHDAY

From the Staff and Representatives
of the 131st General Assembly.

Representative Minner introduced HR 44.

HR 44 - Congratulating Orlando Pettyjohn, State Champion at Milford High School, for His Selection for the All-American Wrestling Team by Scholastic Magazine.

HR 44 was placed on Consent Calendar #11.

Representative Bennett introduced SCR 29, jointly sponsored by Senator Holloway, co-sponsored by Senator Zimmerman.

SCR 29 - Requesting the State Librarian to Maintain the Present Level of Service for the Blind.

SCR 29 was placed on Consent Calendar #11.

Mr. Speaker Hebner placed HB 174 & SB 9 on the Agenda for Thursday, April 9, 1981.

The Majority Leader moved to adjourn at 3:48 p.m., thereby ending the previous legislative day. The House reconvened at 3:49 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Anderson - 1.

A prayer was offered by Reverend John Hickson, Milton, Delaware.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 184 - HARRINGTON; SENATOR ADAMS - R&F: An Act to Amend Chapter 17, Title 18, Delaware Code, Regarding the Examination Procedures of Agents, Brokers, Surplus Lines Brokers, Consultants, Limited Representatives, Fraternal Representatives, Adjusters, and Appraisers.

HB 185 - HARRINGTON; SENATOR LITTLETON - R&F: An Act to Amend Chapter 5, Title 18 of the Delaware Code to Establish Fees for Service of Process Against Insurance Companies.

HB 186 - MARONEY - R&F: An Act to Amend Chapter 13, Title 30, Delaware Code, Relating to Use of the Alternate Valuation Method for Inheritance Tax.

HB 187 - DERRICKSON; SENATOR CORDREY; REPRESENTATIVES BARNES, BUCKWORTH, BENNETT, CAMPANELLI, CORDREY, DARLING, DIXON, FALLON, HARRINGTON, MINNER, PETRILLI, POWELL, RIDDAGH, SINCOCK, SMITH, VAN SCIVER, WEST; SENATORS ADAMS, COOK, LITTLETON, MURPHY, NEAL, VAUGHN, ZIMMERMAN - NR/AGRI: An Act to Amend Chapter 692, Volume 60, Laws of Delaware, Entitled "An Act Authorizing the State of Delaware to Borrow Money and to Issue Bonds and Notes Thereof: and Appropriating the Funds Thus Obtained to the Division of Soil and Water Conservation of the Department of Natural Resources and Environmental Control, Which Funds Shall be Expended in Accordance With the Purposes of the Watershed Protection and Flood Prevention Act." (3/4 bill)

HB 188 - POWELL; SENATOR COOK - ADM/S: An Act to Amend Title 24, Chapter 6, Section 605 of the Delaware Code Relating to Licensing of Cosmetologists.

HB 189 - HARRINGTON, BRADY, HOLLOWAY; SENATORS ZIMMERMAN, HOLLOWAY, NEAL, KNOX - R&F: An Act to Amend Chapter 43, Title 31, of the Delaware Code Relating to the Indebtedness of the Housing Authority.

HB 190 - BRADY, CAIN, DERRICKSON, POWELL; SENATOR MCDOWELL - ADM/S: An Act to Amend Chapter 2, Title 24 of the Delaware Code Relating to Landscape Architects. (3/5 bill)

HB 191 - PLANT - ED: An Act Proposing an Amendment to Article X, Section 2, of the Constitution of the State of Delaware to Remove the Requirement for Separate Schools for White and Black Children. (2/3 bill)

HA 1 to HS 1 for HB 3 - POWELL - Placed with the bill. (Ready List)

HA 1 to HB 72 - VAN SCIVER - Placed with the bill. (Ready List)

HA 2 to HB 113 - PETRILLI - H/ADM: Placed with the bill.

HA 1 to HB 124 - MINNER - R&F: Placed with the bill.

HA 1 to HB 171 - FALLON - H/ADM: Placed with the bill.

HCR 35 - GILLIGAN, BENNETT, GEORGE, MCKAY, PLANT; SENATOR HUGHES - H/ADM: Notifying the Council of State Governments That the Delaware General Assembly Wishes to Change Its Affiliation From the Eastern to the Southern Regional Office.

SB 57 w/SA 1 - MURPHY - R&F: An Act to Amend Chapter 3, Title 21, Delaware Code, Relating to the Limitation on the Requests by Insurance Companies for Drivers' Performance Records.

SB 58 w/SA 1 - MURPHY - R&F: An Act to Amend Chapter 25, Title 18, of the Delaware Code to Require Insurers to Provide Reductions in Motor Vehicle Insurance Premium Rates for Drivers Completing a Motor Vehicle Accident Prevention Course.

SB 103 w/SA 1 - CORDREY - H/ADM: An Act to Amend Chapter 79, Title 29 of the Delaware Code to Provide That the Governor Shall Appoint Senior Citizens to Certain Units.

The following prefiled Consent Calendar was introduced:

HCR 36 - BARNES - Welcoming to Legislative Hall and Today's Sessions of the 131st General Assembly of Delaware Peter Gladwin, Chairman of the East Sussex (England) County Council.

HCR 37 - MCKAY - Congratulating the Four Delaware High School Seniors Who Have Been Named Finalists in the College Scholarship Competition of the National Merit Scholarship Corporation.

The Chief Clerk read the following Committee Reports into the record:

JUD: HB 154 - 5M; SB 42 w/SA 1 - 5M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 103 w/SA 1; HCR 23, HCR 30, HCR 31, SB 57 w/SA 1; SB 58 w/SA 1; SCR 28, SCR 29.

Representative Fallon requested and was granted the privilege of the floor for Mrs. June Soukup, Delaware's Teacher of the Year.

Representative Burris moved to suspend all rules which interfere with introduction of and action on SCR 22. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced SCR 22, sponsored by Senators McBride, Littleton; Representatives McKay & Fallon, co-sponsored by Representatives Buckworth, Van Seiver & Mack.

SCR 22 - Commending Mrs. June Soukup of Sussex Central High School, Indian River School District, for Being Selected as Delaware Teacher of the Year for 1981.

SCR 22 was adopted by voice vote and returned to the Senate.

Representative Bennett requested that HJR 10 be stricken.

Representative Harrington requested that HB 77 be stricken.

Representative Barnes requested and was granted the privilege of the floor for Mr. Peter Gladwin, Sussex, England.

Representative Brady moved to suspend the rules which interfere with placement of SCR 25 on the Consent Calendar. The motion was properly seconded and adopted by voice vote.

Representative Brady introduced SCR 25, jointly sponsored by Senator McDowell.

SCR 25 - Urging the Postmaster General of the United States to Waive an Obscure Regulation Which is Denying Routine Postal Delivery to Residents of Wilmington and Other Municipalities.

Consent Calendar #11 was adopted by voice vote and HCR 36 & HCR 37 were sent to the Senate for concurrence and SCR 25 & SCR 29 were returned to the Senate.

Representative Petrilli moved to suspend the rules which interfere with lifting HB 68 w/HA 1,2 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Petrilli brought HB 68, jointly sponsored by Senator Knox, before the House for consideration.

HB 68 - An Act to Amend Title 29 of the Delaware Code by Creating the Delaware Development Office, the Council on Development Finance and the Development Appeals Board and to Amend Title 6, Title 7, Title 14, Title 16, and Title 29 of the Delaware Code by Transferring to Such Agencies Certain Functions and Responsibilities Vested in the Office of Management, Budget and Planning, the Division of Economic Development of the Department of Community Affairs and Economic Development, the Council on Industrial Financing, the Council on State Planning and the Coastal Zone Industrial Control Board and to Make Other Necessary Conforming Amendments to the Laws of Delaware and the Delaware Code.

Representative Edwards brought HA 5 to HB 68 before the House for consideration. HA 5 was adopted by voice vote.

Representative Petrilli requested and was granted the privilege of the floor for Nathan Hayward, Acting Secretary, Department of Community Affairs and Economic Development.

The roll call on HB 68 w/HA 1,2,5 was taken and revealed:

YES: Representatives Barnes, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Harrington, Holloway, Mack, Oberle, Petrilli, Powell, Riddagh, Roy, Sinecock, Spence, Van Seiver, Mr. Speaker Hebner - 21.

NO: Representatives Bennett, Cain, Cordrey, Darling, Free, George, Gilligan, Jester, Jonkiert, Maroney, McKay, Minner, Plant, Soles, West - 15.

NOT VOTING: Representatives Brady, Campanelli, Dixon, Smith - 4.

ABSENT: Representative Anderson - 1.

Therefore, having received a constitutional majority, HB 68 w/HA 1,2,5 was sent to the Senate for concurrence.

Representative Burris brought HB 43 before the House for consideration.

HB 43 - An Act to Amend Title 4 and Title 10 of the Delaware Code Relating to Statutory Liabilities of Persons Who Sell or Dispense Alcoholic Liquors. (2/3 bill)

Representative Burris moved to place HB 43 on the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Cathcart requested that HJR 5 be stricken.

Representative Smith brought HB 99, jointly sponsored by Representatives Anderson, Ennis, Gilligan, Maroney, Minner, Riddagh, Soles; Senators Martin, Arnold, Connor, Knox, Littleton, McBride & Neal, before the House for consideration.

HB 99 - An Act to Amend An Act Being Chapter 503, Volume 61, Laws of Delaware, Entitled An Act to Amend Title 7 of the Delaware Code Relating to the Reclamation and Recycling of Beverage Containers by Changing the Effective Date Thereof.

Representative Soles brought HA 1 to HB 99 before the House for consideration.
 Representative Soles requested and was granted the privilege of the floor for House Attorney Richard Cooch.

HA 1 to HB 99 was adopted by voice vote.
 Mr. Speaker Hebner declared a recess at 6:05 p.m. for the purpose of changing the recording tape.
 The House reconvened at 6:09 p.m.

Representative Cathcart requested and was granted the privilege of the floor for Mr. Charles D. Broll, Pepsi-Cola Bottling Co.

Representative Oberle rose on a point of order. Mr. Speaker concurred.

Representative Cathcart requested and was granted the privilege of the floor for Mr. Charles D. Broll, Pepsi-Cola Bottling Co.

Representative Petrilli rose on a point of order. Mr. Speaker concurred.

The roll call on HB 99 w/HA 1 was taken and revealed:
 YES: Representatives Barnes, Brady, Buckworth, Corrozi, Derrickson, Edwards, Ennis, Fallon, George, Gilligan, Harrington, Jester, Maroney, McKay, Minner, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Mr. Speaker Hebner - 23.
 NO: Representatives Bennett, Burris, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, Holloway, Jonkiert, Mack, Oberle, Plant, Spence, West - 15.
 ABSENT: Representatives Anderson, Free, Van Sciver - 3.
 Therefore, having received a constitutional majority, HB 99 w/HA 1 was sent to the Senate for concurrence.

Representative Cathcart requested that HB 168 be stricken.

Representative Bennett brought HB 15, co-sponsored by Representatives Harrington & Anderson, before the House for consideration.

HB 15 - An Act to Amend Chapter 46, Title 9, Delaware Code, Relating to the Time Limitation for the Kent County Levy Court to Issue Notes in Anticipation of Bond Sales.

The roll call on HB 15 was taken and revealed:
 YES: Representatives Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 35.
 ABSENT: Representatives Anderson, Barnes, Jonkiert, Plant, Roy, Van Sciver - 6.
 Therefore, having received a constitutional majority, HB 15 was sent to the Senate for concurrence.
 The following prefilled legislation was introduced:
HB 192 - MCKAY - H/ADM: An Act Amending Chapter 5, Title 1 of the Delaware Code Relating to Legal Holidays.

HB 193 - MCKAY, BENNETT - ADM/S: An Act to Repeal Subchapter III, Chapter 86, Title 29 of the Delaware Code Relating to the Office of the Public Advocate.

HB 194 - MACK - JUD: An Act to Amend Title 11, §612 and §613 of the Delaware Code Relating to Assaults Upon Firemen.

HB 195 - HOLLOWAY, PLANT; SENATOR HOLLOWAY - ADM/S: An Act to Amend Chapter 3, Title 4, Delaware Code, Relating to Monies Received by the Delaware Alcoholic Beverage Control Commission by Directing That a Portion of the Monies Received be Used in the Treatment of Alcoholics.

HB 196 - POWELL - R&F: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to the Definition of Resident Individual for Personal Income Tax Purposes, and to Clarify the Deduction for Taxes Paid to a Foreign Country.

HB 197 - JONKIERT; SENATOR MARSHALL - APPRO: An Act to Amend Title 30, Delaware Code, Chapter 51, Relating to Appropriations to Municipalities From the State Municipal Street Aid Fund.

HB 198 - JONKIERT; SENATOR MARSHALL - APPRO: An Act to Amend Title 15, Delaware Code, Chapter 47 Relating to Compensation of Election Officers.

HB 199 - VAN SCIVER, BRADY, BUCKWORTH, CATHCART, CORROZI, DIXON, ENNIS, FALLON, GILLIGAN, MACK, PETRILLI, SPENCE, POWELL; SENATORS ARNOLD, CITRO, LITTLETON, VAUGHN - JUD: An Act to Amend Chapter 23, Title 24, Delaware Code, Pertaining to Pawnbrokers and Junk Dealers, by Imposing Special Licensing, Auditing, Reporting and Other Requirements Upon Dealers in Precious Metals. (2/3 bill)

HB 200 - BURRIS, BENNETT - R&F: An Act to Amend Titles 19, 9, 11, 18, 24, 29, 30 and 31 of the Delaware Code Relating to Workers' Compensation, Providing for the "Workers' Compensation Act of 1981" and Further Providing for an Appropriation for the Implementation of That Act.

HB 201 - MINNER, CAIN - R&F: An Act to Amend Chapter 39, Title 18, Delaware Code Relating to Reasons for Cancellation or Nonrenewal of Automobile Insurance.

HB 202 - SOLES, ENNIS; SENATORS BAIR, MCBRIDE - APPRO: An Act to Provide a Mechanism by Which School Districts May Dispose of Unneeded Buildings and Land by Sale or Lease.

HB 203 - HOLLOWAY, PLANT; SENATOR HOLLOWAY - H/SS: An Act to Amend Chapter 3, Title 4, Delaware Code, Relating to the Labeling of Alcoholic Beverages Sold in This State.

HB 204 - OBERLE, SPENCE, ROY; SENATOR SHARP - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Assignment of Pupils or Teachers in the Public Schools of This State.

HB 205 - BRADY, BARNES, SMITH, JONKIERT, SOLES; SENATORS CONNOR, VAUGHN, BAIR, MARSHALL, MCDOWELL - H/ADM: An Act to Amend Chapter 102, Title 29 of the Delaware Code Relating to the Delaware Sunset Act.

HB 206 - HARRINGTON; SENATOR CITRO - R&F: An Act to Amend Chapter 50, Title 18 of the Delaware Code Relating to Insurance Holding Companies.

HB 207 - ROY - JUD: An Act to Amend Chapter 21, Title 21, Delaware Code Relating to License Plates.

HB 208 - OBERLE, RIDDAGH, VAN SCIVER, GILLIGAN, JESTER, DIXON, ROY, CATHCART, MACK, SPENCE, MINNER, BUCKWORTH, WEST; SENATORS CONNOR, MCBRIDE, CITRO, NEAL, SHARP - JUD: An Act Proposing an Amendment to the Constitution of the State of Delaware, Relating to Initiative. (2/3 bill)

HCR 38 - SMITH, CORDREY, DERRICKSON, DIXON, FALLON, GEORGE, JESTER, MINNER, POWELL, SINCOCK, SOLES, VAN SCIVER; SENATORS BERNDT, KNOX, MCDOWELL, MURPHY, VAUGHN, MARTIN, ARNOLD, NEAL, BAIR - NR/AGRI: Requesting the Congress of the United States to Support the States' Efforts in Managing Their Coastal Resources and to Provide Essential Funding Therefore.

SB 79 w/SA 1 - MCDOWELL, BAIR, MARSHALL, MARTIN, ZIMMERMAN, VAUGHN; REPRESENTATIVES CAMPANELLI, DARLING, HOLLOWAY, MINNER, PLANT, WEST - APPRO: An Act to Amend Chapter 182 and 199, Volume 62, Laws of Delaware Relating to the Delaware Energy Crisis Assistance Program by Providing Financial Assistance to Certain Homeowners and Others for the Purchase of Heating Fuels. (F/N)

SB 129 w/SA 1,2, - MCDOWELL - ADM/S: An Act to Amend Chapter 199, Volume 62, Laws of Delaware Relating to Financial Assistance to Certain Delaware Families and Publicly Operated Housing Authorities for the Purchase and Installation of Energy Conservation Materials for Their Homes. (F/N)

SB 132 - CORDREY - R&F: An Act to Amend Chapter 88, Title 29 of the Delaware Code Relating to the State Bank Commissioner's Office.

SB 146 w/SA 1 - HOLLOWAY; REPRESENTATIVE MARONEY - H/SS: An Act to Amend Chapter 94, Title 16 of the Delaware Code Relating to the State Advisory Council for the Coordination of Services to the Handicapped.

SJR 6 w/SA 1 - BAIR, NEAL, KNOX, MCBRIDE, VAUGHN; REPRESENTATIVES ROY, SMITH, SOLES, JESTER, ENNIS, CORROZI - ADM/S: Directing the Public Schools in the State of Delaware to Adopt Energy Conservation as an Official Policy.

SCR 28 - ADAMS; REPRESENTATIVES DERRICKSON, BURRIS - NR/AGRI: Directing the Secretary of the Department of Natural Resources and Environmental Control to Investigate the Broadkill Channel for Recreational Boating Improvement.

The following prefiled Consent Calendar was introduced:

SCR 30 - MCBRIDE, ADAMS, ARNOLD, BAIR, BERNDT, CITRO, CONNOR, COOK, CORDREY, HOLLOWAY, HUGHES, KNOX, LITTLETON, MARSHALL, MARTIN, MCDOWELL, MURPHY, NEAL, SHARP, VAUGHN, ZIMMERMAN; REPRESENTATIVES ANDERSON, BARNES, BENNETT, BRADY, BUCKWORTH, BURRIS, CAIN, CAMPANELLI, CATHCART, CORDREY, CORROZI, DARLING, DERRICKSON, DIXON, EDWARDS, ENNIS, FALLON, FREE, GEORGE, GILLIGAN, HARRINGTON, HEBNER, HOLLOWAY, JESTER, JONKIERT, MACK, MARONEY, MCKAY, MINNER, OBERLE, PETRILLI, PLANT, POWELL, RIDDAGH, ROY, SINCOCK, SMITH, SOLES, SPENCE, VAN SCIVER, WEST - Requesting the Delaware Congressional Delegation to Support House Joint Resolution No. 182 Designating April 16 as a National Day of Recognition for Veterans of the Vietnam Era.

SCR 31 - CORDREY, SHARP, MCDOWELL, KNOX, ARNOLD; REPRESENTATIVES HEBNER, BURRIS, PETRILLI, GEORGE, CAIN - Relating to the Symposium to be Held Saturday, April 11th by the Division of Historic and Cultural Affairs on Living Former Governors.

Representative Petrilli brought HS 1 for HB 1, jointly sponsored by Representative Bennett & Senator McBride; co-sponsored by Representatives Mack, Van Sciver, Spence, Roy, Minner, Dixon, Soles, Powell, Buckworth, Edwards, Corrozi, Oberle, Ennis, Fallon, Gilligan, Anderson, Jester; Senators Connor, Bair, Neal, Arnold, Citro, Littleton, Hughes, Murphy & Berndt, before the House for consideration.

HB 1 - An Act to Amend Delaware Code, Title 14, Relating to the Method of Calculating Pupil Units in Order to Determine the Amount of State Financial Support to the Public Schools.

Representative McKay brought HA 1 to HS 1 for HB 1 before the House for consideration. HA 1 was adopted by voice vote.

Representative Petrilli brought HA 2 to HS 1 for HB 1 before the House for consideration. HA 2 was adopted by voice vote.

Representative Soles brought HA 3 to HS 1 for HB 1 before the House for consideration. HA 3 was adopted by voice vote.

Representative Petrilli moved to place HS 1 for HB 1 w/HA 1,2,3 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Burris moved to suspend the rules which interfere with action on SJR 7 w/SA 1. The motion was seconded by Representative George and adopted by voice vote.

Representative Burris brought SJR 7 w/SA 1, jointly sponsored by Senator McDowell; Representative Brady; Senators Vaughn, Marshall, Bair, Connor; Representatives Smith, Barnes, Soles & Jonkiert, before the House for consideration.

SJR 7 - Relating to Certain Functions; Powers and Duties of the Delaware Sunset Committee.

The roll call on SJR 7 w/SA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Anderson, Derrickson, Plant, Roy, Van Seiver - 5.

Therefore, having received a constitutional majority, SJR 7 w/SA 1 was returned to the Senate.

Representative Burris moved to suspend the rules which interfere with action on SJR 5 w/SA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought SJR 5 w/SA 1, sponsored by Senators Bair, McDowell, Connor, Vaughn; Representatives Brady, Smith & Barnes, before the House for consideration.

SJR 5 - Relating to Agencies Made Subject to Review.

The roll call on SJR 5 w/SA 1 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Anderson, Plant, Roy, Van Seiver - 4.

Therefore, having received a constitutional majority, SJR 5 w/SA 1 was returned to the Senate.

Representative Burris moved to suspend the rules which interfere with action on SB 80. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought SB 80, sponsored by Senator Cook & Representative Darling, before the House for consideration.

SB 80 - An Act to Amend Chapter 162, Volume 40, Laws of Delaware, As Amended by Chapter 466, Volume 58 Laws of Delaware Relating to the Floating Debt of the City of Harrington. (2/3 bill)

The roll call on SB 80 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Anderson, Plant, Roy, Van Seiver - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 80 was returned to the Senate.

Representative Powell moved to suspend the rules which interfere with action on SB 9. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Powell brought SB 9, sponsored by Senators Cordrey, Cook, Hughes; Representatives Derrickson, Harrington & Bennett; co-sponsored by Senator McBride, before the House for consideration.

SB 9 - An Act to Amend Subchapter IV, Chapter 1, Title 23, Delaware Code, Relating to Pilotage Rates.

The roll call on SB 9 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Anderson, Plant, Roy, Van Seiver - 4.

Therefore, having received a constitutional majority, SB 9 was returned to the Senate.

Representative Burris moved to suspend the rules which interfere with introduction of and action on SB 100. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought SB 100, sponsored by Senator Cordrey, co-sponsored by Senator Littleton, before the House for consideration.

SB 100 - An Act to Amend Subchapter I, Chapter 69, Title 29, Delaware Code, Relating to the Award of Contracts.

The roll call on SB 100 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Anderson, Campanelli, Plant, Roy, Van Seiver - 5.

Therefore, having received a constitutional majority, SB 100 was returned to the Senate.

Representative Smith moved that HCR 38 be placed on Consent Calendar #12. The motion was seconded by Representative Burris and adopted by voice vote.

Consent Calendar #12 was adopted by voice vote and HCR 38 was sent to the Senate for concurrence and SCR 30 & SCR 31 were returned to the Senate.

Representative Buckworth introduced HB 209, jointly sponsored by Representatives Free & Mack; co-sponsored by Representatives Harrington, Spence, Ennis & Senator Murphy.

HB 209 - An Act to Amend Title 18, Section 2503 of the Delaware Code to Require Insurers to Provide Reductions in Motor Vehicle Insurance Premium Rates for Drivers Completing a Motor Vehicle Accident Prevention Course.

Mr. Speaker assigned HB 209 to the Revenue & Finance Committee.

Representative Burris moved to recess to the call of the Chair at 8:07 p.m.

20th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

April 28, 1981

The Speaker called the House to order at 1:53 p.m.

The Chief Clerk read the following Committee Report into the record:

H/SS: HB 159 - 1F,4M.

The Reading Clerk read the following communication into the record at the request of Representative Burris:

To the Senate and the House of Representatives of the 131st General Assembly of the State of Delaware:

We would like to bring your attention to the need for legislation to put more control on the utility companies in our state. We are not pleased when we read in the newspapers that Delaware stands third highest in the country in utility costs.

Instead of progress in the homes, many people are going backwards. Electricity was a necessity a few years ago but today it is fast becoming a luxury, due to its high cost. The irony is that although we, the consumers, cut back, it is costing us more and more. It is not uncommon for a semi-annual water bill to cost more than the taxes on property in Delaware.

We are concerned about the rumor that natural gas companies will be asking for a rate increase soon. We question this possible rate increase when we are aware of many, many gas wells within the surrounding states and off the Delaware, New Jersey and Virginia coast that are capped off. Why should we pay for foreign oil and oil to be shipped in from the western U.S. when we have energy right here for our use?

The Bills, soon on the agenda, pertaining to the basic needs of Delawareans and their utility bills, may cause the utility companies to look within themselves to see where there may be wasted money being spent. For every dollar they find and reroute, it may be cents off our bills. Cents may not sound like much, but they do add up. If the utility companies are honestly trying to keep the costs down, then the bills don't hurt so much.

Hidden costs of such things as construction should be eliminated from the rate hikes. Separate listing should be made on our bills for construction and once the construction is complete, the timed rate increase should be dropped. As of now, such costs are included in rate hikes and we pay and pay and pay!

The people of Delaware are crying for help! We ask you to give careful consideration to those bills that apply to the basic needs of Delawareans and their utilities.

Concerned constituents:

Charles R. Sears, Sr.

Catherine Sears

Ann Burns

Bob Burns

Norman & Peg Darke

Charles & Carolyn Messina

The Majority Leader moved to adjourn at 1:58 p.m., thereby ending the previous legislative day. The House reconvened at 1:59 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Pastor James E. Jenerette, Bethel African Methodist Episcopal Church, Smyrna, DE.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefilled legislation was introduced:

HB 210 - OBERLE, SOLES; SENATOR NEAL - NR/AGRI: An Act to Amend Chapter 18, Title 16 Delaware Code Relating to Solid Waste: Management, Storage, Collection and Disposal.

HB 211 - DERRICKSON; SENATOR CORDREY - JUD: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Penalties for Passing Stopped School Buses. (2/3 bill)

HB 212 - MINNER, BRADY, JONKIERT, MACK, SPENCE - JUD: An Act to Amend Title 21, Chapter 41, of the Delaware Code to Provide for a Penalty for Violation of a Conditional License. (2/3 bill)

HB 213 - WEST - ADM/S: An Act to Repeal Title 26 of the Delaware Code Relating to Public Utilities and the Public Service Commission.

HA 1 to HB 176 - OBERLE - ADM/S: Placed with the bill.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 129 w/SA 1,2; SB 79 w/SA 1; SCR 30, SCR 31, SJR 6 w/SA 1; HCR 36, SB 132, SCR 22, HCR 33, HCR 34, HJR 11, SB 146 w/SA 1; HB 63 w/HA 1; HB 92, HJR 3.
April 23, 1981

LEGISLATIVE ADVISORY #5

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 4/14/81 - SB 140; 4/21/81 - SB 27, HB 63 aab HA 1; HJR 3, HJR 11.

Representative Burris moved to recess for caucus at 2:10 p.m.

The House reconvened at 4:10 p.m.

Mr. Speaker Hebner appointed Representatives Brady & Dixon to the Group Life Committee.

Representative Sincok requested that HCR 32 be stricken.

Representative Brady requested that HR 40 be stricken.

Representative Riddagh brought SB 60, sponsored by Senator McBride & Representative Petrilli, before the House for consideration.

SB 60 - An Act to Amend Chapter 16, Title 24, Delaware Code Relating to Adult Entertainment Establishment.

Representative Petrilli brought HA 1 to SB 60 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 60 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, SB 60 w/HA 1 was returned to the Senate.

Representative Brady brought HJR 6, jointly sponsored by Representatives Burris, George, Sincok; Senators Knox & Cordrey, before the House for consideration.

HJR 6 - Commending David S. Swayze on His Return to Private Practice for His Outstanding Service to Delaware as Legal Counsel and Executive Assistant to Governor Pierre S. du Pont 4th.

The roll call on HJR 6 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Cordrey, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Cain, Campanelli, Corrozi - 3.

Therefore, having received a constitutional majority, HJR 6 was sent to the Senate for concurrence.

Representative Oberle brought HB 152, jointly sponsored by Representatives Sincok, Spence & Harrington, before the House for consideration.

HB 152 - An Act to Amend Title 12, Chapter 39 of the Delaware Code Relating to Guardian and Ward.

The roll call on HB 152 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, HB 152 was sent to the Senate for concurrence.

Representative Derrickson brought HB 107, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 107 - An Act Authorizing the State of Delaware to Convey to the Town of Bethany Beach Property to be Used for Certain Storage Purposes. (2/3 bill)

The roll call on HB 107 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 107 was sent to the Senate for concurrence.

The Chief Clerk read the following additions to the Agenda for Wednesday, April 29, 1981 into the record:

HB 18 - HA 1 - BRADY - An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to Election of School Board Members.

HB 20 - BENNETT - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Certification of Licensure for Real Estate Salespersons, and the Retention of an Inactive List.

HB 37 - ANDERSON - An Act to Amend Chapter 45, Part IV, Title 15 of the Delaware Code Relating to Elections; and Requiring the Listing of Polling Places Prior to an Election.

HB 48 - OBERLE - An Act to Amend Chapter 33, Title 16 of the Delaware Code Relating to Adulteration and Misbranding of Drugs.

HB 49 - OBERLE - An Act to Amend Chapter 25, Title 24 of the Delaware Code Relating to Penalties for Violating Pharmacy Licensing Provisions.

HB 72 - HA 1 - VAN SCIVER - An Act to Amend Delaware Code, Title 14, in Order to Provide for a Limited Program in Driver Education for Motorcycle Drivers.

HB 73 - VAN SCIVER - An Act Directing the Board of Pension Trustees to Repay the Pension Contribution of Former State Policeman Francis R. Spence.

HB 88 - RIDDAGH - An Act to Amend Title 9, Title 22 and Title 25 of the Delaware Code Relating to Fire Insurance Liens.

HB 94 - HA 1 - HARRINGTON - An Act to Amend Chapter 41, Part I, Title 14 of the Delaware Code Relating to Drugs, Dangerous Instruments, and Deadly Weapons on School Premises.

SB 42 w/SA 1 - RIDDAGH - An Act to Amend Chapter 84, Title 11, Delaware Code, Relating to a Police Training Program.

Representative Powell brought HS 1 for HB 3, jointly sponsored by Representatives Anderson, Dixon, Roy, Petrilli, Cordrey, West, Van Sciver, Riddagh; Senators Cordrey & Hughes, before the House for consideration.

HB 3 - An Act to Amend Title 16, Delaware Code Relating to Regulation and Sale of Portable Oil Fueled Heaters.

Representative Powell brought HA 1 to HS 1 for HB 3 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HS 1 for HB 3 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Buckworth, Burris, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Free, George, Gilligan, Harrington, Jonkiert, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West - 29.

NO: Representatives Barnes, Bennett, Brady, Cain, Cathcart, Edwards, Fallon, Jester, Mack - 9.

NOT VOTING: Representatives Holloway, Mr. Speaker Hebner - 2.

ABSENT: Representative Campanelli - 1.

Therefore, having received a constitutional majority, HS 1 for HB 3 w/HA 1 was sent to the Senate for concurrence.

Representative Burris brought HB 103 before the House for consideration.

HB 103 - An Act to Amend Part III of Title 25, of the Delaware Code by Excluding Leases for Certain Commercial Units From Application of Certain Provisions of the Landlord-Tenant Code.

Representative Burris brought HA 1 to HB 103 before the House for consideration. HA 1 was adopted by voice vote.

Representative Burris requested and was granted the privilege of the floor for Mr. Israel Floyd, Attorney, Hercules, Incorporated.

Representative Sincok rose on a point of order. Mr. Speaker concurred.

Representative Burris moved to recess at 5:05 p.m.

The House reconvened at 5:15 p.m.

Representative Barnes requested and was granted the privilege of the floor for Mr. George Chabbott, Delaware Association of Realtors.

Representative Burris moved to recess at 6:15 p.m.

The House reconvened at 6:21 p.m.

The Reading Clerk read the following communication into the record at the request of Representative Burris:

April 21, 1981

The Honorable John M. Burris

House of Representatives

Legislative Hall

Dover, Delaware 19901

Dear Representative Burris:

On behalf of the Delaware Association of Realtors, I respectfully request that certain action be taken on two particular bills under your sponsorship.

Unaware that HB 103 was as far along as it is, we would hope that it can be re-committed to committee so that our organization can meet with you to discuss the ramifications of this bill. The Delaware Association of Realtors has some reservations about the bill and feel the meeting would prove beneficial to all parties concerned.

Likewise, please accept our thanks for the introduction of HB 150. We ask, however, that you have the bill re-assigned to Revenue and Finance so that we might have the time to discuss the merits of the bill thoroughly. We feel the voluntary reporting in the past has resulted in a double standard of collections and that the original intent of the legislation has been lost.

Your past help has been greatly appreciated and I trust we can again work together to provide a better business climate in Delaware.

Sincerely yours,
DELAWARE ASSOCIATION OF REALTORS
Richard E. Berl, President

REB/ams

cc: Ralph Shivone

Al Brennan

Shirley Little

Lit Dryden

Dick Prettyman

Representative Burris moved to place HB 103 w/HA 1 on the Speaker's table until a Day Certain, Thursday, April 30, 1981. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Derrickson moved to suspend the rules which interfere with introduction of and action on SCR 33. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Derrickson introduced and brought SCR 33, jointly sponsored by Senators Adams & Cordrey & Representative Barnes before the House for consideration.

SCR 33 - Congratulating Milton R. Roberts, of Lewes, Former University of Delaware Lacrosse Coach, Upon His Election to the Lacrosse Hall of Fame.

SCR 33 was adopted by voice vote and returned to the Senate.

Representative Petrilli introduced HB 214, jointly sponsored by Senator Arnold; Representatives Powell, Soles, Dixon; Senators Citro, Hughes, Knox, Neal, Sharp, Vaughn & Martin.

HB 214 - An Act to Amend Delaware Code, Title 14, as It Relates to School Districts Created by Division of a School District Created by Order of a Federal Court.

Mr. Speaker assigned HB 214 to the Education Committee.

Mr. Speaker re-assigned SCR 24 to the Health & Social Services Committee.

Representative Burris moved to recess to the call of the Chair at 6:52 p.m.

21st LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

April 29, 1981

The Speaker called the House to order at 2:13 p.m.

Representative Riddagh introduced HR 46.

HR 46 - Thanking the Loving Care Yankee Doodles for Their Fine Program of Patriotic Music Enjoyed Today in the House Chamber.

HR 46 was placed on Consent Calendar #13.

The Majority Leader moved to adjourn at 2:15 p.m., thereby ending the previous legislative day. The House reconvened at 2:16 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative David H. Ennis, Seventh District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 215 - JONKIERT - R&F: An Act to Amend Chapter 23 of Title 10, Delaware Code in Order to Permit the Prothonotary of Each County to Earn Maximum Interest on Certain Funds by Purchasing Certificates of Deposit.

HB 216 - MACK, CATHCART, HARRINGTON, BUCKWORTH, HOLLOWAY, JESTER, DARLING, CORDREY, CAMPANELLI, GEORGE, POWELL, DERRICKSON, FREE, CORROZI, EDWARDS, MCKAY, RIDDAGH, BRADY, BURRIS, GILLIGAN, SMITH, SOLES, BARNES, SPENCE, ENNIS, WEST, DIXON, MINNER, PETRILLI, BENNETT, FALLON, OBERLE, SINCOCK, CAIN, JONKIERT; SENATOR CONNOR - JUD: An Act to Amend Title 11 §612 and §613 of the Delaware Code Relating to Assaults Upon Firemen.

HB 217 - OBERLE - JUD: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Fees for Dealer License Plates, Transporter License Plates and Construction Tags.

HA 1 to HB 100 - PETRILLI - Placed with the bill. (Ready List)

HR 45 - PLANT - H/SS: A Resolution Urging the Farmers Bank of the State of Delaware to Continue to Distribute Food Stamps at Its Branch at 10th and Market Streets, Wilmington.

HC 39 - VAN SCIVER, MARONEY, EDWARDS, WEST, CATHCART, MACK, BUCKWORTH, HOLLOWAY; SENATORS HOLLOWAY, CITRO - ED: Requesting the State Board of Education and the School District Boards of Education to Include Aging Education at the Elementary, Intermediate and Secondary School Levels.

HC 40 - BARNES - H/ADM: Requesting the Members of the Delaware Congressional Delegation to Support the Joint Resolution Asking President Ronald Reagan to Proclaim the Week of May 10, 1981, as National Small Business Week.

SB 96 - MCBRIDE - ADM/S: An Act to Amend Chapter 27, Title 24 of the Delaware Code Relating to Professional Land Surveyors.

SB 111 - MURPHY - APPRO: An Act to Provide Additional School Supplies for Delaware Schools, and Providing the Funds Therefor.

SB 112 - MURPHY - ED: An Act to Amend Additional Substitute Teachers Available to Delaware School Districts, and Providing Funds Therefor.

SB 150 - ADAMS - H/ADM: An Act to Amend an Act Entitled "An Act to Incorporate the Town of Slaughter Beach", 37 Delaware Laws Chapter 167, as Amended, by Providing for the Closing of Streets, Vacating or Abandonment of Streets (Including the Award of Compensation Therefor), Municipal Tax Liens, and Revising the Limitations on the Town's Taxing Power. (2/3 bill)

The following prefiled Consent Calendar was introduced:

HCR 41 - MARONEY - Mourning the Death of Alfred Rives Shands, Jr., M.D., Former Medical Director of the Alfred I. du Pont Institute and a Leading Orthopedic Surgeon, on April 20, 1981.

HCR 42 - PLANT, RIDDAGH - Congratulating George C. Wright, Jr., Upon His Election as Mayor of Smyrna to Become the First Black Mayor in the History of Delaware.

HCR 43 - MINNER - Thanking Delaware's Estimated 13,000 Volunteers Whose Ungrudged Help Gives Added Meaning to Our Lives.

HCR 44 - BUCKWORTH - Requesting Governor Pierre S. du Pont 4th to Proclaim May 21, 1981, United States Tennis Association Day, Marking the 100th Anniversary of the Founding of That Organization.

HCR 45 - BUCKWORTH - Requesting the Governor Pierre S. du Pont 4th to Proclaim the Week of May 3 Through May 9, 1981, Physical Fitness Week.

Representative Oberle requested and was granted the privilege of the floor for Dennis Carey, Secretary, Department of Labor.

Representative Burris moved to recess for committee meetings at 2:50 p.m.

The House reconvened at 4:56 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 150, SB 96, HCR 37, HCR 38, SB 111, SB 112, SCR 33.

Mr. Speaker Hebner added HJR 8 to the Agenda for Thursday, April 30, 1981.

Representative Burris brought Consent Calendar #13 before the House for consideration.

Consent Calendar #13 was adopted by voice vote and HCR 41, HCR 42, HCR 43, HCR 44 & HCR 45 were sent to the Senate for concurrence.

The Chief Clerk read the following Committee Reports into the record:

R&F: HB 200 - 3F,3M.

H/SS: SB 1 w/SA 1,3,5w/1,6,7 - 5M.

Representative Burris requested that action on HB 200 be deferred to a Day Certain, Wednesday, May 13, 1981.

Mr. Speaker re-assigned SB 1 w/SA 1,3,5w/1,6,7 to the Appropriations Committee.

Representative Burris moved to recess to the call of the Chair at 5:05 p.m.

22nd LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

April 30, 1981

The Speaker called the House to order at 1:50 p.m.

Representative Burris moved to suspend the rules which interfere with lifting HB 103 w/HA 1 from the Speaker's table and placing it on the Agenda for Thursday, April 30, 1981. The motion was seconded by Representative Free and adopted by voice vote.

The Chief Clerk read the following Committee Reports into the record:

JUD: SB 2 - 4M; SB 101 w/SA 1 - 4M; HB 194 - 4M; HB 211 - 4M; HB 208 - 3M; HB 172 - 4M; HB 147 - 4M; HB 132 - 4M; HB 131 - 4M; HB 130 - 4M.

H/SS: HB 164 - 3M,2UF; HB 139 - 2F,3M.

Representative Van Seiver read the following communication into the record:

REPRESENT YOUR CONSTITUENTS AND TAXPAYERS BY VOTING "AGAINST THE FOUR DISTRICT PLAN"

We will be checking your vote and promise you that we shall campaign against all New Castle County Legislators who support the Four District Plan.

O.C.T.P.

Organized Constituents and Tax Payers of the New Castle County School District

The Majority Leader moved to adjourn at 1:53 p.m., thereby ending the previous legislative day. The House reconvened at 1:54 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Jane Maroney, Twelfth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 218 - GEORGE - H/ADM: An Act Proposing an Amendment to Article V of the Constitution of the State of Delaware, Relating to Absentee Voting. (2/3 bill)

HB 219 - GEORGE - H/ADM: An Act to Amend Chapter 55, Part IV, Title 15 of the Delaware Code Relating to Absentee Voting.

HB 220 - ROY, PETRILLI, GILLIGAN, POWELL, SOLES, CAIN, VAN SCIVER; SENATORS ARNOLD, NEAL - ED: An Act to Amend the Delaware Code, Title 29 Providing for the Appropriate Sharing of Expenses Involved in the Proper Closing and Securing of Vacated Public School District Buildings.

HB 221 - BARNES, BURRIS, GEORGE, JONKIERT, HARRINGTON, EDWARDS, DARLING, MARONEY, CORROZI, DERRICKSON, SINCOCK, MCKAY, RIDDAGH, ENNIS, POWELL, SPENCE, BUCKWORTH, CATHCART, MACK, FREE, FALLON, PLANT, SOLES, BENNETT, MINNER; SENATORS LITTLETON, CONNOR - ED: An Act to Amend Title 14, Chapter 10 of the Delaware Code to Provide for Indemnity of Members of School Boards of Education Against Damages, Losses and Expenses of Defense of Civil and Criminal Action.

HB 222 - DARLING, RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Title 21 Relating to the Issue of Conditional Driver Licenses for Drivers Who Were Suspended for Not Having Liability Insurance.

HB 223 - EDWARDS, DIXON, OBERLE; SENATORS ARNOLD, SHARP - JUD: An Act to Amend Chapter 65, Title 11 of the Delaware Code to Require Certain Prisoners to Pay Subsistence Fees; to Provide for State Liens on Proceeds From Literary or Other Accounts of Crime for Which Imprisoned; and to Pay for Cost of Supervision and Rehabilitation.

HA 1 to HB 126 - OBERLE - APPRO: Placed with the bill.

HCR 46 - OBERLE, SPENCE, GILLIGAN, ANDERSON, CORROZI, EDWARDS, BARNES, HARRINGTON, VAN SCIVER, CAIN; SENATORS SHARP, MCBRIDE, CITRO, ARNOLD, HUGHES - JUD: Urging the Congress of the United States to Restrict Jurisdictions of Federal Courts.

SB 40 w/SA 2 - ZIMMERMAN - NR/AGRI: An Act to Amend Chapter 7, Title 7, Delaware Code Relating to Red Foxes. (2/3 bill)

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 40 w/SA 2; HJR 6.

Representative Burris brought HB 103 w/HA 1 before the House for consideration.

HB 103 - An Act to Amend Part III of Title 25, of the Delaware Code by Excluding Leases for Certain Commercial Units From Application of Certain Provisions of the Landlord-Tenant Code.

Representative Cain rose on a point of order. Mr. Speaker concurred.

Representative Burris moved to suspend the rules which interfere with action on HB 103 w/HA 1. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought HA 2 to HB 103 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 103 w/HA 1,2 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 28.

NO: Representatives Anderson, Bennett, Darling, Gilligan, Jester, Jonkiert, West - 7.

NOT VOTING: Representatives Cain, Campanelli, Cordrey, Holloway - 4.

ABSENT: Representatives Minner, Plant - 2.

Therefore, having received a constitutional majority, HB 103 w/HA 1,2 was sent to the Senate for concurrence.

Representative Burris brought HB 174, sponsored by Representatives Hebner, Edwards & Senator Hughes, before the House for consideration.

HB 174 - An Act to Amend Chapter 423, Volume 62, Laws of Delaware, the Annual Budget Appropriation Act for Fiscal Year Ending June 30, 1981, as Amended, to Transfer Certain Funds to the Department of Health & Social Services.

Representative Burris moved to place HB 174 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Jonkiert rose on a point of order. Mr. Speaker concurred.

Mr. Speaker Hebner appointed Representative Petrilli as Temporary Speaker.

Representative Hebner brought HB 174, jointly sponsored by Representative Edwards & Senator Hughes, before the House for consideration.

HB 174 - An Act to Amend Chapter 423, Volume 62, Laws of Delaware, the Annual Budget Appropriation Act for Fiscal Year Ending June 30, 1981, as Amended, to Transfer Certain Funds to the Department of Health & Social Services.

Representative Burris moved to place HB 174 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Mr. Speaker Hebner resumed the Chair.

Representative Brady brought HB 18 - HA 1, jointly sponsored by Representatives Maroney & George, co-sponsored by Representative McKay, before the House for consideration.

HB 18 - An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to Election of School Board Members.

Representative Brady moved to place HB 18 - HA 1 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Bennett brought HB 20, jointly sponsored by Representatives McKay & Petrilli, before the House for consideration.

HB 20 - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Certification of Licensure for Real Estate Salespersons, and the Retention of an Inactive List.

Representative Bennett brought HA 1 to HB 20 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 20 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Harrington - 1.

ABSENT: Representatives Campanelli, Jonkiert, Plant - 3.

Therefore, having received a constitutional majority, HB 20 w/HA 1 was sent to the Senate for concurrence.

Representative Anderson brought HB 37 before the House for consideration.

HB 37 - An Act to Amend Chapter 45, Part IV, Title 15 of the Delaware Code Relating to Elections; and Requiring the Listing of Polling Places Prior to an Election.

Representative Anderson brought HA 1 to HB 37 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 37 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Jonkiert, Smith - 3.

Therefore, having received a constitutional majority, HB 37 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle brought HB 48, jointly sponsored by Senator Sharp, before the House for consideration.

HB 48 - An Act to Amend Chapter 33, Title 16 of the Delaware Code Relating to Adulteration and Misbranding of Drugs. (2/3 bill)

Representative Oberle brought HA 1 to HB 48 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 48 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Barnes, Smith - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 48 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle brought HB 49, jointly sponsored by Senator Sharp, before the House for consideration.

HB 49 - An Act to Amend Chapter 25, Title 24 of the Delaware Code Relating to Penalties for Violating Pharmacy Licensing Provisions. (2/3 bill)

The roll call on HB 49 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Van Seiver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 49 was sent to the Senate for concurrence.

Representative Van Seiver brought HB 72 - HA 1, jointly sponsored by Representatives Dixon, Spence, Ennis, Campanelli, Buckworth, Jester, Corrozi, Roy, Cathcart, Gilligan, Mack; Senators Citro, Connor & Vaughn, before the House for consideration.

HB 72 - An Act to Amend Delaware Code, Title 14, in Order to Provide for a Limited Program in Driver Education for Motorcycle Drivers.

Representative Van Seiver moved to place HB 72 - HA 1 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Van Seiver brought HB 73, jointly sponsored by Senator Citro, before the House for consideration.

HB 73 - An Act Directing the Board of Pension Trustees to Repay the Pension Contribution of Former State Policeman Francis R. Spence.

Representative Sincok moved to place HB 73 on the Speaker's table. The motion was seconded by Representative McKay.

Representative Sincok withdrew the motion.

Mr. Speaker re-assigned HB 73 to the Revenue & Finance Committee.

Representative Riddagh brought HB 88, jointly sponsored by Senator Sharp; Representatives Derrickson, Harrington, Powell, Smith & Senator Arnold, before the House for consideration.

HB 88 - An Act to Amend Title 9, Title 22 and Title 25 of the Delaware Code Relating to Fire Insurance Liens.

Mr. Speaker re-assigned HB 88 to the Revenue & Finance Committee.

Representative Harrington brought HB 94, jointly sponsored by Senators Bair & Vaughn, before the House for consideration.

HB 94 - An Act to Amend Chapter 41, Part I, Title 14 of the Delaware Code Relating to Drugs, Dangerous Instruments, and Deadly Weapons on School Premises.

Representative Harrington brought HA 1 to HB 94 before the House for consideration. HA 1 was adopted by voice vote.

The Reading Clerk read the following communication into the record at the request of Representative Harrington:

April 2, 1981

Honorable Michael Harrington

State Representative

228 North State Street

Dover, DE 19901

Dear Representative Harrington:

The Delaware Council on Crime and Justice commends your introduction of HB-94 with its attached amendment. I am sure the bill, as it now reads, will force school officials to report drug and weapon offenders to Law Enforcement authorities.

Thank you again Representative Harrington for initiating this legislation and agreeing to sponsor our recommended amendment. If I can ever be of assistance in answering any questions regarding the criminal justice system, just let me know. I am frequently in Legislative Hall.

Sincerely,

Rose Downes

Agency Representative

RD:vwj

The roll call on HB 94 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Jester, Mack, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 32.

NO: Representatives Cain, Holloway, Maroney, Plant - 4.

NOT VOTING: Representatives Barnes, Campanelli - 2.

ABSENT: Representatives Fallon, Jonkiert, West - 3.

Therefore, having received a constitutional majority, HB 94 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh brought SB 42 w/SA 1, sponsored by Senator Cordrey, before the House for consideration.

SB 42 - An Act to Amend Chapter 84, Title 11, Delaware Code, Relating to a Police Training Program. (2/3 bill)

Representative Burris brought HA 1 to SB 42 before the House for consideration.

The roll call on HA 1 to SB 42 was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Free, Harrington, Maroney, McKay, Oberle, Petrilli, Powell, Sincok, Smith, Van Sciver, Mr. Speaker Hebner - 18.

NO: Representatives Anderson, Barnes, Bennett, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Minner, Plant, Riddagh, Roy, Soles, Spence, West - 22.

ABSENT: Representative Fallon - 1.

Therefore, not having received a constitutional majority, HA 1 was declared defeated.

Representative Brady requested and was granted the privilege of the floor for House Attorney Gerald Street.

Representative Burris moved to place SB 42 w/SA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Brady brought HJR 8, jointly sponsored by Representatives Cain, Gilligan, Sincok; Senators Connor & Zimmerman; co-sponsored by Senator Martin, before the House for consideration.

HJR 8 - Mourning the Death of James Francis (Jumbo) Elliott, Internationally Famous Villanova Track Coach, Who Worked With Many Delaware Athletes.

The roll call on HJR 8 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Fallon, Jonkiert - 2.

Therefore, having received a constitutional majority, HJR 8 was sent to the Senate for concurrence.

Representative Riddagh moved to lift SB 42 w/SA 1 from the Speaker's table. The motion was seconded by Representative Minner.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Minner, Plant, Riddagh, Soles, Van Seiver, West - 21.

NO: Representatives Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Free, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Spence, Mr. Speaker Hebner - 19.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, the motion was adopted and SB 42 w/SA 1 was lifted from the Speaker's table.

Representative Burris moved to recess to the call of the Chair at 4:10 p.m.

23rd LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

May 5, 1981

The Speaker called the House to order at 2:20 p.m.

Representative Burris brought HA 2 to SB 42 before the House for consideration.

The roll call on HA 2 was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Roy, Sincok, Smith, Van Seiver, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Barnes, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Riddagh, Soles, Spence, West - 19.

Therefore, having received a constitutional majority, HA 2 was adopted.

Representative Brady requested and was granted the privilege of the floor for House Attorney Gerald Street.

The roll call on SB 42 w/SA 1, HA 2 was taken and revealed:

YES: Representatives Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, George, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 26.

NO: Representatives Anderson, Barnes, Bennett, Campanelli, Cordrey, Darling, Dixon, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 15.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, SB 42 w/SA 1, HA 2 was declared defeated.

Representative Riddagh introduced HR 47.

HR 47 - Mourning the Death of Ernest S. Mattiford, of Smyrna, a Former Member of the House of Representatives.

HR 47 was placed on Consent Calendar #14.

Representative Riddagh introduced SCR 39, jointly sponsored by Representative Dixon; Senators Arnold & Vaughn.

SCR 39 - Expressing the Will of the Delaware General Assembly That the United States Adopt a National Strategy of Peace Through Strength.

SCR 39 was placed on Consent Calendar #14.

Mr. Speaker Hebner added HB 108, HB 130 & HB 147 to the Agenda for Tuesday, May 5, 1981.

Mr. Speaker re-assigned HB 224 to the Revenue & Finance Committee.

The Majority Leader moved to adjourn at 2:42 p.m., thereby ending the previous legislative day. The House reconvened at 2:43 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative B. Bradford Barnes, Thirty-Eighth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 224 - RIDDAGH, BARNES, BURRIS, CORROZI, HEBNER, MCKAY, PETRILLI, ROY, SINCOCK, CAIN, CAMPANELLI, GEORGE, JONKIERT; SENATORS BERNDT, HUGHES, CORDREY - ED: An Act to Amend Chapter 26, Part I, Title 14 of the Delaware Code Relating to Vocational Schools. (3/5 bill)

HB 225 - HEBNER; SENATOR BAIR - NR/AGRI: An Act to Amend Title 7 of the Delaware Code Relating to Falconry Licensing.

HB 226 - MACK; SENATOR MARTIN - ADM/S: An Act to Amend §151, Subchapter IV, Title 17 of the Delaware Code Relating to the Department of Transportation Participating in Contracts Issued by Other Governmental Agencies.

HB 227 - CAMPANELLI, MACK - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code, With Reference to Personal Leave for School Employees.

HB 228 - CAMPANELLI - ED: An Act to Amend Chapter 40, Part I, Title 14, Delaware Code Relating to Professional Negotiations With Education Personnel.

HB 229 - GILLIGAN - ADM/S: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to the Definition of Employment Under the Unemployment Compensation Law.

HB 230 - WEST - ADM/S: An Act to Amend Chapter 1, Title 26 of the Delaware Code to Provide for an Elected Public Service Commission.

HA 1 to SB 43 - SPENCE - S-P/S: Placed with the bill.

SB 56 w/SA 1 - MURPHY - R&F: An Act to Amend Chapter 32, Title 18 of the Delaware Code Relating to Group Life Insurance for State Employees.

SCR 39 - ARNOLD, VAUGHN; REPRESENTATIVES RIDDAGH, DIXON - H/ADM: Expressing the Will of the Delaware General Assembly That the United States Adopt a National Strategy of Peace Through Strength.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 56 w/SA 1; SCR 34, SCR 35, SCR 39, HCR 41.

May 5, 1981

LEGISLATIVE ADVISORY #6

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 4/22/81 - SB 9; 4/27/81 - HB 92; 4/29/81 - SCR 33; 4/30/81 - SB 60 aab HA 1; SB 80, SB 100 5/4/81 - SJR 5 aab SA 1; SJR 7 aab SA 1.

Representative Derrickson brought HB 148, jointly sponsored by Representative West & Senator Cordrey, before the House for consideration.

HB 148 - An Act to Amend Chapter 649, Volume 18, Laws of Delaware, Entitled "An Act to Incorporate the Town of Ocean View in Sussex County, Delaware". (2/3 bill)

The roll call on HB 148 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 148 was sent to the Senate for concurrence.

Representative Roy brought HB 52, co-sponsored by Representative Riddagh, Senators Connor & Citro, before the House for consideration.

HB 52 - An Act to Amend Subchapter V, Title 11 of the Delaware Code Relating to Sexual Exploitation of Children. (2/3 bill)

The roll call on HB 52 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 52 was sent to the Senate for concurrence.

Representative Maroney brought HB 159 before the House for consideration.

HB 159 - An Act to Amend Title 24, Chapter 25 of the Delaware Code Relating to Drug Products and the Delaware Drug Advisory Board.

Representative Maroney moved to place HB 159 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Sincok introduced HB 250, jointly sponsored by Senator Cook; Representatives Bennett, Corrozi, Ennis, Gilligan, Petrilli; Senators Berndt, Holloway, Littleton, McBride & Murphy.

HB 250 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker assigned HB 250 to the Appropriations Committee.

Representative Bennett introduced HR 48, jointly sponsored by Representatives Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jonkiert, Minner & West.

HR 48 - Requesting the Farmers Bank Commission to Report to the House of Representatives on the Current Status of Efforts to Sell the Bank in View of the Decision on April 23 Not to Buy the State's Interest in the Bank.

Mr. Speaker assigned HR 48 to the House Administration Committee.

Representative Burris moved to recess for caucus at 3:21 p.m.

The House reconvened at 5:08 p.m.

Representative Petrilli brought HB 100, jointly sponsored by Representative McKay, before the House for consideration.

HB 100 - An Act to Amend Part VI, Title 29 of the Delaware Code Relating to State Government; and Providing for the Granting of Monetary Awards for Suggestions That Result in Financial or Economic Benefit to the State of Delaware.

Representative Petrilli brought HA 1 to HB 100 before the House for consideration.

Representative Petrilli requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

HA 1 was adopted by voice vote.

The roll call on HB 100 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 40.

ABSENT: Representative Cain - 1.

Therefore, having received a constitutional majority, HB 100 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh requested that action on HB 131 be deferred to a Day Certain, Thursday, May 14, 1981.

Representative Riddagh requested that action on HB 132 be deferred to a Day Certain, Thursday, May 14, 1981.

Representative Harrington brought HB 112, jointly sponsored by Representative Buckworth & Senator Berndt, before the House for consideration.

HB 112 - An Act to Amend Chapter 67, Title 21 of the Delaware Code Relating to Removal of Identification Numbers From Bicycles. (2/3 bill)

Representative Harrington brought HA 1 to HB 112 before the House for consideration. HA 1 was adopted by voice vote.

Representative Harrington requested and was granted the privilege of the floor for House Attorney Gerald Street.

Five members rose for the purpose of cutting off the debate on HB 112 w/HA 1. The motion was adopted by voice vote.

The roll call on HB 112 w/HA 1 was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Mack, Maroney, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Spence, Van Sciver, West, Mr. Speaker Hebner - 28.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Darling, Dixon, Jester, Jonkiert, McKay, Minner, Plant, Soles - 12.

NOT VOTING: Representative Holloway - 1.

Therefore, having received a constitutional majority, HB 112 w/HA 1 was sent to the Senate for concurrence.

Representative Hebner requested that HB 172 be stricken.

Representative Burris moved to recess to the call of the Chair at 6:15 p.m.

24th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

May 6, 1981

The Speaker called the House to order at 1:54 p.m.

The Majority Leader moved to adjourn at 1:55 p.m., thereby ending the previous legislative day. The House reconvened at 1:56 p.m.

The Chief Clerk called the roll.

Members Present: 41.

Representative Jonkiert introduced HCR 47, jointly sponsored by Senator Marshall.

HCR 47 - Marking the 190th Anniversary of the Adoption of the Polish Constitution on May 3rd, 1791.

H.C.R 47 was placed on Consent Calendar #14.

A prayer was offered by Reverend S. Royden Piper, Rehoboth Presbyterian Church of Midway.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefilled legislation was introduced:

HB 231 - DERRICKSON - R&F: An Act to Amend Title 18 of the Delaware Code Relating to Insurance Accounting Practices and Providing for Disclosure of Insurance Financial Information.

HB 232 - RIDDAGH, MINNER - ADM/S: An Act to Amend Chapter 21, Part II, Title 21 of the Delaware Code Relating to Special License Plates; and Providing for Issuance of Such Plates to Owners of Commercial Vehicles.

HB 233 - SINCOCK - ADM/S: An Act to Amend Chapters 51 and 55 of Title 25 of the Delaware Code Relating to Metering and Charges for Utility Services by Landlords.

HB 234 - MCKAY, DARLING, MARONEY, FALLON, SMITH, BARNES - ADM/S: An Act to Amend Chapter 8, Part I, Title 19 of the Delaware Code Relating to Prohibition of Discriminatory Conditions of Employment in the Public Sector.

HB 235 - RIDDAGH; SENATOR CONNOR - JUD: An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to Crimes and Criminal Procedure; and Providing for Independent Counsel for the Prosecution of Criminal Matters.

HB 236 - CORROZI, CAIN; SENATORS ARNOLD, SHARP - ADM/S: An Act to Amend Chapter 13, Title 2, Delaware Code Relating to the Authority to Locate Facilities for the Collection of Tolls on the Delaware Turnpike.

HB 237 - JONKIERT; SENATOR MARSHALL - H/ADM: An Act to Amend Title 15, Delaware Code, Chapter 55, Relating to Provisions for Absentee Voting.

HB 238 - GEORGE, PLANT, ANDERSON, BRADY, CAIN, CATHCART, DARLING, FREE, GILLIGAN, HOLLOWAY, JONKIERT, MINNER, ROY, SINCOCK, SMITH, VAN SCIVER; SENATORS MCBRIDE, MCDOWELL - ADM/S: An Act to Amend Title 19, Delaware Code by Providing for the Regulation, Inspection and Issuance of Permits for Amusement Rides; Establishing a State Board Within the Department of Labor and Prescribing Its Powers and Duties; Providing for Insurance Requirements and Imposing Penalties Thereof.

HB 239 - WEST - R&F: An Act to Amend Chapter 39, Title 18, Delaware Code, Relating to Reasons for Cancellation or Nonrenewal of Automobile Insurance.

HB 240 - DERRICKSON, CORDREY - R&F: An Act to Amend Chapter 61, Title 30 of the Delaware Code Relating to the Lodging Tax on Tourist Homes.

HS 1 for HB 81 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 13, Subchapter 1, Title 30, Delaware Code Relating to the Inheritance Tax Treatment of Survivor Benefits Awarded by a State or Political Subdivision Thereof.

HA 1 to HB 131 - RIDDAGH - Placed with the bill. (Ready List)

HA 1 to HB 216 - MACK - JUD: Placed with the bill.

HA 1 to HB 223 - RIDDAGH - JUD: Placed with the bill.

SB 54 - MURPHY - R&F: An Act to Amend Chapter 31, Title 18 of the Delaware Code Relating to Group Life Insurance.

SB 122 w/SA 2 - MARTIN - ADM/S: An Act to Amend Chapter 71, Title 29 of the Delaware Code Relating to the Use of State Vehicles by State Employees.

SCR 32 w/SA 1 - BAIR, CITRO, CONNOR, MARTIN, MCDOWELL, MARSHALL, NEAL, MCBRIDE - ADM/S: Requesting the Division of Housing to Study Current Problems in Apartment Living in Delaware.

SCR 38 w/SA 1 - MARTIN, CONNOR - ED: Requesting the State Board of Education to Review and Recommend a Better Allocation of the Language Arts Units.

The following prefilled Consent Calendar was introduced:

HR 47 - RIDDAGH - Mourning the Death of Ernest S. Mattiford, of Smyrna, a Former Member of the House of Representatives.

HR 49 - DERRICKSON - Congratulating Representative Sincock Upon Gaining a New Grandchild and Representative Brady Upon Gaining a New Constituent.

SCR 34 - ADAMS, CORDREY; REPRESENTATIVES BARNES, DERRICKSON - Congratulating Edward H. Ralph, of Laurel, Upon His Selection by the Delmarva Poultry Industry Inc. as Delmarva's Distinguished Citizen of 1981.

SCR 35 - MARSHALL - Commemorating the 190th Anniversary of the Polish Constitution of May 3, 1791.

SCR 40 - ARNOLD, SHARP, CITRO; REPRESENTATIVES POWELL, ROY, PETRILLI, GILLIGAN - Commending and Congratulating the Jobs for Delaware Graduates Chapter 2 and Chapter 1 of John Dickinson High School for Winning First and Second Place, Respectively, in the Delaware Career Association Awards for Outstanding Chapter of the Year - Senior Division.

SCR 41 - NEAL, ADAMS, LITTLETON, CORDREY - Mourning the Death of James O. Baker, State 4-H Club Leader.

SCR 42 - HOLLOWAY, MCBRIDE - Joining in the Commemoration of the Holocaust.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 54, SCR 40, HCR 42, HCR 43.

Representative Riddagh moved to lift SB 20 w/SA 1 - HA 1 from the Speaker's table for the purpose of adding it to the Agenda on Thursday, May 7, 1981.

Representative Burris moved that Consent Calendar #14 be adopted by voice vote. Representative Burris withdrew the motion.

Representative Burris requested that HB 119, HB 86, HB 67 be stricken.

Representative Buckworth requested that HB 69 be stricken.

Representative Van Sciver requested that HCR 39 be stricken.

Representative Sincock requested that HR 10 be stricken.

Representative Anderson requested that HB 74 be stricken.

Representative Burris moved to recess for committee meetings at 2:10 p.m.

The House reconvened at 4:38 p.m.

Representative Cordrey introduced SCR 43, jointly sponsored by Senator Littleton.

SCR 43 - Honoring Elizabeth R. Riddle on Her Selection as Little Miss Delaware and Expressing the Best Wishes of the General Assembly for Her Competition in the National Little Miss Pageant.

Representative Burris moved to suspend all rules which interfere with action on SCR 43. The motion was seconded by Representative George and adopted by voice vote.

SCR 43 was adopted by voice vote and returned to the Senate.

Representative Mack requested that HB 194 be stricken.

Representative Jonkiert introduced HCR 48, jointly sponsored by Senator Marshall; co-sponsored by Representatives Maroney, Fallon, Buckworth, Corrozi & Spence.

HCR 48 - Commending the Work of the Girls Clubs of Delaware and Marking the Week of May 10-16, 1981, as Girls Club Week.

Representative Jonkiert moved to suspend the rules which interfere with action on HCR 48. The motion was seconded by Representative Petrilli and adopted by voice vote.

HCR 48 was adopted by voice vote and sent to the Senate for concurrence.

Representative Cain requested that HB 128, HB 129 be stricken.

Representative Edwards requested that HB 163 be stricken.

Representative Plant requested that HB 144 be stricken.

Consent Calendar #14 was adopted by voice vote and HCR 47 was sent to the Senate for concurrence and SCR 34, SCR 35, SCR 40, SCR 41, SCR 42 were returned to the Senate.

Representative Gilligan brought HB 164, jointly sponsored by Representative Burris; Senators Holloway & Connor, before the House for consideration.

HB 164 - An Act to Amend Chapter 7, Title 13, Delaware Code, Relating to Consent of Minors to Donate Blood Voluntarily Without the Necessity of Obtaining Parental Permission or Authorization.

Representative Gilligan moved to place HB 164 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Riddagh brought SB 2, sponsored by Senators Hughes & Citro, before the House for consideration.

SB 2 - An Act to Amend Subchapter VI, Title 11 of the Delaware Code Relating to Tampering With a Witness.

Representative Bennett brought HA 1 to SB 2 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 2 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, SB 2 w/HA 1 was returned to the Senate.

Representative Derrickson brought HB 211, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 211 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Penalties for Passing Stopped School Buses. (2/3 bill)

Representative Derrickson brought HA 1 to HB 211 before the House for consideration.

Representative George requested and was granted the privilege of the floor for House Attorney Gerald Street.

HA 1 was adopted by voice vote.

Mr. Speaker Hebner declared a recess for the purpose of changing the recording tape at 5:12 p.m. The House reconvened at 5:14 p.m.

The roll call on HB 211 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, HB 211 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh brought HB 108, jointly sponsored by Representative Jonkiert, before the House for consideration.

HB 108 - An Act to Amend Chapter 25, Title 11 of the Delaware Code Requiring Actual Notice to be Received by Prosecutors From Sentenced Prisoners in Other States Who are Requesting Disposition of Detainers Lodged Against Them by Delaware.

The roll call on HB 108 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 41.

Therefore, having received a constitutional majority, HB 108 was sent to the Senate for concurrence.

Representative Riddagh requested that action on HB 130 be deferred to a Day Certain, Thursday, May 14, 1981.

Representative Riddagh requested that action on HB 147 be deferred to a Day Certain, Thursday, May 14, 1981.

The Chief Clerk read the following Committee Reports into the record:

ED: HB 214 - 4M.

NR/AGRI: SB 40w/SA 2 - 4M; SB 104 - 4F.

H/ADM: SCR 39 - 1F,3M; HB 218 - 2F,2M; HB 219 - 2F,2M; HCR 40 - 2F,2M; HB 205 - 4M; SB 107 - 4M; SCR 23 - 4M; SB 103 w/SA 1 - 4M; HB 178 - 1F,3M; HCR 35 - 3M; HB 179 - 1F,3M.

R&F: HB 78 - 3F,3M; HB 224 - 2F,4M; HB 189 - 4F,2M; HB 183 - 3F,3M; HB 196 - 3F,3M; HB 169 - 4F,2M.

ADM/S: HB 137 - 3F,2M; HB 195 - 1F,2M; SB 122 w/SA 2 - 1F,3M; HB 226 - 4M; HB 160 - 5M.

Mr. Speaker Hebner added HB 214 to the Agenda for Thursday, May 7, 1981.
Representative Burris moved to recess to the call of the Chair at 5:34 p.m.

25th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

May 7, 1981

The Speaker called the House to order at 1:50 p.m.

The Chief Clerk read the following Committee Reports into the record:

JUD: HB 181 - 4F; HB 222 - 2F,3M; HB 212 - 5F; HB 216 - HA 1 - 5F; HCR 46 - 1F,4M; SB 44 - 4M.

Mr. Speaker Hebner appointed Representative Derrickson as temporary Chairman of the Revenue & Finance Committee while Representative Powell is away.

The Reading Clerk read the following communications into the record:

April 7, 1981

The Honorable Murray Schwartz
U.S. District Court Judge
Lock Box 44
844 King Street
Wilmington, Delaware 19801

I am encouraged...

Your Honor...

by the transcript of the March 5 proceedings in your court (M1-30, lines 13-16) which quotes you as saying that "a lot can be accomplished by simply talking out the problems and figuring out what to do." I concur wholeheartedly with that viewpoint.

Continuing in the spirit of your statement, I am proposing that you meet with legislative leaders to discuss ways that the court and the legislature can work together to strengthen the New Castle County school system and public education statewide.

Too often the court and the legislature have viewed each other with suspicion. This is ridiculous since I'm sure we all are truly interested in strengthening our public school system. A meeting between yourself and the legislative leaders could be the start of such an effort. No doubt difference of opinion would continue, but at least we could identify common goals and work toward them without surrendering our separate mandates.

The legislature will be out of session during the weeks of April 13 and 20. Would such a meeting be possible during that time? I hope your answer is favorable.

Sincerely,
Charles L. Hebner
Speaker of the House

CLH:kwm

April 14, 1981

Honorable Charles L. Hebner
Speaker of the House
House of Representatives
State of Delaware
Legislative Hall
Dover, DE 19901

Dear Representative Hebner:

The well-intentioned invitation contained in your April 7 letter must be declined.

Sincerely yours,
Murray M. Schwartz

MMS/jg

April 15, 1981

The Honorable Murray Schwartz
U.S. District Court
Lock Box 44
U.S. Court House
Wilmington, Delaware 19801
Dear Judge Schwartz:

Why?

Sincerely,
Charles L. Hebner
Representative, 9th District
Speaker of the House
131st General Assembly

Representative Burris moved to suspend the rules which interfere with introduction of and action on HR 50. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris introduced and brought HR 50, jointly sponsored by Representatives George, Hebner, Petrilli, Cain & All Male Members, before the House for consideration.

HR 50 - To the Mothers of Our State on Mother's Day, May 10, 1981.

HR 50 was adopted by voice vote.

Representative Oberle introduced HJR 12, jointly sponsored by Representatives Cain & Roy.

HJR 12 - Ordering the Delaware Secondary School Athletic Association to Modify All Rules That in Any Way Restrict a Parents' Authority to Decide What Athletic Events Their Child May Participate in as a Student.

Mr. Speaker assigned HJR 12 to the Administrative Services Committee.

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the previous legislative day. The House reconvened at 2:05 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Tina Fallon, Thirty-Ninth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefilled legislation was introduced:

HB 241 - SPENCE, BARNES, BUCKWORTH, CATHCAT, CORDREY, CORROZI, DARLING, DIXON, EDWARDS, FREE, JESTER, JONKIERT, MINNER, OBERLE, ROY, WEST; SENATORS ARNOLD, CONNOR, CITRO - ED: An Act to Amend Delaware Code, Title 14, Relating to Curricular Offerings in Sex Education in the Public Schools and Requiring Notice to Parents When Such Offerings are Made.

HB 242 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 2, of Title 11, of the Delaware Code Relating to a Definition of What Constitutes an Ordinary Pocketknife.

HB 243 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 9, Title 10, of the Delaware Code Relating to Exclusive Original Criminal Jurisdiction of the Family Court.

HB 244 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 53, Title 11 of the Delaware Code Relating to the Court of Common Pleas and Superior Court Covering the Right to Trial by Jury.

HB 245 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Title 11, Section 1336 of the Delaware Code Relating to Wiretapping and Electronic Surveillance.

HB 246 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 7, Title 21 of the Delaware Code Relating to Appeals From Convictions in Inferior Courts to the Superior Court.

HB 247 - DIXON, CORDREY, SPENCE; SENATORS HUGHES, VAUGHN, ZIMMERMAN - ADM/S: An Act to Direct the Department of Transportation to Post Signs Notifying Drivers Entering Delaware That Littering is Subject to Fines up to \$250.

SB 19 w/SA 1,2,3,4,5 w/SA 1 - MCBRIDE - H/SS: An Act to Amend Part II, Title 16 of the Delaware Code Relating to "Living Wills" and Similar Documents Wherein Terminally-Ill Patients and Other Persons May Authorize the Discontinuance of Certain Medical Procedures.

SB 164 - ADAMS, VAUGHN, LITTLETON, COOK, CORDREY; REPRESENTATIVES DERRICKSON, BARNES - APPRO: An Act to Amend Chapter 423, Volume 62, Laws of Delaware, Being an Act Entitled "An Act to Amend An Act Entitled 'An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1981; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions Being House Bill No. 950 of the 130th General Assembly of the State of Delaware', Being House Bill No. 1175 of the 130th General Assembly of the State of Delaware."

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 122 w/SA 2; SCR 38 w/SA 1; SCR 43, SB 164, HCR 44, HCR 45, SB 19 w/SA 1,2,3,4,5 w/SA 1 to SA 5; SCR 32 w/SA 1, SCR 41, SCR 42.

TO: Charles L. Hebner
Speaker of the House
FROM: Robert S. Powell
DATE: May 7, 1981

I have been invited by the Republic of China Economic Council to represent the state of Delaware at a trade conference in Taiwan. The purpose of the conference is to increase commerce between Delaware business and the Republic of China. I will, therefore, be absent from session for two weeks.

In accordance with House rules, since I will be missing six legislative days, I would like to recommend that Representative Harry Derrickson be appointed temporary Chairman of the House Revenue and Finance Committee.

Representative Petrilli brought HB 214, jointly sponsored by Senator Arnold; Representatives Powell, Soles, Dixon; Senators Citro, Hughes, Knox, Neal, Sharp, Vaughn & Martin, before the House for consideration.

HB 214 - An Act to Amend Delaware Code, Title 14, as It Relates to School Districts Created by Division of a School District Created by Order of a Federal Court.

Representative Petrilli requested and was granted the privilege of the floor for Deputy Attorney General Roger A. Akin, State Board of Education.

Representative Oberle rose on a point of order. Mr. Speaker concurred.

Representative Burris moved to recess for caucus at 4:16 p.m.

The House reconvened at 4:50 p.m.

Representative Petrilli rose on a point of order.

Representative Cathcart brought HA 1 to HB 214, jointly sponsored by Representative Ennis, before the House for consideration.

Representative Petrilli requested and was granted the privilege of the floor for Deputy Attorney General Roger A. Akin, State Board of Education.

Representative Powell rose on a point of order. Mr. Speaker concurred.

Representative Holloway rose on a point of order. Mr. Speaker concurred.

Representative Holloway rose on a point of order. Mr. Speaker concurred.

The roll call on HA 1 to HB 214 was taken and revealed:

YES: Representatives Brady, Campanelli, Cathcart, Cordrey, Dixon, Ennis, Free, George, Holloway, Jonkiert, Mack, Maroney, Plant, Smith, Van Seiver, Mr. Speaker Hebner - 16.

NO: Representatives Anderson, Barnes, Buckworth, Burris, Cain, Corrozi, Darling, Edwards, Fallon, Gilligan, Harrington, Jester, McKay, Minner, Oberle, Petrilli, Powell, Roy, Sincok, Soles, Spence - 21.

NOT VOTING: Representatives Bennett, Derrickson, Riddagh - 3.

ABSENT: Representative West - 1.

Therefore, not having received a constitutional majority, HA 1 was declared defeated.

Representative Edwards introduced HA 2 to HB 214.

The roll call on HA 2 was taken and revealed:

YES: Representative Edwards, Mr. Speaker Hebner - 2.

NO: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, George, Gilligan, Harrington, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Plant, Powell, Roy, Sincok, Soles, Spence, Van Seiver - 30.

NOT VOTING: Representatives Bennett, Derrickson, Free, Holloway, Maroney, Riddagh, Smith - 7.

ABSENT: Representatives Campanelli, West - 2.

Therefore, not having received a constitutional majority, HA 2 to HB 214 was declared defeated.

Representative Oberle brought HA 3 to HB 214 before the House for consideration.

The roll call on HA 3 was taken and revealed:

YES: Representatives Anderson, Brady, Cain, Campanelli, Cathcart, Dixon, Ennis, Free, George, Gilligan, Jonkiert, Mack, Maroney, Oberle, Spence, Van Seiver, Mr. Speaker Hebner - 17.

NO: Representatives Barnes, Buckworth, Burris, Cordrey, Corrozi, Darling, Edwards, Fallon, Jester, McKay, Minner, Petrilli, Plant, Powell, Roy, Sincok, Smith, Soles, West - 19.

NOT VOTING: Representatives Bennett, Derrickson, Harrington, Holloway, Riddagh - 5.

Therefore, not having received a constitutional majority, HA 3 to HB 214 was declared defeated.

Representative Holloway brought HA 4 to HB 214, jointly sponsored by Representative Plant, before the House for consideration.

Representative Plant requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Representative Holloway requested that HA 4 to HB 214 be stricken.

The roll call on HB 214 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cordrey, Corrozi, Darling, Dixon, Edwards, Gilligan, Jester, McKay, Oberle, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, West - 24.

NO: Representatives Brady, Campanelli, Cathcart, Ennis, Free, George, Holloway, Jonkiert, Mack, Maroney, Plant, Van Seiver, Mr. Speaker Hebner - 13.

NOT VOTING: Representatives Derrickson, Fallon, Harrington, Minner - 4.

Therefore, having received a constitutional majority, HB 214 was sent to the Senate for concurrence.

Representative Burris requested that action on HB 200 be deferred to a Day Certain, Wednesday, May 13, 1981.

Representative Burris moved to recess to the call of the Chair at 6:45 p.m.

26th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

May 12, 1981

The Speaker called the House to order at 1:52 p.m.

The Majority Leader moved to adjourn at 1:54 p.m., thereby ending the previous legislative day. The House reconvened at 1:55 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Fallon, Gilligan, Powell - 3.

A prayer was offered by Representative Donald J. Van Seiver, Sixteenth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The following prefiled legislation was introduced:

HB 248 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 14, Title 11 of the Delaware Code Relating to Deadly Weapons and Dangerous Instruments. (2/3 bill)

HB 249 - DERRICKSON - R&F: An Act Making a Supplemental Appropriation to the Indian River School District to Provide for the Compensation of a Teacher for Previous Underpayments.

HB 251 - POWELL - R&F: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan by Providing for a Service Pension After Twenty-Five Years of Credited Service Regardless of Age.

HB 252 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 13, Subchapter 1, Title 30, Delaware Code Relating to the Estate Tax Treatment of Survivor Benefits Awarded by a State or Political Subdivision Thereof.

HB 253 - DERRICKSON - JUD: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Passing Stopped School Busses. (2/3 bill)

HB 254 - WEST - JUD: An Act to Amend Chapter 45, Title 11 of the Delaware Code Relating to Convictions Before Alderman or Mayor. (2/3 bill)

HA 1 to HB 137 - HARRINGTON - Placed with the bill. (Ready List)

HA 1 to HB 200 - BURRIS - Placed with the bill. (Ready List)

HA 2 to HB 200 - BURRIS - Placed with the bill. (Ready List)

HA 3 to HB 200 - BURRIS - Placed with the bill. (Ready List)

SB 187 w/SA 1,5,6 - HOLLOWAY, CORDREY, HUGHES; REPRESENTATIVES OBERLE, FALLON, MINNER, MARONEY, GILLIGAN, BRADY, DERRICKSON - H/SS: An Act to Amend Chapter 96, Title 16, Delaware Code, Relating to the Operation of Food Service Facilities in Public Buildings.

SB 195 - VAUGHN, COOK, SHARP, HUGHES; REPRESENTATIVE RIDDAGH - JUD: An Act Making a Supplemental Appropriation to the Department of Correction for the Purpose of Paying Compensatory and Punitive Damages in Behalf of Wilbert Kee, Guard at the Delaware Correctional Center Facility in the Case of Courtland Pitts, Plaintiff, vs. Wilbert Kee, Defendant.

SJR 12 - VAUGHN, COOK, ZIMMERMAN, MURPHY; REPRESENTATIVES BUCKWORTH, BENNETT - H/ADM: Commending Edward R. "Pat" Knight on Being Elected to the Delaware Sports Hall of Fame and Congratulating Him for His Many Years of Dedication and Involvement in Delaware Sports.

SCR 44 - MCDOWELL, MARSHALL, BAIR, CONNOR; REPRESENTATIVES CAMPANELLI, SOLES, JONKIERT - NR/AGRI: Urging Members of the Delaware Congressional Delegation to Seek Distribution of Delaware Funds Being Held Illegally by the U.S. Department of Energy.

The Reading Clerk read the following communications into the record:

May 7, 1981

TO: The Honorable Charles Hebner
Speaker of the House

FROM: Rep. Don Van Sciver

DATE: May 7, 1981

Please remove my name as co-sponsor of House Bill 238. It was printed without my prior knowledge or permission. I do not wish to co-sponsor this bill.

Thank you.

May 11

Dear Chuck:

This letter is to give permission to Roger Roy to work my bill (HB 171) if it meets with your approval. I have talked this over with Roger.

Tina

IMPORTANT ANNOUNCEMENT
National Conference of State Legislatures

NCSL's Seminar on the water crisis, scheduled for May 21-22, 1981 in Minneapolis, has been cancelled. I would greatly appreciate your assistance in informing any legislators or staff in your state who might have been planning to attend. If there is sufficient interest, we will reschedule this seminar for the autumn. Please contact Larry Morandi or me in the NCSL Denver office if you have any questions. Thank you very much for your assistance.

Carl Tubbesing

Senior Program Director

Seminars and Technical Services

The Senate wishes to inform the House that it has passed: SB 195, HB 107, SB 187 w/SA 1,5,6; SCR 44, SCR 45, SCR 46, SJR 12, HCR 47, HCR 48.

Representative Burris moved to recess for caucus at 1:58 p.m.

The House reconvened at 4:33 p.m.

The minutes of the previous calendar day were approved as posted.

Representative Riddagh moved to lift SB 20 w/SA 1 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Riddagh brought SB 20 w/SA 1, sponsored by Senator Martin, co-sponsored by Senators Connor, Bair, Hughes, Citro & Marshall, before the House for consideration.

SB 20 - An Act to Amend Part E, Title 10, Delaware Code Relating to Privacy of Family Court Proceedings.

Representative Anderson requested that HA 1 to SB 20 be stricken.

Representative Anderson brought HA 2 to SB 20 before the House for consideration.

Representative Anderson requested and was granted the privilege of the floor for House Attorney Richard Cooch.

The roll call on HA 2 to SB 20 was taken and revealed:

YES: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Dixon, George, Holloway, Jester, Jonkiert, Oberle, Plant, Soles, Spence, Mr. Speaker Hebner - 15.

NO: Representatives Barnes, Buckworth, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Free, Harrington, Mack, Maroney, Petrilli, Sincok, Smith, Van Sciver, West - 16.

NOT VOTING: Representatives Riddagh, Roy - 2.

ABSENT: Representatives Brady, Burris, Darling, Fallon, Gilligan, McKay, Minner, Powell - 8.

Therefore, not having received a constitutional majority, HA 2 to SB 20 was declared defeated.

Representative Holloway requested and was granted the privilege of the floor for House Attorney Richard Cooch.

The roll call on SB 20 w/SA 1 was taken and revealed:

YES: Representatives Barnes, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Edwards, Free, Mack, Minner, Oberle, Petrilli, Riddagh, Spence, Van Sciver, West, Mr. Speaker Hebner - 18.

NO: Representatives Anderson, Bennett, Brady, Campanelli, Derrickson, Dixon, Ennis, George, Harrington, Holloway, Jester, Jonkiert, Maroney, Plant, Sincok, Soles - 16.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Burris, Fallon, Gilligan, McKay, Powell, Roy - 6.

Therefore, not having received a constitutional majority, SB 20 w/SA 1 was declared defeated.

Representative Oberle brought HB 121, jointly sponsored by Representative Edwards, before the House for consideration.

HB 121 - An Act to Amend Chapter 6, Title 11 of the Delaware Code Relating to Vehicular Homicides and Assaults and to Amend Chapter 12 of Title 11 Relating to Civil Immunity, and to Amend Chapter 2 of Title 11 in Order to Provide a Definition of Negligence. (2/3 bill)

Representative Oberle requested and was granted the privilege of the floor for State Prosecutor Richard McMahon.

The roll call on HB 121 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Jester, Mack, Maroney, Minner, Oberle, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 30.

NO: Representative Jonkiert - 1.

NOT VOTING: Representatives Campanelli, Holloway, Plant - 3.

ABSENT: Representatives Burris, Fallon, Gilligan, Harrington, McKay, Powell, Van Sciver - 7.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

HB 121 was sent to the Senate for concurrence.

Representative Maroney brought HB 154, jointly sponsored by Representatives Free, Cathcart, Ennis, Oberle & Senator Knox, before the House for consideration.

HB 154 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to the Rules of the Road and the Use of Child Restraint Systems. (2/3 bill)

Representative Maroney moved to place HB 154 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Bennett brought HB 160, jointly sponsored by Representatives Buckworth, Darling, Harrington, Minner, Riddagh; Senators Cook, Murphy & Zimmerman, before the House for consideration.

HB 160 - An Act to Amend Chapter 3, Title 9 of the Delaware Code Relating to the Award of Contracts for Public Work or Goods.

Representative Bennett brought HA 1 to HB 160 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 160 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Harrington, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 32.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Burris, Fallon, Gilligan, Holloway, McKay, Plant, Powell, Van Sciver - 8.

Therefore, having received a constitutional majority, HB 160 w/HA 1 was sent to the Senate for concurrence.

In the absence of Representative Fallon, Representative Roy brought HB 171 - HA 1, jointly sponsored by Senator Littleton, before the House for consideration.

HB 171 - An Act to Amend an Act, Being Chapter 42, Volume 53, Laws of Delaware as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" Relating to Charges Made by the City of Seaford. (2/3 bill)

Representative Roy moved to place HB 171 - HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Derrickson brought HB 183, jointly sponsored by Representative Gilligan; Senators Martin & Berndt, before the House for consideration.

HB 183 - An Act Amending Title 18 of the Delaware Code Providing for the Regulation of Dental Service Benefits by Dental Plan Organizations.

Representative Derrickson requested and was granted the privilege of the floor for Dr. Bruce Wright, President-Elect, Delaware State Dental Society.

Mr. Speaker Hebner declared a recess for the purpose of changing the recording tape at 6:24 p.m.

The House reconvened at 6:26 p.m.

The roll call on HB 183 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Free, George, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Riddagh, Sincok, Smith, Soles, Spence, West, Mr. Speaker Hebner - 32.

NO: Representatives Campanelli, Roy - 2.

ABSENT: Representatives Burris, Fallon, Gilligan, Harrington, McKay, Powell, Van Sciver - 7.

Therefore, having received a constitutional majority, HB 183 was sent to the Senate for concurrence.

Representative Jester moved to suspend all rules which interfere with introduction of and action on HR 51. The motion was seconded by Representative Holloway and adopted by voice vote.

Representative Jester introduced and brought HR 51, jointly sponsored by Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Holloway, Jonkiert, Minner, Plant, Soles & West; co-sponsored by Representatives Oberle, Cathcart, Spence, Ennis, Edwards, Corrozi, Mack, Petrilli, Free, Hebner, Sincok & Roy; before the House for consideration.

HR 51 - Criticizing the Department of Public Instruction for Failing to Prepare Proper Estimates of the Funds Required for State-Supported Transportation for 17,000 Students Attending Non-Public, Non-Profit Schools.

HR 51 was adopted by voice vote.

Mr. Speaker Hebner appointed Representative Derrickson as spokesman for the Republican Party in the absence of Representatives Burris and Petrilli.

Representative Cain introduced HB 255, jointly sponsored by Representatives Anderson, Campanelli, Dixon & Holloway.

HB 255 - An Act to Amend Chapter 277, Volume 62, As Amended by Chapter 423, Volume 62, Laws of Delaware, to Provide for the Adjustment of the Formula for Non-Public School Bus Transportation, and Providing Funds Therefor.

Mr. Speaker assigned HB 255 to the Appropriations Committee.

Representative Maroney moved to lift HB 159 from the Speaker's table for the purpose of adding it to the Agenda for Thursday, May 14, 1981.

Representative Derrickson moved to recess to the call of the Chair at 6:48 p.m.

27th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

May 13, 1981

The Speaker called the House to order at 2:21 p.m.

Representative Roy moved to lift HB 171 - HA 1 from the Speaker's table. The motion was seconded by Representative Corrozi and adopted by voice vote.

Representative Roy brought HB 171, sponsored by Representative Fallon & Senator Littleton, before the House for consideration.

HB 171 - An Act to Amend an Act, Being Chapter 42, Volume 53, Laws of Delaware as Amended, Entitled "An Act Amending, Revising and Consolidating the Charter of the City of Seaford" Relating to Charges Made by the City of Seaford. (2/3 bill)

Representative Roy brought HA 1 to HB 171, sponsored by Representative Fallon, before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 171 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Petrilli, Plant, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

ABSENT: Representatives Derrickson, Fallon, Oberle, Powell, Smith - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 171 w/HA 1 was sent to the Senate for concurrence.

Representative Gilligan requested that he be marked present for the previous calendar day, Tuesday, May 12, 1981.

Representative Jonkiert moved to restore SB 42 w/SA 1, HA 2. The motion was seconded by Representative George and adopted by voice vote.

SB 42 - An Act to Amend Chapter 84, Title 11, Delaware Code, Relating to a Police Training Program. (2/3 bill)

Representative Jonkiert moved to rescind the roll call on SB 42 w/SA 1, HA 2.

Representative Petrilli rose on a point of order. Mr. Speaker concurred.

Representative Jonkiert moved to place SB 42 w/SA 1, HA 2 on the Speaker's table. The motion was seconded by Representative George and adopted by voice vote.

The Majority Leader moved to adjourn at 2:29 p.m., thereby ending the previous legislative day. The House reconvened at 2:30 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Fallon, Powell - 2.

A prayer was offered by Representative Ruth Ann Minner, Thirty-Third District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefilled legislation was introduced:

HB 256 - HEBNER, MINNER - APPRO: An Act to Provide a Supplementary Appropriation to the Department of Public Safety for the Purpose of Reimbursing Volunteer Fire Companies for Extraordinary Expenses. (3/4 bill)

HB 257 - SINCOCK - R&F: An Act to Amend Section 7309, Chapter 73, Title 6 of the Delaware Code Relating to the Delaware Securities Act.

HB 258 - SINCOCK - R&F: An Act to Amend Chapter 73, Title 6 of the Delaware Code Relating to the Delaware Securities Act.

HB 259 - DERRICKSON; SENATOR CORDREY - R&F: An Act to Amend Chapter 61, Title 30 of the Delaware Code Relating to the Lodging Tax on Tourist Homes.

HB 260 - OBERLE - ADM/S: An Act to Amend Subchapter III, Title 26 of the Delaware Code Relating to Rates Charged by Public Utilities.

HB 261 - ROY - ADM/S: An Act to Amend Section 305, Chapter 3, Title 26 of the Delaware Code Relating to Notice of Public Utility Rate Changes.

HB 262 - CAIN, OBERLE - ADM/S: An Act to Amend Title 14, Chapter 1, Delaware Code Relating to Students Participating in Interscholastic Athletics.

HA 1 to HB 22 - BENNETT - R&F: Placed with the bill.

HA 4 to HB 200 - OBERLE, BRADY - Placed with the bill. (Agenda)

The following prefilled Consent Calendar was introduced:

HCR 49 - HARRINGTON; SENATOR ZIMMERMAN - Marking Penn State Night in Delaware on May 27th.

HCR 50 - BENNETT, RIDDAGH, SPENCE, CORROZI, VAN SCIVER; SENATORS CITRO, HUGHES, VAUGHN - In Memory of Delaware Policemen Whose Service is Commemorated During National Police Week.

HR 52 - DERRICKSON, SMITH - Congratulating Julia Sullivan, a Senior at Indian River High School, Upon Being Selected Delaware Winner in the 1981 Ability Counts Contest.

HCR 51 - MARONEY - Marking 100 Years of the American Red Cross.

HCR 52 - FALLON, SMITH, BURRIS, DERRICKSON, BARNES; SENATOR LITTLETON - Calling Attention to the Outstanding Career of Public Service of Charlotte T. (Mrs. Joseph S. C.) Mach, of Seaford.

SCR 45 - SENATORS NEAL, MARTIN; REPRESENTATIVES PETRILLI, SOLES - Congratulating the Delos String Quartet, in Residence at the University of Delaware, for Winning First Prize in the 14th International Chamber Music Competition of Colmar, France.

SCR 46 - SENATORS MCBRIDE, CITRO & REPRESENTATIVES VAN SCIVER, CORROZI, CAMPANELLI - Congratulating the Conrad Junior High School Band for Winning First Place in Concert Band Competition at Houston, Texas.

The Reading Clerk read the following communication into the record:

May 8, 1981

Speaker of the House

The Honorable Charles L. Hebner

The proceedings on May 7, 1981, so impressed me that I wish to take the time and share my thoughts with you.

It was indeed a great honour to sit in the gallery and observe the deliberations and the agony suffered by the legislators over HB 214. From the statements made by the legislators it was most apparent that many of them did not come by the decision lightly. They agonized and agonized over the decision. A genuine concern for public education and the students in N.C.C.S.D. was very evident. I applaud all those legislators who took the time to share their feelings on the House floor, and did it so sincerely.

The advantage of living in these United States is the ability to watch government at its best and at its worst. Last night was truly a shining moment in the Delaware House. Again, I thank you for letting me share this moment with the people of Delaware and their elected body.

Sincerely,

Gila Shapiro

Consent Calendar #15 was adopted by voice vote and HCR 49, HCR 50, HCR 51, HCR 52 were sent to the Senate for concurrence and SCR 45 & SCR 46 were returned to the Senate.

Representative Burriss moved to recess for committee meetings at 2:40 p.m.

The House reconvened at 4:53 p.m.

Representative Plant introduced HB 263, jointly sponsored by Representative Holloway & Senator Holloway.

HB 263 - An Act Concerning Government Purchase of Automobiles Assembled in the United States.

Mr. Speaker assigned HB 263 to the Administrative Services Committee.
Representative Free moved to suspend all rules which interfere with introduction of and action on SCR 48. The motion was seconded by Representative Burris and adopted by voice vote.
Representative Free introduced and brought SCR 48, sponsored by Senator Vaughn, before the House for consideration.

SCR 48 - Supporting the National Safety Council Campaign for the Use of Seat Belts in Motor Vehicles.

SCR 48 was adopted by voice vote and returned to the Senate.

The Chief Clerk read the following Committee Reports into the record:

ADM/S: HB 60 - 3M.

ED: HB 191 - 4F.

APPRO: HB 250 - 6F.

R&F: SB 54 - 1F,4M; HB 206 - 2F,3M; HB 184 - 1F,4M; HB 215 - 1F,4M; HB 239 - 1F,4M; HB 209 - 2F,3M; HB 73 - 1F,3M.

JUD: HB 38 - 1F,4M; HB 118 - 3M,2UF; HB 242 - 5F; HB 243 - 4F,1M; HB 245 - 2F,3M; HB 246 - 1F,3M,1UF; HB 248 - 2F,3M; SB 7 w/SA 1 - 2F,3M.

H/SS: SB 67 w/SA 1 - 3M; SB 146 w/SA 1 - 5M; SB 187 w/SA 1,5,6 - 5M; HB 203 - 5M; HB 162 - 5M.

NR/AGRI: HB 180 - 4M; SB 39 - 5M; SCR 44 - 2F,3M.

Representative Burris brought HB 200 - HA 1,2,3,4, jointly sponsored by Representative Bennett, before the House for consideration.

HB 200 - An Act to Amend Titles 19, 9, 11, 18, 24, 29, 30 and 31 of the Delaware Code Relating to Workers' Compensation, Providing for the "Workers' Compensation Act of 1981" and Further Providing for an Appropriation for the Implementation of That Act.

Representative Burris moved to suspend House Rule #27. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought HA 1 to HB 200 before the House for consideration. HA 1 was adopted by voice vote.

Representative Burris brought HA 2 to HB 200 before the House for consideration. Representative Burris brought HA 1 to HA 2 to HB 200 before the House for consideration. HA 2 w/HA 1 was adopted by voice vote.

Representative Burris brought HA 3 to HB 200 before the House for consideration. Representative Burris brought HA 1 to HA 3 to HB 200 before the House for consideration. HA 3 w/HA 1 was adopted by voice vote.

Representative Oberle brought HA 4 to HB 200, jointly sponsored by Representative Brady, before the House for consideration. Representative Oberle requested that HA 4 to HB 200 be stricken.

Representative Oberle brought HA 5 to HB 200, jointly sponsored by Representative Brady, before the House for consideration. Representative Oberle moved to place HA 5 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Derrickson brought HA 6 to HB 200, jointly sponsored by Representatives Sincok, Burris & George, before the House for consideration. HA 6 was adopted by voice vote.

Representative Brady brought HA 7 to HB 200 before the House for consideration. Representative Van Seiver moved to place HA 7 on the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Representative Harrington brought HA 8 to HB 200 before the House for consideration. Representative Harrington moved to place HA 8 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Brady brought HA 9 to HB 200 before the House for consideration. Representative Brady moved to place HA 9 on the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

The Reading Clerk read the following Committee Report into the record at the request of Representative Burris:

TO: All Members of the House of Representatives

FROM: The Revenue & Finance Committee

DATE: April 30, 1981

RE: Committee Report on House Bill 200 (Relating to Workmen's Compensation). Sponsor: Representatives Burris & Bennett

COMMITTEE FINDINGS

- 1) Workmen's compensation insurance premium rates have increased dramatically over the last 10 years.
- 2) Based on the testimony of Commissioner Elliott, his actuary, and Kevin Ryan (President of the National Council of Compensative Insurers) and Steven Makgill (President of the Delaware Compensation Rating Bureau), the increase in premiums appears to be due to increased benefit levels and an increased number of claims. It does not appear to be a result of excessive profit taking by the insurance companies writing compensation insurance.
- 3) High compensation premium rates affect the ability of existing Delaware businesses to expand employment and may discourage new companies from relocating to Delaware.

- 4) The existing Workmen's Compensation Law has not only resulted in high premium rates but does not provide prompt benefit payments to workers and does not provide adequate opportunities to rehabilitate and restore workers to productive employment.
- 5) House Bill 200 is one solution to these problems. It is a comprehensive reform of the law which addresses the four basic elements of a good compensation system:
 - a) adequate compensation for lost wages
 - b) strong administrative system
 - c) rehabilitation of injured workers
 - d) coordinate with other benefit systems
- 6) The testimony indicates that the bill, if adopted, would freeze premium rates at their current levels until December 31, 1982, and may result in a rate reduction. The testimony further indicates that level or reduced premiums are achieved because of a basic trade-off in the bill:
Increased maximum benefits, rehabilitation and the additional benefits in the new law are made possible by the elimination of "permanent partial loss of use" claims with no lost wages and the adoption of a streamlined administrative system.
- 7) The testimony further indicates that if reform of the compensation system is not enacted, employers can look forward to increased premium rates, with their resulting effect on Delaware's economy.

COMMITTEE ACTION

The bill was signed out of committee 3 Favorable, 3 on its Merits.

Representative Burris requested and was granted the privilege of the floor for Mr. Robert L. Byrd, Vice-President, Delaware State Chamber of Commerce.

Representative Campanelli requested and was granted the privilege of the floor for Attorney Bernard van Ogtrop.

Representative Campanelli requested and was granted the privilege of the floor for Attorney John Schmittinger.

The Reading Clerk read the following communication into the record at the request of Representative Burris:

May 12, 1981

The Honorable John M. Burris

House of Representatives

Legislative Hall

Dover, DE 19901

RE: Review of Data

Dear Representative Burris:

As per your request, I have examined the materials pertaining to insurance company profitability on Workers' Compensation in Delaware submitted to the House Revenue and Finance Committee and members of the House of Representatives by the Insurance Commissioner, David H. Elliott, and John J. Schmittinger, Esquire.

Commissioner Elliott took his data from the National Association of Insurance Commissioners ("NAIC") by line by state profitability study. This is a study published annually by the NAIC to respond to the need for reliable information on insurance company profitability. The data is subject to scrutiny by the various insurance departments, the U.S. Internal Revenue Service (this is the same data that is included on the insurers' Federal Income Tax return) and in most cases by an independent Certified Public Accountant. Thus, in my professional opinion, this data is reliable.

The data shows the after tax return on Workers' Compensation in Delaware over the past five years to be 6.3% of premium. This includes investment income. The data further shows that the portion of the gain attributed to underwriting profit (what remains of premium after losses and expenses are deducted and without including investment income) averaged 0.2%. Thus, almost all of the bottom line profit in Delaware Workers' Compensation was derived from investment income.

One of Mr. Schmittinger's frequent comments is that investment income is not reflected in Workers' Compensation rate making in Delaware. This really is not true. Investment income is recognized by the establishment of a target underwriting profit of only 2.5% in these rates. If there was no investment income, this would have to be larger. As can be seen by the above, over the past five years underwriting profits of only 0.2% have been achieved rather than the 2.5% targeted.

Mr. Schmittinger's material basically attempts to quantify the fact that Workers' Compensation insurers accumulate large amounts of dollars in the form of reserves for unpaid losses. While his computation is simplistic it does approximate the way in which the insurance industry functions. However, he has not treated expenses properly. Expenses tend to be paid promptly. Commissions are generally paid when the premium is collected, premium and other taxes are paid at least annually and utility bills, rent, payrolls, etc. are typically paid at least monthly. These items should be subtracted from premium and are not funds available for investment. In addition, policyholder dividends are likewise paid promptly and should be subtracted from premium.

Had Mr. Schmittinger treated expenses properly and used a sufficient time period, he would have approximated the total reserve for unpaid losses that insurers actually carry. As he points out, these funds are invested. As noted above, virtually the entire bottom line profit of 6.3% for Delaware Workers' Compensation over the past 5 years is attributable to these investments.

I would also note that Mr. Schmittinger states that based upon a computer printout called Acturl obtained from the Industrial Accident Board, only a small percentage of workers gain from the wage loss structure mandated by House Bill No. 200. This is only partially true, while the difference between the current two-thirds of gross income and the 80% of spendable earnings doesn't increase the benefit to many workers, House Bill 200 also increases the maximum payment from two-thirds to 125% of the statewide average weekly wage. The data contained in the Acturl computer printout shows this will increase the benefits to 45% of the injured workers.

If I can be of any further assistance, please do not hesitate to call or write.

Very truly yours,

David S. Powell

DSP/slb

Representative Burris requested and was granted the privilege of the floor for Consulting Actuary, David S. Powell, Cherry Hill, N.J.

Representative Cathcart brought HA 10 to HB 200, jointly sponsored by Representatives Spence, Mack, Edwards, Ennis, Oberle, Minner, Corrozi, Bennett & Dixon, before the House for consideration.

Representative Cathcart moved to place HA 10 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris moved to place HB 200 w/HA 1, HA 2 w/HA 1; HA 3 w/HA 1; HA 6 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris moved that the Motion to Lift HB 200 w/HA 1, HA 2 w/HA 1; HA 3 w/HA 1; HA 6 from the Speaker's table be placed first on the Agenda for Thursday, May 14, 1981.

Representative Brady moved to suspend the rules which interfere with introduction of and action on HJR 13. The motion was properly seconded and adopted by voice vote.

Representative Brady introduced and brought HJR 13, jointly sponsored by Senator Knox; Representatives Oberle, Holloway, Anderson & Jonkiert, before the House for consideration.

HJR 13 - Relating to Changing Memorial Day Celebration This Year to May 25.

The roll call on HJR 13 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Mack, Minner, Oberle, Plant, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, - 30.

NO: Representatives McKay, Petrilli, Riddagh, Mr. Speaker Hebner - 4.

ABSENT: Representatives Burris, Campanelli, Edwards, Fallon, Jester, Maroney, Powell - 7.

Therefore, having received a constitutional majority, HJR 13 was sent to the Senate for concurrence. Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SCR 50. The motion was properly seconded and adopted by voice vote.

Representative Petrilli introduced and brought SCR 50, sponsored by Senator Hughes and All Members of the Senate and the House, before the House for consideration.

SCR 50 - Asking Prayers for the Recovery of Pope John Paul II.

SCR 50 was adopted by voice vote and returned to the Senate.

Representative Bennett introduced HB 264, jointly sponsored by Representatives Burris, Sincok, Darling, Minner, George, Cain, Cathcart, Free, McKay, Campanelli; Senators Cook, Adams & Vaughn.

HB 264 - An Act to Amend Chapter 3, Title 18, Delaware Code, Relating to the Office of Insurance Commissioner.

Mr. Speaker assigned HB 264 to the Revenue & Finance Committee.

Mr. Speaker Hebner added HB 195 to the Agenda for Thursday, May 14, 1981.

Mr. Speaker re-assigned HB 73 to the Appropriations Committee.

Mr. Speaker re-assigned HB 202 to the Education Committee.

Representative Burris moved to recess to the call of the Chair at 6:29 p.m.

28th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

May 14, 1981

The Speaker called the House to order at 2:09 p.m.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the previous legislative day. The House reconvened at 2:11 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Powell - 1.

A prayer was offered by Reverend Ronald Nevin, The Episcopal Church of the Ascension, Claymont, Delaware.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 265 - ENNIS, GEORGE, MARONEY, PETRILLI, CATHCART, FREE, BRADY, SMITH, EDWARDS, MACK; SENATORS BERNDT, HOLLOWAY - ED: An Act to Amend Chapter 18, Title 14, of the Delaware Code Relating to the Creation of an Educational Management Advisory Committee.

HB 266 - CATHCART, MACK, OBERLE, BUCKWORTH, DERRICKSON, GILLIGAN, SPENCE, CORROZI, DIXON, JESTER, VAN SCIVER; SENATORS CONNOR, MCBRIDE - JUD: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Emergency Vehicles.

HB 267 - CAMPANELLI - ED: An Act to Amend Chapter 19, Part I, Title 14 of the Delaware Code Relating to the Power of a School District to Levy Taxes.

HB 268 - SMITH, SPENCE; SENATOR BERNDT - NR/AGRI: An Act to Amend Chapter 17, Title 7 of the Delaware Code Relating to Payment for Damages Caused to Livestock or Poultry by Dogs and Fines for Dogs Running at Large.

HB 269 - SINCOCK, JONKIERT, CAMPANELLI, DIXON, ROY, POWELL, PLANT, ANDERSON, CAIN, SOLES, JESTER, CORROZI, HOLLOWAY, GEORGE, PETRILLI, GILLIGAN, OBERLE, SPENCE, ENNIS; SENATORS MCDOWELL, HOLLOWAY, HUGHES, NEAL - ADM/S: An Act to Amend Chapter 11, Title 9, Delaware Code Relating to the Powers and Duties of the President of the New Castle County Government.

HB 270 - MINNER - APPRO: An Act to Amend Chapter 277, Volume 62, as Amended by Chapter 423, Volume 62, Laws of Delaware, to Provide for the Adjustment of the Formula for Public School Bus Operators, and Providing Funds Therefor.

HB 271 - BUCKWORTH, SMITH, SPENCE - NR/AGRI: An Act to Amend Chapter 7, Title 7 of the Delaware Code Relating to Penalties for Violation of Certain Fish and Game Statutes; Prohibition of Hunting on Sundays; Spotlighting Deer; and Prohibition of Selling and Transporting Skunks and Raccoons. (2/3 bill)

HB 272 - SINCOCK, GEORGE; SENATORS COOK, BERNDT - APPRO: An Act Amending Chapter 277, Volume 62, Laws of Delaware, as Amended by Chapter 423, Volume 62, Laws of Delaware, to Cause a Transfer of Funds to Provide Payment for Other Employment Costs.

HS 1 for HB 96 - FREE, BRADY, VAN SCIVER, BUCKWORTH, MACK, SOLES, FALLON, SPENCE, GILLIGAN, JESTER; SENATORS NEAL, BAIR, CONNOR, MARTIN - ED: An Act to Amend Part V, Title 14 of the Delaware Code Relating to Education: Establishing Annual Teacher-of-the-Year Awards.

HCR 53 - BURRIS, PETRILLI, HEBNER, CAIN; SENATORS KNOX, ARNOLD - H/ADM: Relating to Proposals for Newly Reapportioned Legislative District Boundaries.

HA 2 to HB 72 - VAN SCIVER - Laid with the bill. (Laid on the Table)

HA 1 to HB 205 - BRADY - Placed with the bill. (Agenda)

HA 1 to HB 209 - BUCKWORTH - Placed with the bill. (Ready List)

HA 1 to HB 212 - MINNER - Placed with the bill. (Agenda)

HA 1 to SB 39 - SMITH - NR/AGRI: Placed with the bill.

SB 84 w/SA 2, 3 - MARTIN, MCDOWELL - R&F: An Act to Amend Title 24 and Title 30, Delaware Code, Relating to Second-Hand Dealers in Precious Metals. (2/3 bill)

*HB 16 w/SA 1 - BURRIS, PETRILLI, CAIN, BENNETT, BRADY; SENATORS ADAMS, KNOX - H/ADM: An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to the General Corporation Law. (2/3 bill)

*Bill Passed in House, Returned From Senate with SA.

Representative Campanelli introduced HR 53.

HR 53 - A Resolution Condemning the Recent Proposals of the President of the United States With Respect to Social Security Insofar as They Adversely Impact on Senior Citizens.

Mr. Speaker assigned HR 53 to the Health & Social Services Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 84 w/SA 2,3; HCR 49, HCR 50, SCR 48, SCR 49, SCR 50, HB 214, HB 16 w/SA 1.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, M. P. Anderson, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HB 269.

Date: 5/14/81.

Signed: Marian Anderson.

In compliance with the provisions of Rule 23 (g) of the Permanent Rules of the House of Representatives of the 131st General Assembly, I, Katharine M. Jester, do hereby request that my name be removed as Sponsor/Joint Sponsor/Co-Sponsor of HB 269.

Date: 5/13/81.

Signed: Katharine M. Jester.

Representative Riddagh brought HB 130, jointly sponsored by Representatives Harrington, Powell, Cain; Senators Connor, Murphy & Zimmerman, before the House for consideration.

HB 130 - An Act to Amend Chapter 15, Part IV, Title 12 of the Delaware Code Relating to Powers of Attorney; and Providing for a Uniform Durable Power of Attorney Act.

Representative Riddagh requested and was granted the privilege of the floor for Mr. William T. Allen, Delaware Commission on Uniform State Laws.

The roll call on HB 130 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Sincock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebrner - 36.

ABSENT: Representatives Brady, Burris, Derrickson, Powell, Roy - 5.
Therefore, having received a constitutional majority, HB 130 was sent to the Senate for concurrence.
Representative Riddagh brought HB 131, jointly sponsored by Representatives Harrington, Powell, Cain; Senators Connor, Murphy & Zimmerman, before the House for consideration.

HB 131 - An Act to Amend Title 12, Title 25, and Title 29 of the Delaware Code Relating to Acknowledgements; and Providing for a Uniform Recognition of Acknowledgements Act.

Representative Riddagh brought HA 1 to HB 131 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 131 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Brady, Powell - 2.

Therefore, having received a constitutional majority, HB 131 w/HA 1 was sent to the Senate for concurrence.

Representative Riddagh brought HB 132, jointly sponsored by Representatives Harrington, Powell, Cain; Senators Connor, Murphy & Zimmerman, before the House for consideration.

HB 132 - An Act to Repeal Certain Provisions of the Delaware Code Relating to Evidence Which Have Been Superseded by the Delaware Uniform Rules of Evidence.

Representative Riddagh requested and was granted the privilege of the floor for Mr. William T. Allen, Delaware Commission on Uniform State Laws.

Representative Riddagh requested and was granted the privilege of the floor for Legislative Council Attorney Thomas Shiels.

Representative Riddagh requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HB 132 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cordrey, Corrozi, Darling, Fallon, Free, Harrington, Jonkiert, Maroney, McKay, Minner, Plant, Riddagh, Smith, Soles - 21.

NO: Representatives Cathcart, Derrickson, Dixon, Edwards, George, Gilligan, Jester, Mack, Oberle, Petrilli, Roy, Sincok, Spence, Van Sciver, West, Mr. Speaker Hebner - 16.

ABSENT: Representatives Campanelli, Ennis, Holloway, Powell - 4.

Therefore, having received a constitutional majority, HB 132 was sent to the Senate for concurrence.

Representative Riddagh brought HB 147, jointly sponsored by Representatives Harrington, Powell, Cain; Senators Connor, Murphy & Zimmerman, before the House for consideration.

HB 147 - An Act to Amend Chapter 65, Part IV, Title 10 of the Delaware Code Relating to Courts and Judicial Procedure; and Providing for a Uniform Declaratory Judgments Act.

The roll call on HB 147 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Holloway, Powell - 3.

Therefore, having received a constitutional majority, HB 147 was sent to the Senate for concurrence.

Representative Burris moved to lift HB 200 w/HA 1, HA 2 w/HA 1; HA 3 w/HA 1; HA 6 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

HB 200 - An Act to Amend Titles 19, 9, 11, 18, 24, 29, 30 and 31 of the Delaware Code Relating to Workers' Compensation, Providing for the "Workers' Compensation Act of 1981" and Further Providing for an Appropriation for the Implementation of That Act.

Mr. Speaker Hebner declared a recess at 3:08 p.m.

The House reconvened at 3:09 p.m.

Representative Oberle moved to lift HA 5 to HB 200 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

The roll call on HA 5 was taken and revealed:

YES: Representatives Anderson, Brady, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Edwards, Free, George, Gilligan, Holloway, Jester, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Roy, Soles, Spence, Van Sciver, West - 26.

NO: Representatives Barnes, Bennett, Buckworth, Burris, Derrickson, Ennis, Fallon, Harrington, McKay, Riddagh, Sincok, Smith, Mr. Speaker Hebner - 13.

ABSENT: Representatives Jonkiert, Powell - 2.

Therefore, having received a constitutional majority, HA 5 to HB 200 was adopted.

Representative Brady moved to lift HA 7 to HB 200 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote. HA 7 was adopted by voice vote.

Representative Harrington moved to lift HA 8 to HB 200 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Riddagh rose on a point of order. Mr. Speaker concurred.

Representative Harrington requested that HA 8 to HB 200 be stricken.

Representative Brady moved to lift HA 9 to HB 200 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote. HA 9 was adopted by voice vote.

Representative Cathcart moved to lift HA 10 to HB 200 from the Speaker's table. The motion was properly seconded and adopted by voice vote. HA 10 to HB 200 was adopted by voice vote.

Representative Campanelli brought HA 11 to HB 200 before the House for consideration.

Representative Burris requested and was granted the privilege of the floor for Attorney William Campbell, representing INA, Wilmington, Delaware.

Representative Burris moved to place HA 11 to HB 200 on the Speaker's table. The motion was seconded by Representative Smith.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Corrozi, Derrickson, Edwards, Fallon, Free, Harrington, Mack, Maroney, McKay, Riddagh, Sincock, Smith, Mr. Speaker Hebner - 19.

NO: Representatives Anderson, Cordrey, Darling, Dixon, Ennis, George, Gilligan, Holloway, Jester, Minner, Oberle, Plant, Soles, Spence, Van Seiver, West - 16.

ABSENT: Representatives Cain, Cathcart, Jonkiert, Petrilli, Powell, Roy - 6.

Therefore, having received a constitutional majority, the motion was adopted and HA 11 to HB 200 was placed on the Speaker's table.

Representative Campanelli brought HA 12 to HB 200 before the House for consideration. HA 12 was adopted by voice vote.

Representative Burris requested and was granted the privilege of the floor for Attorney William Campbell, representing INA, Wilmington, Delaware.

Representative Campanelli requested the privilege of the floor for Attorney Harvey Rubenstein representing Council 81, Council 451, Wilmington, DE.

Representative Cain rose on a point of order. Mr. Speaker concurred.

Mr. Speaker Hebner declared a recess at 4:40 p.m.

The House reconvened at 5:11 p.m.

Representative Burris moved to place HB 200 w/HA 1,2 w/HA 1; 3 w/HA 1, 5,6,7,9,10,12 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Sincock moved to suspend all rules which interfere with introduction of and action on SB 237. The motion was properly seconded.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Cain, Campanelli, Cathcart, Corrozi, Dixon, Edwards, Ennis, Free, George, Gilligan, Jester, Jonkiert, Mack, Maroney, Roy, Sincock, Smith, Soles, Spence, Van Seiver - 23.

NO: Representatives Bennett, Buckworth, Burris, Cordrey, Darling, Derrickson, Fallon, Harrington, McKay, Minner, Petrilli, Riddagh, West, Mr. Speaker Hebner - 14.

ABSENT: Representatives Holloway, Oberle, Plant, Powell - 4.

Therefore, having received a constitutional majority, the motion was adopted and the rules were suspended.

Representative Sincock introduced and brought SB 237, jointly sponsored by Senator Cook; Senators Arnold, Berndt, Citro, Connor, Hughes, Knox, Littleton, Marshall, Martin, McBride, McDowell, Murphy, Neal, Vaughn, Zimmerman; Representatives Anderson, Barnes, Brady, Cain, Campanelli, Cathcart, Corrozi, Derrickson, Dixon, Edwards, Ennis, Free, George, Gilligan, Harrington, Hebner, Holloway, Jester, Jonkiert, Mack, Oberle, Plant, Riddagh, Roy, Smith, Spence & Van Seiver, before the House for consideration.

SB 237 - An Act to Amend Chapter 277, Volume 62, as Amended by Chapter 423, Volume 62, Laws of Delaware, to Provide for the Adjustment of the Formula for Non-Public School Bus Transportation, and Providing Funds Therefor.

The Reading Clerk read the following communication into the record:

TO: Representative Hebner, Speaker of the House

FROM: Representative Michael J. Harrington

RE: SENATE BILL NO. 237

I respectfully request my name be stricken from Senate Bill 237.

Sincerely,

Michael J. Harrington

MJH:dlb

Representative Petrilli rose on a point of order. Mr. Speaker concurred.

Representative McKay rose on a point of order. Mr. Speaker concurred.

Representative George requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Bennett requested and was granted the privilege of the floor for Controller General Duane Olsen.

Five members rose for the purpose of closing the debate on SB 237.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Cain, Campanelli, Cathcart, Corrozi, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Jonkiert, Mack, Maroney, Roy, Spence, Van Seiver - 19.

NO: Representatives Anderson, Bennett, Buckworth, Burris, Cordrey, Darling, Derrickson, Harrington, Holloway, Jester, McKay, Minner, Riddagh, Sincok, Smith, Soles, West, Mr. Speaker Hebner - 18.

NOT VOTING: Representative Petrilli - 1.

ABSENT: Representatives Oberle, Plant, Powell - 3.

Therefore, having received a constitutional majority, the motion was adopted and the debate on SB 237 was closed.

The roll call on SB 237 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Cain, Campanelli, Cathcart, Corrozi, Dixon, Edwards, Ennis, Free, George, Gilligan, Jonkiert, Mack, Maroney, Riddagh, Roy, Sincok, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 23.

NO: Representatives Bennett, Buckworth, Burris, Cordrey, Darling, Derrickson, Fallon, Harrington, Jester, Minner, West - 11.

NOT VOTING: Representatives Holloway, Petrilli, Plant, Smith - 4.

ABSENT: Representatives McKay, Oberle, Powell - 3.

Therefore, having received a constitutional majority, SB 237 was returned to the Senate.

Representative Minner moved to suspend the rules which interfere with action on HB 270. The motion was seconded by Representative Cordrey and defeated by voice vote.

Representative Oberle introduced HB 273, jointly sponsored by Senator Marshall; Representatives Sincok, Roy, Buckworth, Barnes, Petrilli, Burris; Senators Hughes, Bair, Knox, Berndt, Connor, Citro, Arnold, Murphy & Adams.

HB 273 - An Act to Amend Title 19 of the Delaware Code to Modify Unemployment Insurance Tax Rates, Provide for Benefits Based Upon Annual Wage Histories, Extend the Present Level of Maximum Benefits, and Related Provisions for the Purpose of Improving the Solvency of the Unemployment Compensation Trust Fund. (3/5 bill)

Mr. Speaker assigned HB 273 to the Administrative Services Committee.

The Chief Clerk read the following Committee Report into the record:

APPRO: HB 272 - 6F.

Representative Holloway moved to suspend the rules which interfere with introduction of and action on HR 54. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Holloway introduced HR 54, co-sponsored by Representatives Anderson, Cain, George, Campanelli, Dixon, Plant, Sincok, Buckworth, McKay, Brady, Bennett, Soles, West, Jonkiert, Riddagh, Free, Maroney, Smith, Van Seiver, Petrilli, Spence, Ennis, Darling, Cathcart, Mack, Barnes, Corrozi, Edwards, Fallon, Harrington, Roy, Burris, Gilligan & Oberle.

HR 54 - Congratulating Helen Baynard, Chief of the Legislative Hall Snack Bar, on Celebration of Her 57th Birthday, May 11.

HR 54 was adopted by voice vote.

Representative Burris moved to recess to the call of the Chair at 6:35 p.m.

29th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

May 19, 1981

The Speaker called the House to order at 2:02 p.m.

Mr. Speaker Hebner added HB 272 to the Agenda for Tuesday, May 19, 1981.

Representative Riddagh announced that HB 199, HB 253 & HB 266 have been re-assigned to the Public Safety Subcommittee and SB 195 has been re-assigned to the Corrections Subcommittee.

The Chief Clerk read the following Committee Report into the record:

ADM/S: HB 273 - 1F,2M.

The following communication is reproduced at the request of Representative Van Seiver:
May 11, 1981

State of Delaware
House of Representatives
Legislative Hall
Dover, Delaware 19901
Gentlemen:

Postmaster General William F. Bolger has asked me to respond to your correspondence of April 2 which enclosed a copy of House Resolution No. 42, concerning mail delivery to the Manlove Manor Development in Belvedere.

On November 3, 1978, the Postal Service revised its regulations governing the establishment and extension of city delivery service. The revised regulations provide that new extensions of city delivery service to residential areas, with certain exceptions, will normally be by motorized carrier to curbside receptacles. Depending upon the size of residential lots, receptacles may be grouped at central locations, or in other configurations as appropriate. Door delivery service is available only to new homes built in the same block and between existing homes receiving door delivery. I have enclosed a copy of our revised regulations for your information.

Delivery service to door receptacles costs approximately 25 percent more per delivery per year than delivery to curbside receptacles. The higher cost of door service is very significant due to the estimated 2 percent new deliveries that will be added each year. In order to meet the demand for city delivery service on a national basis and still retain an effective control over costs, we have found it necessary to limit new extensions of door delivery service.

The residents of the Manlove Manor Development receive city mail delivery to cluster box type mail receptacles. The receptacles are located at two locations convenient to the residents.

It should be noted that of the forty units included in the Manlove Manor Development, four have been specially designed by the developers for handicapped residents. It is our practice to consider hardship cases on an individual basis, and to make exceptions to our delivery regulations if a genuine need exists. Usually exceptions are made for handicapped customers who are unable to get to the post office or their mailboxes and do not have a neighbor or relative to assist them.

Those individual residents who feel they may qualify for an exception to our regulations should contact the Wilmington Management Sectional Center Manager, Wilmington, Delaware 19850, directly. Each request will be reviewed and the customer will be advised directly of the decision.

If I may be of further assistance, please let me know.

Sincerely,
Edward E. Horgan, Jr.

Enclosure

Representative Roy requested that HJR 9 be stricken.

The Reading Clerk read the following communication into the record at the request of Representative Holloway:

The Morning News, Wilmington, Delaware; May 19, 1981

OPINION

Shameful Voter Turnout

The chief argument for the imminent division of the New Castle County School District into four districts is to return schools to more direct citizen control. Citizens, it has been argued, are better able to know their school board members and take a keener interest in school affairs in small school systems.

What a convincing argument! But how different from real life.

The turnout at school board elections on Saturday in three of the four newly created districts (elections were not needed in District II) was so minuscule as to be shameful. District I had the biggest turnout, with 1,172 persons casting votes for three candidates. The three districts together had recorded 2,479 votes. In the school board election last May, when the district was big and not about to be divided, 2,685 persons expressed their preferences for school board members.

Those figures make it difficult to argue that smaller school districts promote greater participation in the school board selection process. School board members have been elected since the '60s and consistently these spring-time elections have been the duller show in town.

Voters do turn out, however, for school tax issues. Last fall, when the New Castle County District asked voters to approve a tax increase, 52,484 of them cast their votes, even though doing so meant standing in line because there were not enough polling places. Among those 52,000, there were 47,423 no votes! When it comes to pocketbook issues, people suddenly take interest in their school district.

Yet it is the school board members who determine curriculum, apportion available funds for the school budget and hire superintendents and principals who have considerable impact on a school system's operation. Large or small district, when will citizens become aware of the fact that it is at least as important to select their school board as it is to set their tax rates?

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the previous legislative day. The House reconvened at 2:21 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Edwards, Powell - 2.

A prayer was offered by Representative Jane Maroney, Twelfth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 274 - EDWARDS, MARONEY - H/SS: An Act to Amend Title 16 of the Delaware Code Relating to Licensing of Drug Abuse Prevention, Control, Treatment and Education Programs.

HB 275 - OBERLE, ROY; SENATORS ARNOLD, MARTIN - JUD: An Act to Amend Title 21, Chapter 21 of the Delaware Code Relating to the Issuance of Special Vanity Plates for Motorcycles.

HB 276 - EDWARDS, CAMPANELLI, CORROZI, FREE, JONKIERT, OBERLE, PETRILLI, SPENCE, VAN SCIVER; SENATORS ARNOLD, CITRO, MARSHALL - R&F: An Act to Amend Chapters 33, 35 and 63 of Title 18 of the Delaware Code Relating to Forbidding Abortion Coverage in Health Insurance Contracts Except With an Optional Rider for Which an Additional Premium Must be Paid.

HB 277 - DERRICKSON - ADM/S: An Act to Amend Title 4 of the Delaware Code Relating to Employment of Persons Eighteen Years of Age or Older in Liquor Stores.

HB 278 - SPENCE, SENATOR MCBRIDE; REPRESENTATIVES OBERLE, ANDERSON, DIXON, CATHCART, BUCKWORTH, ROY, ENNIS, CAMPANELLI, MACK, MINNER, JESTER, BARNES, CORROZI, EDWARDS, DARLING, WEST, CAIN; SENATORS CORDREY, ARNOLD - ED: An Act to Amend Chapter 27, Title 14 of the Delaware Code Relating to School Attendance.

HB 279 - FREE, BRADY, VAN SCIVER, BUCKWORTH, MACK, SOLES, FALLON, SPENCE, GILLIGAN, JESTER; SENATORS NEAL, BAIR, CONNOR, MARTIN - APPRO: An Act to Amend Part V, Title 14 of the Delaware Code Relating to Education: Establishing Annual Teacher-of-the-Year Awards.

HB 280 - JONKIERT, CAMPANELLI, PLANT, DIXON, CORROZI, ROY, POWELL - ADM/SS: An Act to Amend Title 28 of the Delaware Code Relating to Sports and Amusements by Authorizing and Providing for the Regulation, Control and Licensing of, and Pari-Mutuel Betting on, Greyhound Dog Racing in the State of Delaware.

HJR 14 - JONKIERT - H/SS: Designating the Week of June 21, 1981, as Senior Center Week.

HCR 54 - GEORGE - APPRO: Requesting the Joint Legislative Finance Committee to Refuse to Consider Any New Applications for Grants in Aid for Fiscal 1982.

HCR 55 - SMITH, ANDERSON, BARNES, BENNETT, BRADY, BUCKWORTH, BURRIS, CAIN, CATHCART, CORROZI, DARLING, DERRICKSON, DIXON, EDWARDS, ENNIS, FREE, GEORGE, HARRINGTON, HEBNER, JESTER, MARONEY, MCKAY, MINNER, OBERLE, PETRILLI, SINCOCK, SOLES, SPENCE, VAN SCIVER, WEST; SENATORS ARNOLD, BAIR, CITRO, HOLLOWAY, HUGHES, KNOX, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, NEAL, VAUGHN, ZIMMERMAN - NR/AGRI: Requesting the Members of the Delaware Congressional Delegation to Support Legislation Protecting the National Barrier Island System.

HCR 56 - VAN SCIVER, MARONEY, EDWARDS, WEST, CATHCART, MACK, BUCKWORTH, HOLLOWAY; SENATORS HOLLOWAY, CITRO - ED: Requesting the State Board of Education and the School District Boards of Education to Include Aging Education at the Elementary, Intermediate and Secondary School Levels.

HS 1 for HB 247 - DIXON, CORDREY, SPENCE; SENATORS HUGHES, VAUGHN, ZIMMERMAN - ADM/SS: An Act to Direct the Department of Transportation to Post Signs Notifying Drivers Entering Delaware That Littering is Subject to Fines up to \$250.

HA 1 to HB 180 - SMITH - APPRO: Placed with the bill.

HA 13 to HB 200 - CAMPANELLI - Placed with the bill. (Laid on the Table)

HA 14 to HB 200 - CAMPANELLI - Placed with the bill. (Laid on the Table)

HA 1 to HB 224 - RIDDAGH - Placed with the bill. (Agenda)

SS 1 for SB 32 - BAIR, KNOX, NEAL, MCDOWELL, MARTIN; REPRESENTATIVES SMITH, ROY, DARLING - APPRO: An Act Establishing an Energy Planning Task Force Which Has the Responsibility for Developing a Long Range Comprehensive Energy Policy for the State of Delaware and Making a Supplementary Appropriation Therefor. (Fiscal Note)

SB 45 - CORDREY - H/ADM: An Act to Amend Chapter 143, Volume 57, Laws of Delaware, Relating to an Act Entitled: "An Act to Incorporate the Town of South Bethany;" and Providing Certain Amendments Thereto. (2/3 bill)

SB 106 w/SA 1 - CORDREY; REPRESENTATIVE DERRICKSON - H/ADM: An Act to Amend An Act, Being Chapter 197, Volume 54, Laws of Delaware, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Therefor and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach" Relating to the Amount Which May be Borrowed Against Anticipated Revenues. (2/3 bill)

SB 154 - MURPHY, COOK, VAUGHN, ZIMMERMAN, MCBRIDE, ADAMS, CITRO, HUGHES, BERNDT, SHARP, MCDOWELL, CORDREY, KNOX, NEAL; REPRESENTATIVES BURRIS, HARRINGTON, POWELL, GILLIGAN, CORROZI, CORDREY, BUCKWORTH, CAIN, CATHCART, DERRICKSON, OBERLE, HEBNER, ROY, PETRILLI, MINNER, DARLING, WEST, SOLES, DIXON - JUD: An Act to Amend Chapter 66, Title 18 of the Delaware Code to Provide Line-of-Duty Death Benefits for Parents of Certain Covered Persons and for Payment of Burial Expenses of Certain Covered Persons.

SB 232 - MURPHY; REPRESENTATIVES BENNETT, BUCKWORTH - R&F: An Act to Amend Chapter 14, Title 16 of the Delaware Code Relating to Water and/or Sewer Authorities. (2/3 bill)

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 154, SB 237, SS 1 for SB 32, SB 232, SB 106 w/SA 1; SB 45, HCR 51, HCR 52, HJR 13.
May 14, 1981

LEGISLATIVE ADVISORY #7

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the dates indicated: 5/12/81 - HJR 6. 5/14/81 - SCR 50, HB 214, HB 107.
May 14, 1981

LEGISLATIVE ADVISORY #8

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on the date indicated: 5/14/81 - HJR 13, HCR 52.

Representative Burris moved to recess for caucus at 2:25 p.m.

The House reconvened at 4:27 p.m.

Representative Maroney brought HB 159 before the House for consideration.

HB 159 - An Act to Amend Title 24, Chapter 25 of the Delaware Code Relating to Drug Products and the Delaware Drug Advisory Board.

Representative Maroney requested that action on HB 159 be deferred to a Day Certain, Thursday, May 21, 1981.

Representative Minner brought HB 212, jointly sponsored by Representatives Brady, Jonkiert, Mack & Spence, before the House for consideration.

HB 212 - An Act to Amend Title 21, Chapter 41, of the Delaware Code to Provide for a Penalty for Violation of a Conditional License. (2/3 bill)

Representative Minner brought HA 1 to HB 212 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 212 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Edwards, Jester, Powell - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 212 w/HA 1 was sent to the Senate for concurrence.

Representative Mack brought HB 216, jointly sponsored by Representatives Cathcart, Harrington, Buckworth, Holloway, Jester, Darling, Cordrey, Campanelli, George, Powell, Derrickson, Free, Corrozi, Edwards, McKay, Riddagh, Brady, Burris, Gilligan, Smith, Soles, Barnes, Spence, Ennis, West, Dixon, Minner, Petrilli, Bennett, Fallon, Oberle, Sincok, Cain, Jonkiert & Senator Connor; co-sponsored by Representatives Anderson & Van Sciver, before the House for consideration.

HB 216 - An Act to Amend Title 11, §612 and §613 of the Delaware Code Relating to Assaults Upon Firemen.

Representative Mack brought HA 1 to HB 216 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 216 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Edwards, Powell - 2.

Therefore, having received a constitutional majority, HB 216 w/HA 1 was sent to the Senate for concurrence.

Representative George brought HB 218 before the House for consideration.

HB 218 - An Act Proposing an Amendment to Article V of the Constitution of the State of Delaware, Relating to Absentee Voting. (2/3 bill)

The roll call on HB 218 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Edwards, Powell - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 218 was sent to the Senate for concurrence.

Representative George brought HB 219 before the House for consideration.

HB 219 - An Act to Amend Chapter 55, Part IV, Title 15 of the Delaware Code Relating to Absentee Voting.

Representative George requested and was granted the privilege of the floor for House Attorney Richard Cooch.

The roll call on HB 219 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Burris, Edwards, Powell, Roy - 4.

Therefore, having received a constitutional majority, HB 219 was sent to the Senate for concurrence.

Representative Darling brought HB 222, jointly sponsored by Representative Riddagh & Senator Vaughn, before the House for consideration.

HB 222 - An Act to Amend Title 21 Relating to the Issue of Conditional Driver Licenses for Drivers Who Were Suspended for Not Having Liability Insurance.

Representative Darling brought HA 1 to HB 222 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 222 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Derrickson, Dixon, George, Gilligan, Harrington, Holloway, Jester, McKay, Minner, Plant, Riddagh, Sincok, Soles, West, Mr. Speaker Hebner - 24.

NO: Representatives Barnes, Brady, Cathcart, Ennis, Fallon, Free, Mack, Maroney, Oberle, Petrilli, Roy, Spence, Van Sciver - 13.

NOT VOTING: Representatives Jonkiert, Smith - 2.

ABSENT: Representatives Edwards, Powell - 2.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 222 w/HA 1 was declared defeated.

Representative Riddagh requested that action on HB 224 be deferred to a Day Certain, Wednesday, May 20, 1981.

Representative Oberle brought HCR 46, jointly sponsored by Representatives Spence, Gilligan, Anderson, Corrozi, Edwards, Barnes, Harrington, Van Seiver, Cain; Senators Sharp, McBride, Citro, Arnold & Hughes, before the House for consideration.

HCR 46 - Urging the Congress of the United States to Restrict Jurisdictions of Federal Courts.

HCR 46 was adopted by voice vote and sent to the Senate for concurrence.

Representative Oberle brought HB 116, jointly sponsored by Representative Edwards, before the House for consideration.

HB 116 - An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to Admissibility in Evidence of Results of Chemical Test.

The roll call on HB 116 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Campanelli, Edwards, Powell - 3.

Therefore, having received a constitutional majority, HB 116 was sent to the Senate for concurrence.

Representative Sincok moved to suspend the agenda rules which interfere with action on HB 272. The motion was properly seconded and adopted by voice vote.

Representative Sincok brought HB 272, jointly sponsored by Representative George; Senators Cook & Berndt; co-sponsored by Representatives Bennett, Corrozi & Gilligan; before the House for consideration.

HB 272 - An Act Amending Chapter 277, Volume 62, Laws of Delaware, as Amended by Chapter 423, Volume 62, Laws of Delaware, to Cause a Transfer of Funds to Provide Payment for Other Employment Costs.

Representative Sincok brought HA 1 to HB 272 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 272 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Edwards, Powell, Roy - 3.

Therefore, having received a constitutional majority, HB 272 w/HA 1 was sent to the Senate for concurrence.

Representative Cain requested that action on HB 178 be deferred to a Day Certain, Thursday, May 21, 1981.

Representative Derrickson introduced HR 55.

HR 55 - Amending the Permanent Rules of the House as Contained in House Resolution No. 6.

Mr. Speaker assigned HR 55 to the House Administration Committee.

Representative Brady brought HB 205, jointly sponsored by Representatives Barnes, Smith, Jonkiert, Soles; Senators Connor, Vaughn, Bair, Marshall & McDowell, before the House for consideration.

HB 205 - An Act to Amend Chapter 102, Title 29 of the Delaware Code Relating to the Delaware Sunset Act.

Representative Brady brought HA 1 to HB 205 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 205 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Derrickson, Edwards, Plant, Powell - 4.

Therefore, having received a constitutional majority, HB 205 w/HA 1 was sent to the Senate for concurrence.

Representative Brady moved to lift HB 18 - HA 1 from the Speaker's table for the purpose of adding it to the Agenda for Wednesday, May 20, 1981.

Representative Holloway introduced HR 56.

HR 56 - Requesting the Legislative Council to Review Security Measures for Legislative Hall and to Report to the House of Representatives With Recommendations.

Mr. Speaker assigned HR 56 to the House Administration Committee.

Representative Burris moved to recess to the call of the Chair at 5:35 p.m.

30th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

May 20, 1981

The Speaker called the House to order at 2:02 p.m.

Representative Roy introduced HR 58.

HR 58 - Urging the City of Wilmington to Review Abolishing the City of Wilmington Wage Tax.

Mr. Speaker assigned HR 58 to the Administrative Services Committee.

Representative Jonkiert rose on a point of order. Mr. Speaker concurred.

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the previous legislative day. The House reconvened at 2:05 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Edwards, Petrilli, Powell - 3.

A prayer was offered by Representative Kevin W. Free, Fourth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 281 - JONKIERT - NR/AGRI: An Act to Amend Chapter 21, Title 23 of the Delaware Code Relating to Boat Ramp Certification Fees. (3/5 bill)

HB 282 - ENNIS, HEBNER, SMITH; SENATORS BAIR, BERNDT - ADM/S: An Act to Amend Chapter 53, Title 25 of the Delaware Code Relating to Landlord-Tenant Relationships by Providing for Verification of Excess Utility Charges.

HB 283 - ENNIS, HEBNER; SENATORS BAIR, BERNDT - ADM/S: An Act to Amend Section 5307, Chapter 53, Title 25 of the Delaware Code, With Reference to Landlord-Tenant Relationships; Increasing the Abatement of Rent for Periods in Which Heat or Water or Hot Water is Not Provided by a Landlord.

HB 284 - ENNIS, HEBNER, SMITH; SENATORS BAIR, BERNDT - ADM/S: An Act to Amend Chapter 65, Title 25, of the Delaware Code to Clarify the Defense Permitted to a Tenant Who Had Not Received From the Landlord a Summary of the Landlord-Tenant Code.

HB 285 - ENNIS, HEBNER, SMITH; SENATORS BAIR, BERNDT - ADM/S: An Act to Amend Section 5107, Chapter 51, Title 25 of the Delaware Code, Pertaining to Landlord-Tenant Relationships by Clarifying the Notice Requirement Necessary for Raising a Tenant's Rent.

HB 286 - ENNIS, HEBNER, SMITH; SENATORS BAIR, BERNDT - ADM/S: An Act to Amend Chapter 55, of the Delaware Code to Clarify Section 5511(b) Which Requires That Security Deposits be Held for the Benefit of the Tenant.

HB 287 - ENNIS, HEBNER, SMITH; SENATORS BAIR, BERNDT - ADM/S: An Act to Amend Section 5306, Chapter 53, Title 25 of the Delaware Code, With Reference to Landlord-Tenant Relationships; Increasing the Deduction From Rent for the Repair of Minor Defects Which are Not Repaired by a Landlord Who Has Received Notice of Such Defects.

HB 288 - ENNIS, HEBNER, SMITH; SENATORS BAIR, BERNDT - ADM/S: An Act to Amend Section 8612(a)(1) of Chapter 86, Title 29 of the Delaware Code Pertaining to the Powers of the Division of Consumer Affairs to Extend Cease and Desist Order Power in Landlord-Tenant Areas.

HB 289 - ENNIS, HEBNER, SMITH; SENATORS BAIR, BERNDT - ADM/S: An Act to Amend Section 6503, Chapter 65, Title 25, of the Delaware Code With Reference to Landlord-Tenant Relationships; Providing for the Creation of Rental Units for the Exclusive Use of Senior Citizens.

HB 290 - ENNIS, HEBNER, SMITH; SENATORS BAIR, BERNDT - ADM/S: An Act to Amend Section 4403, Chapter 44, Title 6, Delaware Code, Pertaining to Home Solicitation Sales, by Extending the Application of That Act to Transactions Consummated at Transient Places of Business.

HB 291 - ENNIS, HEBNER, SMITH; SENATORS BAIR, BERNDT - JUD: An Act to Amend Chapter 57, Title 25, of the Delaware Code to Permit a Summary Proceeding for Possession to be Maintained Only in That Justice of the Peace Court Which Handles Civil Cases and Which is in the Same County as and is Closest to the Leased Premises.

HB 292 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 92, of Title 10, of the Delaware Code Relating to Organization and Operation of the Justice of the Peace Courts.

HB 293 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 96, Title 10 of the Delaware Code to Allow Service of a Summons With Accompanying Papers in a Justice of the Peace Court Trespass Action to Include Service by Certified Mail, Return Receipt Requested.

HB 294 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 28, Title 10, Delaware Code, to Substitute the Chief Magistrate in the Place of the Chief Justice as the Appointing Authority for Justice of the Peace Constables.

HB 295 - BENNETT; SENATOR NEAL - APPRO: An Act to Provide for the Continuance of the Study of Equity in Financing of Public Education, and Providing the Funds Therefor.

HB 296 - MINNER, DARLING, BURRIS, GEORGE, HARRINGTON, HOLLOWAY, DIXON, BENNETT, SOLES, SINCOCK, CAMPANELLI, PETRILLI - ED: An Act to Amend Chapter 26, Title 14 of the Delaware Code Relating to the Power of County Vocational School Districts to Levy Taxes.

HR 57 - HOLLOWAY, PLANT; SENATOR HOLLOWAY - H/ADM: Requesting the Members of the Delaware Congressional Delegation to Oppose Efforts to Sunset the Architectural and Transportation Barriers Compliance Board.

HCR 57 - SOLES, GEORGE, BENNETT, BARNES; SENATORS NEAL, COOK - H/ADM: Requesting the Delaware Congressional Delegation to Support Current Money Market Plans While Permitting Deregulation of Banks so They May Pay Competing Interest Rates on Thrift Accounts.

HA 1 to HB 133 - SINCOCK - Placed with the bill. (Agenda)

HA 1 to HB 164 - GILLIGAN - Placed with the bill. (Laid on the Table)

HA 1 to HB 199 - VAN SCIVER - JUD: Placed with the bill.

HA 15 to HB 200 - CAMPANELLI - Placed with the bill. (Laid on the Table)

HA 16 to HB 200 - CAMPANELLI - Placed with the bill. (Laid on the Table)

HA 17 to HB 200 - CAMPANELLI - Placed with the bill. (Laid on the Table)

HA 18 to HB 200 - CAMPANELLI - Placed with the bill. (Laid on the Table)

HA 19 to HB 200 - DIXON - Placed with the bill. (Laid on the Table)

SB 115 - ZIMMERMAN, MURPHY - R&F: An Act to Amend Subchapter 11, Title 30, Delaware Code, Relating to Exclusion of Pension Income From Delaware Personal Income Tax. (F/N)

SB 118 w/SA 1 - BAIR, VAUGHN, HUGHES, MCDOWELL; REPRESENTATIVES SOLES, BRADY - JUD: An Act to Amend Chapter 27, Title 21, Delaware Code, Relating to Temporary Instruction Permits. SB 133 - ZIMMERMAN, ADAMS, ARNOLD, BERNDT, COOK, KNOX, MURPHY, VAUGHN; REPRESENTATIVES HARRINGTON, BARNES, FALLON, MINNER, WEST - NR/AGRI: An Act to Amend Chapter 79, Title 3, Delaware Code, Relating to Impoundment and Disposition of Animals.

SB 194 w/SA 1 - ZIMMERMAN, NEAL - JUD: An Act to Amend Title 6 and Title 11 of the Delaware Code Relating to Trade and Commerce; and Providing for a Uniform Trade Secrets Act.

SB 216 - MCDOWELL - APPRO: An Act to Provide for a Supplemental Appropriation to the Office of the Public Advocate and Providing Funds Therefor.

SB 219 w/SA 1,2,3 - MARSHALL, CITRO; REPRESENTATIVES FREE, CATHCART, EDWARDS, GILLIGAN - JUD: An Act to Amend Title 28, Delaware Code, to Provide for the Regulations and Control of Lotteries Conducted by Volunteer Fire Companies, Veteran Organizations, Religious or Charitable Organizations or by Fraternal Society and Authorizing the Bingo Control Commission to Implement Such Lotteries.

The following prefiled Consent Calendar was introduced:

SCR 49 - SENATORS NEAL, MARTIN; REPRESENTATIVES PETRILLI, SOLES - Congratulating Nominees for 1981 State Superintendent's Scholar's Awards.

HCR 58 - ENNIS, PLANT; SENATORS BERNDT, HUGHES - Congratulating Rita Riccio on Being Named Volunteer of the Year for the Aging and for Her Many Other Fine Contributions to Her Community.

HCR 59 - SOLES - Congratulating the Women's Lacrosse Team of the University of Delaware for Becoming the First Champion Since the University Entered Intercollegiate Women's Sports in 1972.

SCR 44 - MCDOWELL, MARSHALL, BAIR, CONNOR; REPRESENTATIVES JONKIERT, SOLES, CAMPANELLI, BUCKWORTH, BENNETT - Urging Members of the Delaware Congressional Delegation to Seek Distribution of Delaware Funds Being Held Illegally by the U.S. Department of Energy.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 216, SB 194 w/SA 1; SB 115, SB 133, SB 219 w/SA 1,2,3; HB 45, SB 118 w/SA 1.

May 19, 1981

LEGISLATIVE ADVISORY #9

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on May 15, 1981 - SB 237.

Consent Calendar #16 was adopted by voice vote and HCR 58 & HCR 59 were sent to the Senate for concurrence and SCR 44 & SCR 49 were returned to the Senate.

Mr. Speaker Hebner added HB 250 & HB 189 to the Agenda.

Representative Minner introduced HA 1 to HR 55, jointly sponsored by Representatives Hebner & George. HA 1 was placed with the Resolution in the House Administration Committee.

Representative Burris moved to recess for committee meetings at 2:18 p.m.

The House reconvened at 5:22 p.m.

Representative Burris requested that HB 135 & HB 151 be stricken.

The Chief Clerk read the following Committee Reports into the record:

ADM/S: SCR 32 w/SA 1 - 4M; HB 238 - 4M; HB 232 - 4M; HB 190 - 4M; HB 269 - 3M; HR 58 - 2F,1M; SJR 6 w/SA 1 - 4M; HB 236 - 4M; SB 129 w/SA 1,2 - 3M.

ADM/S - Sub/Trans: HB 53 - 3M.

H/ADM: HCR 57 - 3M; HR 55 - HA 1 - 1F,3M; SJR 12 - 4F; HB 16 w/SA 1 - 1F,3M; SB 45 - 4M; SB 106 w/SA 1 - 4M; HB 237 - 4M.

NR/AGRI: HB 187 - 4F; HCR 55 - 3F,1M.

R&F: HB 22 - HA 1 - 1F,3M; SB 132 - 1F,4M; HB 259 - 2F,3M; HB 258 - 5M; HB 257 - 2F,3M; HB 249 - 2F,3M.

JUD: HB 199 - HA 1 - 5M; HB 253 - 5M; SB 195 - 1F,4M; SB 43 w/SA 1 - HA 1 - 4M.

ED: HB 221 - 5F; HB 220 - 5M; SB 112 - 1F,4M.

Mr. Speaker re-assigned HB 238, HB 249, SB 112, SB 195 & SB 129 to the Appropriations Committee.

Representative Derrickson requested that HB 149 be stricken.

Representative Minner requested that HB 270 be stricken.

Representative Riddagh brought HB 224, jointly sponsored by Representatives Barnes, Burris, Corrozi, Hebner, McKay, Petrilli, Roy, Sincoc, Cain, Campanelli, George, Jonkiert; Senators Berndt, Hughes & Cordrey, before the House for consideration.

HB 224 - An Act to Amend Chapter 26, Part I, Title 14 of the Delaware Code Relating to Vocational Schools. (3/5 bill)

Representative Riddagh brought HA 1 to HB 224 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 224 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Riddagh, Roy, Sincoc, Smith, Soles, Spence, West, Mr. Speaker Hebner - 34.

NOT VOTING: Representatives Bennett, Gilligan, Van Sciver - 3.

ABSENT: Representatives Cathcart, Edwards, Petrilli, Powell - 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 224 w/HA 1 was sent to the Senate for concurrence.

Representative Brady moved to lift HB 18 - HA 1 from the Speaker's table. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Brady brought HB 18 - HA 1, jointly sponsored by Representatives Maroney & George, co-sponsored by Representative McKay, before the House for consideration.

HB 18 - An Act to Amend Chapter 10, Title 14 of the Delaware Code Relating to Election of School Board Members.

Representative Brady requested that HA 1 to HB 18 be stricken.

Representative Brady brought HA 2 to HB 18 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 18 w/HA 2 was taken and revealed:

YES: Representatives Barnes, Brady, Cain, Campanelli, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Jonkiert, Maroney, McKay, Oberle, Spence, Van Sciver, Mr. Speaker Hebner - 18.

NO: Representatives Anderson, Buckworth, Burris, Cathcart, Corrozi, Jester, Mack, Roy, Sincoc, Smith, Soles - 11.

NOT VOTING: Representatives Bennett, Derrickson, Holloway, Minner, Plant, Riddagh, West - 7.

ABSENT: Representatives Cordrey, Darling, Edwards, Petrilli, Powell - 5.

Therefore, not having received a constitutional majority, HB 18 w/HA 2 was declared defeated.

Representative Harrington brought HB 169, jointly sponsored by Senator Zimmerman, before the House for consideration.

HB 169 - An Act to Amend Chapter 18, Title 5, Delaware Code, Relating to the Report of Net Earnings and Payment of Tax by Building and Loan Associations.

The roll call on HB 169 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Edwards, Petrilli, Powell - 3.

Therefore, having received a constitutional majority, HB 169 was sent to the Senate for concurrence.

Representative Sincoc brought HB 133 before the House for consideration.

HB 133 - An Act to Amend Chapter 57, Title 29, Delaware Code, Relating to Social Security Coverage of Employees of Political Subdivisions.

Representative Sincoc brought HA 1 to HB 133 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 133 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Darling, Edwards, Petrilli, Powell - 4.

Therefore, having received a constitutional majority, HB 133 w/HA 1 was sent to the Senate for concurrence.

Representative Sincoc brought HS 1 for HB 91, jointly sponsored by Representative Gilligan, before the House for consideration.

HB 91 - An Act to Amend Chapter 68, Title 16, Del. C. Relating to the Exemption of Persons From Liability When Rendering Emergency Care.

The roll call on HS 1 for HB 91 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Plant, Riddagh, Roy, Sincoc, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Darling, Edwards, Petrilli, Powell - 4.

Therefore, having received a constitutional majority, HS 1 for HB 91 was sent to the Senate for concurrence.

Representative Buckworth moved to suspend the rules which interfere with action on SB 232. The motion was seconded by Representative Burris.

Representative Brady rose on a point of order. Mr. Speaker concurred.

The motion to suspend rules was adopted by voice vote.

Representative Buckworth brought SB 232, jointly sponsored by Senator Murphy & Representative Bennett, before the House for consideration.

SB 232 - An Act to Amend Chapter 14, Title 16 of the Delaware Code Relating to Water and/or Sewer Authorities. (2/3 bill)

Representative Burris moved to recess to the call of the Chair at 6:10 p.m.

31st LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

May 21, 1981

The Speaker called the House to order at 1:55 p.m.

Representative Petrilli requested that he be marked present for the previous calendar day, Wednesday, May 20, 1981.

The roll call on SB 232 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Cain, Edwards, Plant, Powell - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 232 was returned to the Senate.

Representative Jonkiert moved to suspend all rules which interfere with introduction of and action on HCR 60. The motion was properly seconded and adopted by voice vote.

Representative Jonkiert introduced and brought HCR 60, jointly sponsored by Senator Marshall, co-sponsored by Representatives Hebner, Brady, Maroney & Van Sciver; before the House for consideration.

HCR 60 - Mourning the Death of Charles L. Paruszewski, Former Chief Deputy Attorney General of Delaware.

HCR 60 was adopted by voice vote and sent to the Senate for concurrence.

The Majority Leader moved to adjourn at 2:03 p.m., thereby ending the previous legislative day. The House reconvened at 2:04 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Powell - 1.

A prayer was offered by Representative Gerald A. Buckworth, Thrity-Fourth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 297 - MINNER, FALLON, PLANT, WEST, ROY, SPENCE, BUCKWORTH, OBERLE, CAMPANELLI, CORROZI, HOLLOWAY; SENATORS SHARP, HOLLOWAY, LITTLETON - APPRO: An Act to Amend Chapter 277, Volume 62, as Amended by Chapter 423, Volume 62, Laws of Delaware, to Provide for the Adjustment of the Formula for Public School Bus Operators, and Providing Funds Therefor.

HB 298 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 7, Title 21, Delaware Code, to Establish a Procedure When a Juvenile is Arrested for Multiple Traffic Offenses, Some of Which Fall Within the Jurisdiction of the Family Court While Others Fall Within the Jurisdiction of Other Courts.

HB 299 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 27, Title 11, Delaware Code to Grant Justice of the Peace Courts Jurisdiction to Hear, Try and Finally Determine Additional Misdemeanors Than They Presently Have Jurisdiction to Hear, Try and Finally Determine. (2/3 bill)

HB 300 - RIDDAGH; SENATOR VAUGHN - JUD: An Act Proposing an Amendment to Article IV, Section 30, of the Constitution of the State of Delaware Relating to Justices of the Peace and Other Legislative Courts. (2/3 bill)

HB 301 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 41, Title 11 of the Delaware Code to Grant the Justices of the Peace Discretion Imposing a Sentence for Civil Contempt of Court Upon Those Defendants Who Fail to Comply With the Court's Work Referral Order.

HB 302 - RIDDAGH; SENATOR VAUGHN - JUD: An Act to Amend Chapter 98, Title 10 of the Delaware Code Relating to Costs in Proceedings Before Justices of the Peace.

HB 303 - DERRICKSON; SENATOR CORDREY - H/ADM: An Act to Amend An Act, Being Chapter 197, Volume 54, Laws of Delaware, As Amended, Entitled "An Act Revising the Prior Charter of the City of Rehoboth Beach and Establishing a New Charter Thereof and Prescribing the Powers and Duties of the Commissioners of Rehoboth Beach" to Authorize an Increase in the Transfer Tax. (2/3 bill)

HB 304 - ROY; SENATOR MARTIN - ADM/S: An Act to Amend Chapter 13, and Chapter 18, Title 2 of the Delaware Code Relating to the Powers of the Delaware Transportation Authority.

HB 305 - ROY - ADM/S: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Withholding of Tax From Wages, Including Gratuities.

HJR 15 - BENNETT, DARLING, CORDREY, MINNER, SOLES, JESTER, DIXON - NR/AGRI: Requesting the Public Service Commission to Study the Wheeling Transmission Rate of Providing Cheaper Electricity to Municipal Corporations Which Sell This Form of Energy to Their Customers.

HA 20 to HB 200 - CAMPANELLI, DIXON - Placed with the bill. (Laid on the Table)

HA 1 to HB 266 - CATHCART - Sub-P/S: Placed with the bill.

HA 1 to HB 273 - BENNETT - Placed with the bill. (Agenda)

HA 2 to HB 273 - BENNETT - Placed with the bill. (Agenda)

HA 3 to HB 273 - BENNETT - Placed with the bill. (Agenda)

HA 1 to HB 280 - CAMPANELLI - ADM/S: Placed with the bill.

SB 153 w/SA 2 - MCDOWELL, MARSHALL, MCBRIDE, KNOX, BERNDT, NEAL, CONNOR; REPRESENTATIVES EDWARDS, BRADY, GILLIGAN, RIDDAGH, MARONEY, ANDERSON - JUD: An Act to Amend Chapter 22, Title 16, Delaware Code, Relating to the Uniform Alcoholism and Intoxication Treatment Act.

SB 160 - MURPHY, NEAL - H/ADM: An Act to Amend Chapter 6 Title 29, Delaware Code, Relating to State Government by Requiring Notification of the Governor and General Assembly of Rules and Regulations Promulgated by State Agencies.

HA 1 to SB 84 - DERRICKSON - R&F: Placed with the bill.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 153 w/SA 2; HB 272 w/HA 1; SCR 51, HCR 58, HCR 59, SB 160, HB 34 w/HA 1, SA 18.

May 15, 1981

The Honorable Charles L. Hebner
Speaker of the House of Representatives
Legislative Hall
Dover, DE 19901

Dear Representative Hebner:

This is to inform you that, in accordance with House Joint Resolution 11, I am hereby appointing the following to the State Disability Reform Committee:

Mr. Ernst Danneman
135 Lakeview Avenue
Dover, DE 19901

Mr. David C. Marshall
1525 Maple Street
Wilmington, DE 19805

Mr. Paul Andrisani
104 Hackney Circle
Surrey Park
Wilmington, DE

As called for in the resolution, Mr. Dannemann, as Chairman of the Board of Pension Trustees, shall also serve as Chairperson of the Committee.

Sincerely,
Pierre S. du Pont
Governor

PSduP/nog

cc: Representative Richard Sincock

Senator Thurman Adams, Jr.

Mr. Ernst Dannemann

Representative Harrington requested that HB 113 be stricken.

Representative Free moved to suspend all rules which interfere with action on HB 34 w/HA 1, SA

18. The motion was seconded by Representative Burris and adopted by voice vote.

Representative Free brought HB 34 w/HA 1, SA 18, jointly sponsored by Representatives Cathcart, Edwards, Gilligan; Senators Marshall & Citro, before the House for consideration.

HB 34 - An Act Proposing an Amendment to the Constitution of the State of Delaware Relating to Gambling. (2/3 bill)

The roll call on HB 34 w/HA 1, SA 18 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Dixon, Ennis, Fallon, Free, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Maroney, Oberle, Pettrilli, Roy, Sincock, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 29.

NO: Representatives Bennett, Burris, Cain, Harrington, McKay, Minner, West - 7.

NOT VOTING: Representatives Derrickson, Riddagh - 2.

ABSENT: Representatives Edwards, Plant, Powell - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 34 w/HA 1, SA 18 was sent to the Governor.

Representative Cain brought HB 178, jointly sponsored by Representative Corrozi, before the House for consideration.

HB 178 - An Act to Amend Chapter 59, Part V, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration; and Providing for a Prohibition Against the Imposition of Noncompensated Work as a Disciplinary Measure.

Representative Cain brought HA 1 to HB 178 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 178 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Roy, Sinecock, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 33.

NO: Representatives Cordrey, Darling, Minner, Riddagh, West - 5.

ABSENT: Representatives Barnes, Edwards, Powell - 3.

Therefore, having received a constitutional majority, HB 178 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney moved to lift HB 159 from the Speaker's table. The motion was seconded by Representative Brady and adopted by voice vote.

Representative Maroney brought HB 159 before the House for consideration.

HB 159 - An Act to Amend Title 24, Chapter 25 of the Delaware Code Relating to Drug Products and the Delaware Drug Advisory Board.

Representative George brought HA 1 to HB 159 before the House for consideration.

Representative George requested and was granted the privilege of the floor for House Attorney Richard Cooch.

HA 1 was adopted by voice vote.

Representative Maroney requested and was granted the privilege of the floor for Mrs. Frances West, Director, Drug Advisory Board and Director, Department of Consumer Affairs.

The roll call on HB 159 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 35.

NO: Representative Gilligan - 1.

NOT VOTING: Representatives Bennett, Cain, George - 3.

ABSENT: Representatives Edwards, Powell - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 159 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli brought HB 78, jointly sponsored by Representative Harrington, before the House for consideration.

HB 78 - An Act to Amend Title 21, §2118 of the Delaware Code to Require Insurers to Inform Their Claimants in Writing of the Two-Year Statute of Limitations.

Representative Petrilli moved to place HB 78 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Mack brought HB 226, jointly sponsored by Senator Martin, before the House for consideration.

HB 226 - An Act to Amend §151, Subchapter IV, Title 17 of the Delaware Code Relating to the Department of Transportation Participating in Contracts Issued by Other Governmental Agencies.

The roll call on HB 226 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sinecock, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Edwards, Powell, Smith - 3.

Therefore, having received a constitutional majority, HB 226 was sent to the Senate for concurrence.

Representative Campanelli brought HB 161, jointly sponsored by Representative Corrozi & Senator Citro, before the House for consideration.

HB 161 - An Act to Amend the Charter of the Town of Elsmere. (2/3 bill)

The roll call on HB 161 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sinecock, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Edwards, Powell - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 161 was sent to the Senate for concurrence.

Representative Barnes requested that HCR 40 be stricken.

Representative Burris brought HB 179, jointly sponsored by Representatives Minner, Derrickson; Senators Cook, Adams, Murphy & Zimmerman; co-sponsored by Representative Harrington, before the House for consideration.

HB 179 - An Act to Amend Chapter 3, Title 29, of the Delaware Code Designating the Weakfish (Also Known as the Sea Trout) as the Official State Fish.

The roll call on HB 179 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 39.

NOT VOTING: Representative Gilligan - 1.

ABSENT: Representative Powell - 1.

Therefore, having received a constitutional majority, HB 179 was sent to the Senate for concurrence.

Representative Holloway brought HB 195, jointly sponsored by Representative Plant & Senator Holloway, before the House for consideration.

HB 195 - An Act to Amend Chapter 3, Title 4, Delaware Code, Relating to Monies Received by the Delaware Alcoholic Beverage Control Commission by Directing That a Portion of the Monies Received be Used in the Treatment of Alcoholics.

Representative Holloway moved to place HB 195 on the Speaker's table. The motion was seconded by Representative Brady and adopted by voice vote.

Representative Oberle brought HB 273, jointly sponsored by Senator Marshall; Representatives Sincok, Roy, Buckworth, Barnes, Petrilli, Burris; Senators Hughes, Bair, Knox, Berndt, Connor, Citro, Arnold, Murphy & Adams, before the House for consideration.

HB 273 - An Act to Amend Title 19 of the Delaware Code to Modify Unemployment Insurance Tax Rates, Provide for Benefits Based Upon Annual Wage Histories, Extend the Present Level of Maximum Benefits, and Related Provisions for the Purpose of Improving the Solvency of the Unemployment Compensation Trust Fund. (3/5 bill)

Representative Oberle brought HA 4 to HB 273 before the House for consideration.

Representative McKay rose on a point of order. Mr. Speaker concurred.

Representative Bennett brought HA 1 to HB 273 before the House for consideration.

Representative Oberle requested and was granted the privilege of the floor for Dennis C. Carey, Secretary of Labor.

Representative Oberle requested and was granted the privilege of the floor for Mr. Samuel Hous, Department of Labor.

HA 1 was defeated by voice vote.

Representative Bennett brought HA 2 to HB 273 before the House for consideration. Representative Bennett requested that HA 2 be stricken.

Representative Bennett brought HA 3 to HB 273 before the House for consideration.

Representative Bennett requested and was granted the privilege of the floor for Dennis C. Carey, Secretary of Labor.

Representative Bennett requested that HA 3 be stricken.

Representative Oberle brought HA 4 to HB 273 before the House for consideration. HA 4 was adopted by voice vote.

Representative Campanelli requested and was granted the privilege of the floor for Mr. Samuel Hous, Department of Labor.

Representative Bennett brought HA 5 to HB 273 before the House for consideration. Representative Burris moved to place HA 5 on the Speaker's table. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Campanelli, Cathcart, Corrozi, Derrickson, Edwards, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, Mr. Speaker Hebner - 26.

NO: Representatives Bennett, Cain, Cordrey, Darling, Dixon, George, Jester, Jonkiert, Plant, West - 10.

ABSENT: Representatives Ennis, Gilligan, Holloway, Minner, Powell - 5.

Therefore, having received a constitutional majority, the motion was adopted and HA 5 to HB 273 was placed on the Speaker's table.

The roll call on HB 273 w/HA 4 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Corrozi, Darling, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Riddagh, Roy, Sincok, Smith, Soles, Spence, Mr. Speaker Hebner - 26.

NO: Representatives Anderson, Cain, George, Jester, Jonkiert, Van Seiver - 6.

NOT VOTING: Representatives Campanelli, Cordrey, Derrickson, Dixon, Holloway, Plant, West - 7.

ABSENT: Representatives Gilligan, Powell - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House,

HB 273 w/HA 4 was sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 4:58 p.m.

32nd LEGISLATIVE DAY
131ST GENERAL ASSEMBLY

First Session

May 26, 1981

The Speaker called the House to order at 1:53 p.m.

The Chief Clerk read the following Committee Report into the record:

ADM/S: SCR 19 - 3M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 169, SB 165, SB 166, SB 167, SB 168, SB 179, SB 223, SB 224, SB 128, SB 170, SB 171, SB 172, SCR 52, HCR 60.

Representative Burris moved to lift HB 200 w/HA 1, HA 2w/HA 1; HA 3 w/HA 1; HA 5,6,7,9,10,12 - HA 13, 14, 15, 16, 17, 18, 19, 20 from the Speaker's table for the purpose of adding it to the Agenda for Wednesday, May 27, 1981.

Mr. Speaker re-assigned HJR 15 to the Administrative Services Committee.

The Majority Leader moved to adjourn at 1:57 p.m., thereby ending the previous legislative day. The House reconvened at 1:58 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Reverend Ewart C. Hackshaw, Whatcoat United Methodist Church, Dover, DE.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 306 - FALLON, BUCKWORTH, DARLING, DIXON, HARRINGTON, DERRICKSON, VAN SCIVER, FREE, JESTER, BENNETT, OBERLE, SOLES, BARNES, GILLIGAN, SPENCE, CAIN, CORROZI, GEORGE, PLANT, ANDERSON, WEST, CORDREY, ENNIS, ROY, RIDDAGH, HOLLOWAY, CAMPANELLI; SENATORS ADAMS, KNOX, ARNOLD, CITRO, CONNOR, MARTIN, VAUGHN - APPRO: An Act to Amend Section 1308, Title 14 of the Delaware Code Relating to the Salaries of School Secretaries and Clerks and Making a Supplementary Appropriation Therefor.

HB 307 - FALLON; SENATOR ADAMS; REPRESENTATIVES ANDERSON, BARNES, BRADY, BUCKWORTH, CAIN, CATHCART, CORDREY, CORROZI, DIXON, ENNIS, FREE, GEORGE, JESTER, JONKIERT, MACK, MARONEY, MCKAY, MINNER, OBERLE, PLANT, RIDDAGH, SINCOCK, SMITH, SPENCE, WEST; SENATORS ARNOLD, COOK, HUGHES, KNOX, LITTLETON, NEAL, VAUGHN - NR/AGRI: An Act to Amend Title 3 of the Delaware Code Relating to the Powers and Duties of the Department of Agriculture by Providing for Agricultural Lands Preservation and to Amend Chapter 81 of Title 29 of the Delaware Code by Adding an Agricultural Lands Preservation Section.

HB 308 - ROY, EDWARDS, SOLES, CORROZI, SPENCE, BUCKWORTH, SMITH, ENNIS, FREE - ADM/S: An Act to Amend Chapter 1, Title 4 of the Delaware Code Relating to General Provisions About Alcoholic Liquors.

HB 309 - RIDDAGH; SENATOR VAUGHN - R&F: An Act to Amend Chapter 7, Title 21 of the Delaware Code Relating to Mail-In Fine Procedures and Penalties and to Further Amend Chapter 52, Title 30 of the Delaware Code Relating to Motor Fuel Tax Penalties. (2/3 bill)

HB 310 - BARNES - JUD: An Act to Amend Chapter 71, Title 14, Delaware Code Relating to Free Public Libraries.

HB 311 - CATHCART - ADM/S: An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to the Creation of an Access to a State-Maintained Highway.

HB 312 - CATHCART - ADM/S: An Act to Amend Chapter 11, Title 17 of the Delaware Code Relating to the Regulation of Outdoor Advertising.

HB 313 - BENNETT, ROY - R&F: An Act to Amend Title 29, Delaware Code Relating to Public Works Contracts.

HB 314 - CAMPANELLI - APPRO: An Act to Amend Title 28 and Title 29 of the Delaware Code Relating to Sports and Amusements; and Providing That Certain Income to the State be Utilized Solely for Grants-in-Aid.

HJR 16 - HOLLOWAY - H/SS: Requesting the Governor of the State of Delaware to Designate Annually the Month of May as Drug and Alcohol Awareness Month.

HA 1 to HB 185 - HARRINGTON - R&F: Placed with the bill.

HA 1 to HB 264 - BENNETT - R&F: Placed with the bill.

HCR 61 - CORDREY - H/ADM: Requesting the Appointment of a Special Legislative Committee to Study the Feasibility of Returning to the Former System of Meeting in Regular Session in the Odd Year and for Budgetary and Emergency Purposes Only in the Even Year.

SB 128 - MARTIN, NEAL - ADM/S: An Act to Amend Chapter 1, Title 17, Delaware Code Relating to the Acquisition and Sale of Real Property by the Department of Transportation.

SB 165 - ADAMS, CORDREY, LITTLETON; REPRESENTATIVES BURRIS, DERRICKSON, BARNES, FALLON, CORDREY, WEST - H/ADM: An Act to Amend Chapter 70, Title 9, of the Delaware Code Relating to the Intergovernmental Relations Powers of the Government of Sussex County.

SB 166 - ADAMS, CORDREY, LITTLETON; REPRESENTATIVES BURRIS, DERRICKSON, BARNES, FALLON, CORDREY, WEST - H/ADM: An Act to Amend Chapter 67, Title 9, of the Delaware Code Relating to Service Charges to Permit Borrowing of Funds Therefor by Sussex County.

SB 167 - ADAMS, CORDREY, LITTLETON; REPRESENTATIVES BURRIS, DERRICKSON, BARNES, FALLON, CORDREY, WEST - H/ADM: An Act to Amend Chapter 91, Title 9, Delaware Code, Relating to Uniform Mileage Payments.

SB 168 - ADAMS, CORDREY, LITTLETON; REPRESENTATIVES BURRIS, DERRICKSON, BARNES, FALLON, CORDREY, WEST - H/ADM: An Act to Amend Chapter 67, Title 9, of the Delaware Code Relating to the Intergovernmental Relations Powers of the Government of Sussex County.

SB 169 - CORDREY, ADAMS, LITTLETON; REPRESENTATIVES BURRIS, DERRICKSON, BARNES, FALLON, CORDREY, WEST - H/ADM: An Act to Amend Chapter 23, Title 10 of the Delaware Code, Relating to the Deposit of Monies by the Prothonotary.

SB 170 - CORDREY, ADAMS, LITTLETON; REPRESENTATIVES BURRIS, DERRICKSON, BARNES, FALLON, CORDREY, WEST - H/ADM: An Act to Amend Chapters 64 and 70 of Title 9 of the Delaware Code Relating to Pensions for Sussex County Employees.

SB 171 - CORDREY, ADAMS, LITTLETON; REPRESENTATIVES BURRIS, DERRICKSON, BARNES, FALLON, CORDREY, WEST - H/ADM: An Act to Amend Chapter 65, Title 9, of the Delaware Code Relating to Grants From Federal, State or Interstate Agencies to Sussex County to Permit Borrowing in Anticipation of the Receipt Thereof.

SB 172 - CORDREY, ADAMS, LITTLETON; REPRESENTATIVES BURRIS, DERRICKSON, BARNES, FALLON, CORDREY, WEST - H/ADM: An Act to Amend Chapter 23, Title 10, Delaware Code to Provide for the Compensation of Deputies and Clerks.

SB 179 - HUGHES, NEAL - JUD: An Act to Amend Chapter 7, Title 21 of the Delaware Code to Prohibit the Payment of Motor Vehicle Fines by Mail for Minors.

SB 223 - ADAMS, CORDREY, LITTLETON - H/ADM: An Act to Amend Section 2510, Title 12, Delaware Code, Relating to Charges of the Register of Wills, in and for Sussex County.

SB 224 - ADAMS, CORDREY, LITTLETON - H/ADM: An Act to Amend Title 9, Chapter 96, as It Relates to the Recorder of Deeds, in and for Sussex County.

HA 1 to SB 187 - MINNER - Placed with the bill. (Agenda)

Representative Plant introduced HB 315.

HB 315 - An Act Proposing an Amendment to Article I, Section 6 of the Delaware Constitution to Provide That Persons Meeting in an Orderly Manner in Public May Not Wear Masks or Any Other Article Rendering Their Faces Invisible. (2/3 bill)

Mr. Speaker assigned HB 315 to the Judiciary Committee.

Representative Burris moved to recess for caucus at 2:13 p.m.

The House reconvened at 4:25 p.m.

Representative Sincok brought HB 250, jointly sponsored by Senator Cook; Representatives Bennett, Corrozi, Ennis, Gilligan, Petrilli; Senators Berndt, Holloway, Littleton, McBride & Murphy, before the House for consideration.

HB 250 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1982; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Representative Sincok moved to place HB 250 on the Speaker's table. The motion was seconded by Representative Derrickson and adopted by voice vote.

Representative Harrington brought HB 137 - HA 1, jointly sponsored by Representatives Oberle, Roy, Edwards, Cathcart, Mack, Cain, Dixon, Plant; Senators Martin, McBride, Holloway, Sharp, Connor & Citro; co-sponsored by Representative Van Sciver & Senator Hughes, before the House for consideration.

HB 137 - An Act to Amend Chapter 69, Title 29, Del. C., by Providing for the Use of United States Produced Steel in State Contracts.

Representative Harrington requested that HA 1 to HB 137 be stricken.

Representative Harrington brought HA 2 to HB 137 before the House for consideration. HA 2 was adopted by voice vote.

Representative Harrington brought HA 3 to HB 137 before the House for consideration. HA 3 was adopted by voice vote.

Representative Harrington moved to place HB 137 w/HA 2,3 on the Speaker's table. The motion was seconded by Representative Brady and adopted by voice vote.

Representative Smith requested that action on HB 60 be deferred to a Day Certain, Thursday, May 28, 1981.

Representative Smith brought SB 104, sponsored by Senator Cordrey, before the House for consideration.

SB 104 - An Act to Amend Chapter 21, Title 23, Delaware Code, Relating to Nonstate Agency Locations for the Registration of Motorboats.

The roll call on SB 104 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkier, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Holloway, Petrilli - 2.

Therefore, having received a constitutional majority, SB 104 was returned to the Senate.

Representative Maroney brought SB 187 w/SA 1,5,6; jointly sponsored by Senators Holloway, Cordrey, Hughes; Representatives Brady, Derrickson, Gilligan, Minner, Oberle & Fallon, before the House for consideration.

SB 187 - An Act to Amend Chapter 96, Title 16, Delaware Code, Relating to the Operation of Food Service Facilities in Public Buildings.

Representative Minner brought HA 1 to SB 187 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on SB 187 w/SA 1,5,6; HA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 36.

NOT VOTING: Representatives Bennett, Cain, Campanelli, Jonkiert - 4.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority, SB 187 w/SA 1,5,6; HA 1 was returned to the Senate.

Representative Roy brought SB 122 w/SA 2, sponsored by Senator Martin, before the House for consideration.

SB 122 - An Act to Amend Chapter 71, Title 29 of the Delaware Code Relating to the Use of State Vehicles by State Employees.

Representative Roy requested and was granted the privilege of the floor for Assistant Secretary of Transportation John Davis.

Representative Roy requested and was granted the privilege of the floor for Controller General Duane Olsen.

Representative Cathcart requested and was granted the privilege of the floor for Assistant Secretary of Transportation John Davis.

Representative Roy moved that the Fiscal Note on SB 122 be waived. The motion was seconded by Representative Cathcart.

The roll call on the motion was taken and revealed:

YES: Representatives Anderson, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Ennis, Fallon, Harrington, Mack, Maroney, Oberle, Petrilli, Plant, Powell, Roy, Spence, Mr. Speaker Hebner - 19.

NO: Representatives Bennett, Brady, Buckworth, Burris, Derrickson, Dixon, Edwards, Free, George, Gilligan, Jester, Jonkiert, McKay, Minner, Riddagh, Sincok, Soles, Van Sciver, West - 19.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Barnes, Smith - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated.

Representative Roy moved to place SB 122 w/SA 2 on the Speaker's table. The motion was seconded by Representative Harrington and adopted by voice vote.

Mr. Speaker re-assigned SB 122 w/SA 2 to the Appropriations Committee.

Representative Brady rose on a point of order. Mr. Speaker concurred.

Representative Roy moved to lift SB 122 w/SA 2 from the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Mr. Speaker re-assigned SB 122 w/SA 2 to the Appropriations Committee.

Representative Harrington brought HB 189, jointly sponsored by Representatives Brady, Holloway; Senators Zimmerman, Holloway, Neal & Knox, before the House for consideration.

HB 189 - An Act to Amend Chapter 43, Title 31, of the Delaware Code Relating to the Indebtedness of the Housing Authority.

The roll call on HB 189 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Brady, Buckworth, Burris, Cain, Campanelli, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 39.

ABSENT: Representatives Cathcart, Smith - 2.

Therefore, having received a constitutional majority, HB 189 was sent to the Senate for concurrence.

Representative Roy brought HB 220, jointly sponsored by Representatives Petrilli, Gilligan, Powell, Soles, Cain, Van Sciver; Senators Arnold & Neal, before the House for consideration.

HB 220 - An Act to Amend the Delaware Code, Title 29 Providing for the Appropriate Sharing of Expenses Involved in the Proper Closing and Securing of Vacated Public School District Buildings.

The roll call on HB 220 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Cain, Campanelli, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 36.

NOT VOTING: Representatives Bennett, West - 2.

ABSENT: Representatives Cordrey, Jonkiert, Smith - 3.

Therefore, having received a constitutional majority, HB 220 was sent to the Senate for concurrence.

Representative Burris brought HB 16 w/SA 1, jointly sponsored by Representatives Petrilli, Cain, Bennett, Brady; Senators Adams & Knox, before the House for consideration.

HB 16 - An Act to Amend Chapter 1, Title 8, Delaware Code, Relating to the General Corporation Law. (2/3 bill)

The roll call on HB 16 w/SA 1 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representative Campanelli - 1.

ABSENT: Representatives Brady, Jonkiert, Smith - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 16 w/SA 1 was sent to the Governor.

Representative Anderson brought HB 38 before the House for consideration.

HB 38 - An Act to Amend Chapter 27, Part II, Title 21 of the Delaware Code Relating to Parents' Signatures for Driver Licenses.

Representative Anderson requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Anderson moved to place HB 38 on the Speaker's table. The motion was seconded by Representative Sincok and adopted by voice vote.

Representative Buckworth requested that action on HB 209 be deferred to a Day Certain, Tuesday, June 2, 1981.

Representative Derrickson requested that action on HB 259 be deferred to a Day Certain, Tuesday, June 2, 1981.

Representative Barnes requested that action on HB 221 be deferred to a Day Certain, Thursday, May 28, 1981.

Representative Plant brought HB 191 before the House for consideration.

HB 191 - An Act Proposing an Amendment to Article X, Section 2, of the Constitution of the State of Delaware to Remove the Requirement for Separate Schools for White and Black Children. (2/3 bill)

The roll call on HB 191 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

ABSENT: Representatives Brady, Harrington, McKay, Smith - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 191 was sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 6:10 p.m.

33rd LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

May 27, 1981

The Speaker called the House to order at 2:08 p.m.

Representative Harrington moved to lift HB 137 w/HA 2,3 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Harrington brought HB 137 w/HA 2,3; jointly sponsored by Representatives Oberle, Roy, Edwards, Cathcart, Mack, Cain, Dixon, Plant; Senators Martin, McBride, Holloway, Sharp, Connor & Citro; co-sponsored by Representative Van Sciver & Senator Hughes, before the House for consideration.

HB 137 - An Act to Amend Chapter 69, Title 29, Del. C., by Providing for the Use of United States Produced Steel in State Contracts.

Representative Harrington brought HA 4 to HB 137 before the House for consideration. HA 4 was adopted by voice vote.

The roll call on HB 137 w/HA 2,3,4 was taken and revealed:

YES: Representatives Anderson, Buckworth, Cain, Cordrey, Corrozi, Dixon, Edwards, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Minner, Oberle, Petrilli, Plant, Powell, Roy, Spence, Van Sciver, West, Mr. Speaker Hebner - 24.

NO: Representatives Bennett, Darling, Derrickson, Fallon, Maroney, McKay, Riddagh, Sincok, Smith, Soles - 10.

NOT VOTING: Representatives Brady, Burris, Ennis, Free - 4.

ABSENT: Representatives Barnes, Campanelli, Cathcart - 3.

Therefore, having received a constitutional majority, HB 137 w/HA 2,3,4 was sent to the Senate for concurrence.

The Majority Leader moved to adjourn at 2:25 p.m., thereby ending the previous legislative day. The House reconvened at 2:26 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative James F. Edwards, Eighth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 316 - FALLON - H/SS: An Act to Amend Chapter 25, Title 24 of the Delaware Code to Allow Non-Prescription Drug Wholesalers to Operate Without a Permit From the Board of Pharmacy.

HB 317 - EDWARDS - H/SS: An Act to Amend Chapters 33, 35 and 63, Title 18 of the Delaware Code Providing for the Inclusion of Benefits for Expenses Incurred in Connection With the Treatment of Alcoholism in Health Insurance Contracts.

HB 318 - SMITH, BUCKWORTH, DARLING, MINNER, SOLES - NR/AGRI: An Act to Amend Chapter 63, Title 7 of the Delaware Code Relating to the Management of Hazardous Wastes.

HB 319 - BUCKWORTH, BARNES, HARRINGTON, SMITH, DARLING, SOLES - NR/AGRI: An Act to Amend Chapter 47, Title 7 of the Delaware Code Relating to Penalties for Violations of State Park Regulations. (2/3 bill)

HB 320 - SMITH, BUCKWORTH, HARRINGTON, MINNER; SENATORS BERNDT, ZIMMERMAN - NR/AGRI: An Act to Amend Chapters 6 and 71, Title 29 of the Delaware Code Relating to Enforcement Vehicles of the Department of Natural Resources and Environmental Control.

HB 321 - SMITH, BUCKWORTH, DARLING - NR/AGRI: An Act to Amend Titles 25 and 7 of the Delaware Code Relating to Requiring Notice That a Building Lot is Suitable for On-Site Sewage Disposal Before the Transfer Thereof.

HB 322 - SMITH, BARNES, BUCKWORTH, DARLING - NR/AGRI: An Act to Amend Chapter 60, Title 7 of the Delaware Code Relating to Water Well Permits and Licensing of Water Well Installers.

HB 323 - SMITH, BUCKWORTH, HARRINGTON - JUD: An Act to Amend Chapter 66, of Title 7, Delaware Code to Provide for Enforcement by Civil Penalty and to Add a Lesser Criminal Penalty.

HB 324 - RIDDAGH; SENATOR COOK - H/ADM: An Act to Amend Chapter 5, Part I, Title 29 of the Delaware Code Relating to the Display and Distribution of the State Flag.

HB 325 - ENNIS, HEBNER, MACK, HOLLOWAY, CATHCART, PLANT, CAMPANELLI, MCKAY, MINNER, SOLES, BARNES, VAN SCIVER, FREE, CORDREY, BUCKWORTH, SPENCE, ANDERSON, DIXON, CORROZI, JESTER, DARLING, CAIN, FALLON, RIDDAGH, WEST, GEORGE, ROY; SENATORS CITRO, ADAMS, BAIR, ARNOLD - ED: An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to Absentee Voting in School Elections.

HB 326 - CORROZI, ANDERSON, BARNES, BENNETT, BUCKWORTH, CAIN, CAMPANELLI, CATHCART, DARLING, DIXON, EDWARDS, FREE, JESTER, JONKIERT, GEORGE, GILLIGAN, HOLLOWAY, MACK, MINNER, PETRILLI, PLANT, ROY, SOLES, SPENCE, WEST - ADM/S: An Act to Amend Title 9, Title 14, Title 16, Title 22, and Title 29 of the Delaware Code Relating to Access to Public Land by Certain Public Agencies.

HB 327 - PLANT, HOLLOWAY, JONKIERT, CAMPANELLI, WEST, DIXON; SENATOR HOLLOWAY - JUD: An Act Proposing an Amendment to Article I, Section 16 of the Delaware Constitution to Provide That Persons Meeting in an Orderly Manner in Public May Not Wear Masks or Any Other Article Rendering Their Faces Invisible While Conspiring to Harm Others. (2/3 bill)

HB 328 - FALLON - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code Relating to Sick Leave and Absences for Other Reasons.

HB 329 - RIDDAGH - JUD: An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Employment Practices and Polygraph Examinations.

HJR 17 - BARNES; SENATORS ADAMS, COOK - H/ADM: Congratulating the Woodbridge High School Track Team and Coach Ron Keiser on Winning the Division II Championship.

HR 59 - ANDERSON, CAIN, BENNETT, BUCKWORTH, BARNES - H/ADM: Amending the Permanent Rules of the House as Contained in House Resolution No. 6 Relating to Roll Call Votes.

HA 1 to HB 60 - BENNETT - Placed with the bill. (Agenda - Deferred to Day Certain)

HA 1 to HB 221 - BARNES - Placed with the bill. (Agenda - Deferred to Day Certain)

SB 155 - SHARP - ADM/S: An Act to Amend Title 6, Section 2902 of the Delaware Code Pertaining to the Advertisement of Retail Motor Fuel Prices.

SB 176 - MCBRIDE, BERNDT; REPRESENTATIVES CAIN, POWELL - R&F: An Act to Amend Chapter 29, Part III, Title 30 of the Delaware Code Relating to Retail and Wholesale Merchants' License Requirement and Taxes.

SB 220 w/SA 1 - CORDREY, ADAMS, LITTLETON; REPRESENTATIVES BURRIS, DERRICKSON, BARNES, FALLON, CORDREY, WEST - ADM/S: An Act to Amend Chapter 1, Title 17, and Chapter 5, and 96, Title 9, Delaware Code Relating to the Jurisdiction, Powers and Duties of the Department of Transportation Over Roads and Streets Within the Counties Not Dedicated to the Public Use and to the Recording of Deeds to Real Estate Fronting on Such Streets and Roads.

HA 3 to SB 42 - RIDDAGH - Placed with the bill. (Laid on the Table)

HA 1 to HA 1 to SB 43 - SPENCE - Placed with the bill. (Ready List)

The following prefiled Consent Calendar was introduced:

HCR 55* - SMITH, ANDERSON, BARNES, BENNETT, BRADY, BUCKWORTH, BURRIS, CAIN, CATHCART, CORROZI, DARLING, DERRICKSON, DIXON, EDWARDS, ENNIS, FREE, GEORGE, HARRINGTON, HEBNER, JESTER, MARONEY, MCKAY, MINNER, OBERLE, PETRILLI, SINCOCK, SOLES, SPENCE, VAN SCIVER, WEST; SENATORS ARNOLD, BAIR, CITRO, HOLLOWAY, HUGHES, KNOX, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, NEAL, VAUGHN, ZIMMERMAN - Requesting the Members of the Delaware Congressional Delegation to Support Legislation Protecting the National Barrier Island System.

HCR 62 - OBERLE, PETRILLI, ANDERSON, SOLES; SENATORS MARTIN, SHARP, NEAL - Congratulating Mr. Roy Rudy of the Newark Senior Center on Being Named Male Volunteer of the Year.

*Placed on Consent Calendar on recommendation of the NR/AGRI Committee.

SCR 51 - HOLLOWAY, ZIMMERMAN; REPRESENTATIVE BUCKWORTH - Congratulating Luna I. Mishoe, President of the Delaware State College, Upon His Election to the Mid-Eastern Athletic Conference Hall of Fame.

SCR 52 - ZIMMERMAN; REPRESENTATIVES BENNETT, HARRINGTON - Congratulating the Dover High School Senator Band for Its Outstanding Performance at the Blossom Festival Parade in Niagara Falls, Canada.

SCR 53 - SENATOR VAUGHN; REPRESENTATIVE JESTER - Welcoming Up With People to Delaware and Commemorating Its Success in Building Bridges of Understanding and Communication Among Peoples, Cultures, and Countries.

SCR 54 - SENATOR MARSHALL; REPRESENTATIVE JONKIERT - Commending the Nemours Foundation Incorporated for Establishing the Nemours Health Clinic Incorporated in Wilmington to Assist Delaware Senior Citizens.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 220 w/SA 1; SB 176, SB 155, SCR 53, SCR 54.

May 26, 1981

LEGISLATIVE ADVISORY #10

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on May 26, 1981 - HB 272 aab HA 1; SB 2 aab HA 1; HB 45, HB 34 aab HA 1, SA 18.

Consent Calendar #17 was adopted by voice vote and HCR 55, HCR 62 were sent to the Senate for concurrence and SCR 51, SCR 52, SCR 53, SCR 54 were returned to the Senate.

Representative Burris moved to recess for committee meetings at 2:38 p.m.

The House reconvened at 4:34 p.m.

Mr. Speaker re-assigned HB 279 to the Education Committee.

Mr. Speaker re-assigned HB 199 to the Revenue & Finance Committee.

The Chief Clerk read the following Committee Reports into the record:

ADM/S: HB 263 - 5M; HB 233 - 4M; SB 96 - 5M.

JUD: HB 275 - 3F; HB 291 - 3F; HB 292 - 1F, 2M; HB 293 - 1F, 2M; HB 294 - 1F, 2M; HB 298 - 1F, 2M; HB 299 - 1F, 2M; HB 300 - 1F, 2M; HB 301 - 3M; HB 302 - 1F, 2M; SB 153 w/SA 2 - 3M; SB 118 w/SA 1 - 3M; SB 154 - 3M; SB 219 w/SA 1, 2, 3 - 3M; SB 179 - 1F, 2M; SB 194 w/SA 1 - 3M.

ED: HCR 56 - 4M; HB 296 - 4M; HB 265 - 2F, 2M; HB 279 - 3F.

Representative Burris moved to lift HB 200 w/HA 1, HA 2 w/HA 1; HA 3 w/HA 1; HA 5, 6, 7, 9, 10, 12 from the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Burris brought HB 200 w/HA 1, HA 2 w/HA 1; HA 3 w/HA 1; HA 5, 6, 7, 9, 10, 12, jointly sponsored by Representative Bennett, before the House for consideration.

HB 200 - An Act to Amend Titles 19, 9, 11, 18, 24, 29, 30 and 31 of the Delaware Code Relating to Workers' Compensation, Providing for the "Workers' Compensation Act of 1981" and Further Providing for an Appropriation for the Implementation of That Act.

Representative Campanelli brought HA 13 to HB 200 before the House for consideration.

Representative Campanelli requested that HA 13 be stricken.

Representative Campanelli brought HA 14 to HB 200 before the House for consideration.

Representative Burris moved to place HA 14 to HB 200 on the Speaker's table. The motion was seconded by Representative Riddagh and adopted by voice vote.

Representative Campanelli brought HA 15 to HB 200 before the House for consideration.

Representative Burris moved to place HA 15 on the Speaker's table. The motion was seconded by Representative Sincok.

Representative Darling rose on a point of order. Mr. Speaker concurred.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Van Siver, Mr. Speaker Hebner - 22.

NO: Representatives Anderson, Cain, Campanelli, Cordrey, Darling, George, Gilligan, Holloway, Jester, Jonkiert, Minner, Plant, Soles, West - 14.

NOT VOTING: Representatives Fallon, Roy - 2.

ABSENT: Representatives Brady, Dixon, Free - 3.

Therefore, having received a constitutional majority, the motion was adopted and HA 15 to HB 200 was placed on the Speaker's table.

Representative Campanelli brought HA 16 to HB 200 before the House for consideration.

Representative Burris moved to place HA 16 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Campanelli rose on a point of order. Mr. Speaker concurred.

Representative Holloway rose on a point of order. Mr. Speaker concurred.

Representative Burris withdrew the motion to place HA 16 to HB 200 on the Speaker's table.

Representative Campanelli requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Burris moved to place HA 16 to HB 200 on the Speaker's table. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Corrozi, Derrickson, Fallon, Free, Harrington, Maroney, McKay, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Mr. Speaker Hebner - 19.
NO: Representatives Anderson, Cain, Campanelli, Cordrey, Darling, Edwards, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Minner, Oberle, Plant, Soles, West - 17.
NOT VOTING: Representatives Cathcart, Ennis, Roy, Van Sciver - 4.

ABSENT: Representative Dixon - 1.

Therefore, not having received a constitutional majority, the motion was declared defeated and HA 16 to HB 200 remained before the House.

Representative Burris moved to recess for caucus at 4:55 p.m.

The House reconvened at 5:20 p.m.

Representative Burris moved to place HA 16 to HB 200 on the Speaker's table. The motion was seconded by Representative Roy.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Minner, Plant, Roy, Soles, West - 17.

NOT VOTING: Representative Cathcart - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 16 to HB 200 was placed on the Speaker's table.

Representative Campanelli brought HA 17 to HB 200 before the House for consideration. Mr. Speaker Hebner ruled that HA 17 to HB 200 is invalid.

Mr. Speaker Hebner requested the privilege of the floor for House Attorney Bruce Hudson.

Representative Campanelli brought HA 18 to HB 200 before the House for consideration.

Representative Burris requested and was granted the privilege of the floor for Mr. Robert Byrd, Delaware State Chamber of Commerce.

Representative Burris requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Mr. Speaker Hebner ruled that HA 18 is invalid.

Representative Roy rose on a point of order. Mr. Speaker concurred.

Representative Campanelli requested and was granted the privilege of the floor for House Attorney Richard Cooch.

Representative Riddagh rose on a point of order. Mr. Speaker concurred.

Representative Cain rose on a point of order. Mr. Speaker concurred.

Representative Dixon brought HA 19 to HB 200 before the House for consideration. Representative Dixon requested that HA 19 be stricken.

Representative Campanelli brought HA 20 to HB 200, jointly sponsored by Representative Dixon, before the House for consideration. Representative Burris moved to place HA 20 to HB 200 on the Speaker's table. The motion was seconded by Representative Harrington.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Corrozi, Edwards, Fallon, Free, Harrington, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Van Sciver, Mr. Speaker Hebner - 21.

NOT VOTING: Representatives Anderson, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, Ennis, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Minner, Plant, Soles, West - 18.

NOT VOTING: Representative Roy - 1.

ABSENT: Representative Derrickson - 1.

Therefore, having received a constitutional majority, the motion was adopted and HA 20 to HB 200 was placed on the Speaker's table.

Representative Anderson brought HA 21 to HB 200 before the House for consideration.

The Reading Clerk read the following communication into the record at the request of Representative Burris:

May 6, 1981

Bayard, Brill, & Handelman, P.A.

Bank of Delaware

Dover, Delaware 19901

Dear Sirs:

Because of my present patient load, volume and anticipated patient load and volume in the indefinite future, I will be unable to evaluate and/or treat injuries to the cervical and lumbar spine sustained in accidents or Workmen's Compensation related injuries to the back or neck, unless the injuries are true emergencies.

It is my policy now and will be for the future that these patients will be referred to the Wilmington Pain Clinic, if these patients live north of Georgetown, Delaware, or referred to the Salisbury neurosurgeons or orthopedists, if they live south of Georgetown, Delaware.

I regret having to make such a policy; however, my schedule does not permit the massive numbers of hours that are needed to devote to these people in physical examination and history taking, correspondence with lawyers and insurance companies, and deposition and court room appearances. This policy is a personal policy and does not reflect the policy of the other associates in the Delaware Neuro-Musculo-Skeletal Associates.

I will also be unable to give Independent Medical Examination evaluations now and in the future.

The above policy does not include other demonstrable injuries, outside the back and neck. That is to say that uncontested injuries to the extremities will continue to be seen; however, I will be unable to give independent medical examinations for Workmen's Compensation or accident case injuries which are contested.

In any event, emergencies in uncontested injuries outside the region of the neck and low back will still be seen and evaluated.

Very truly yours,
Edward F. Quinn, III, M.D.

EFQ/pay

Representative Burris moved to place HA 21 to HB 200 on the Speaker's table. The motion was seconded by Representative Harrington.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Corrozi, Edwards, Ennis, Fallon, Free, Harrington, Mack, Maroney, McKay, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Bennett, Cain, Campanelli, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Minner, Plant, Soles, West - 15.

NOT VOTING: Representative Roy - 1.

ABSENT: Representatives Derrickson, Jonkiert - 2.

Therefore, having received a constitutional majority, the motion was adopted and HA 21 to HB 200 was placed on the Speaker's table.

Representative Campanelli requested and was granted the privilege of the floor for Attorney Harvey Rubenstein representing Council 81, AFSCME.

Representative Burris moved to recess to the call of the Chair at 7:03 p.m.

34th LEGISLATIVE DAY
131ST GENERAL ASSEMBLY
First Session

May 28, 1981

The Speaker called the House to order at 2:49 p.m.

Representative Cathcart brought HA 22 to HB 200, jointly sponsored by Representatives Oberle & Petrilli, before the House for consideration. Representative Burris moved to place HA 22 on the Speaker's table. The motion was seconded by Representative Sincok.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Maroney, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, George, Gilligan, Jester, Jonkiert, Mack, Minner, Oberle, Soles, West - 16.

NOT VOTING: Representatives Holloway, Roy - 2.

ABSENT: Representatives McKay, Plant - 2.

Therefore, having received a constitutional majority, the motion was adopted and HA 22 to HB 200 was placed on the Speaker's table.

Representative Cathcart brought HA 23 to HB 200, jointly sponsored by Representatives Oberle & Petrilli, co-sponsored by Representative Powell, before the House for consideration.

The roll call on HA 23 to HB 200 was taken and revealed:

YES: Representatives Anderson, Barnes, Brady, Buckworth, Burris, Campanelli, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Harrington, Holloway, Jonkiert, Mack, Maroney, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 36.

NO: Representatives Bennett, Gilligan, Jester - 3.

ABSENT: Representatives Cain, McKay - 2.

Therefore, having received a constitutional majority, HA 23 to HB 200 was adopted.

Representative Cathcart brought HA 24 to HB 200, jointly sponsored by Representative Oberle, co-sponsored by Representative Powell, before the House for consideration.

Representative Cathcart requested and was granted the privilege of the floor for Attorney Thomas L. Little.

HA 24 to HB 200 was adopted by voice vote.

Representative Oberle brought HA 25 to HB 200, jointly sponsored by Representative Cathcart, before the House for consideration. Representative Burris moved to place HA 25 on the Speaker's table. The motion was seconded by Representative Harrington.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Maroney, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Mr. Speaker Hebner - 20.

NO: Representatives Anderson, Cain, Campanelli, Cathcart, Cordrey, Dixon, George, Gilligan, Jester, Jonkiert, Mack, Minner, Oberle, Plant, Soles, Van Seiver, West - 17.

NOT VOTING: Representatives Holloway, Roy - 2.

ABSENT: Representatives Darling, McKay - 2.

Therefore, having received a constitutional majority, the motion was adopted and HA 25 to HB 200 was placed on the Speaker's table.

Representative Campanelli brought HA 26 to HB 200 before the House for consideration. HA 26 was adopted by voice vote.

Representative Campanelli brought HA 27 to HB 200 before the House for consideration. Representative Burris moved to place HA 27 on the Speaker's table. The motion was seconded by Representative Sincok.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Maroney, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Van Seiver, Mr. Speaker Hebner - 21.

NO: Representatives Anderson, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Mack, Minner, Plant, Soles, Spence, West - 17.

NOT VOTING: Representative Roy - 1.

ABSENT: Representatives Jonkiert, McKay - 2.

Therefore, having received a constitutional majority, the motion was adopted and HA 27 to HB 200 was placed on the Speaker's table.

Representative Buckworth brought HA 28 to HB 200 before the House for consideration. HA 28 was adopted by voice vote.

Representative Cathcart brought HA 29 to HB 200, jointly sponsored by Representatives Oberle & Mack, before the House for consideration. HA 29 was adopted by voice vote.

Representative Oberle brought HA 30 to HB 200, jointly sponsored by Representatives Cathcart & Roy, before the House for consideration. Representative Burris moved to place HA 30 to HB 200 on the Speaker's table. The motion was seconded by Representative Bennett.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Harrington, Maroney, Petrilli, Powell, Riddagh, Sincok, Smith, Van Seiver, Mr. Speaker Hebner - 20.

NO: Representatives Anderson, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, George, Gilligan, Holloway, Jester, Jonkiert, Mack, Minner, Oberle, Plant, Soles, Spence - 18.

ABSENT: Representatives McKay, Roy, West - 3.

Therefore, having received a constitutional majority, the motion was adopted and HA 30 to HB 200 was placed on the Speaker's table.

Representative Campanelli brought HA 31 to HB 200 before the House for consideration. Representative Campanelli requested that HA 31 be stricken.

Representative Harrington brought HA 32 to HB 200 before the House for consideration. Representative Burris moved to place HA 32 on the Speaker's table. The motion was seconded by Representative Petrilli.

The roll call on the motion was taken and revealed:

YES: Representatives Barnes, Brady, Buckworth, Burris, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Maroney, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Van Seiver, Mr. Speaker Hebner - 19.

NO: Representatives Anderson, Cain, Campanelli, Cathcart, Cordrey, Darling, Dixon, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Minner, Oberle, Plant, Soles, West - 18.

NOT VOTING: Representatives Bennett, Roy - 2.

ABSENT: Representatives Holloway, McKay - 2.

Therefore, not having received a constitutional majority, the motion was declared defeated and HA 32 to HB 200 remained before the House.

Representative Bennett rose on a point of order. Mr. Speaker concurred.

Representative Harrington requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

Mr. Speaker Hebner ruled that HA 32 to HB 200 is invalid.

Mr. Speaker Hebner rescinded his ruling on HA 32.

After questioning House Attorney Bruce Hudson, Mr. Speaker Hebner ruled that HA 32 to HB 200 is invalid.

Representative Campanelli brought HA 33 to HB 200 before the House for consideration. Mr. Speaker Hebner ruled that HA 33 to HB 200 is invalid.

Representative Campanelli requested that HA 33 to HB 200 be stricken.

The Reading Clerk read the following communications into the record at the request of Representative Campanelli:

May 7, 1981

The Honorable Charles L. Hebner
913 Darley Road
Wilmington, DE 19810
Dear Mr. Hebner:

As President of the New Castle County Chamber of Commerce, I have been asked by my membership to express our concerns to you over several subjects. Below are the subjects and our position on each:

As concerns HB 200 there are probably some very good provisions in it. No doubt we need to change a system that allows multiple claims for one injury or that allows other forms of abuse. But we seriously question whether HB 200, once put into practice, will have any substantial effect on the premiums.

We question the wisdom of relying on the Delaware Rating Bureau for statistics and advice when they are paid by the insurance industry. We wonder if our own Insurance Commissioner should not be empowered to gather information, have a skilled actuary on staff, and otherwise regulate this portion of the industry.

In summary, at this time, with the welter of information and misinformation available, we doubt the wisdom of passing any legislation.

Sincerely,
Fredric M. Rohm
President

FMR:bnk

cc: Delaware Senate
Delaware House of Representatives

May 28, 1981

Representative John Campanelli
State House
Dover, DE 19901
RE: House Bill 200

Dear Representative Campanelli:

I sincerely regret not being able to appear and testify before you, as I did last year, but my partner's illness does not permit my appearance.

It is my understanding that yesterday a letter I wrote to all attorneys advising them that I was curtailing my practice because of my partner's recent illness was read to the House of Representatives.

Please be advised that my decision to limit my practice should not be taken to be an indictment of the present workmen's compensation system. I simply felt that treating patients had to be given priority over testifying in court at the present time.

In addition, I would like to point out that it is my strong belief that any workmen's compensation bill passed by the Legislature must include provisions recognizing permanent partial disability to the spinal cord. Spinal cord injuries are the most serious injuries we see.

I also understand considerable debate has developed over the question of how frequently we see patients with 100% permanent partial disabilities from the shoulder or hip in the absence of amputation of the arm or leg. In my practice of some eleven years I can remember no such cases.

Very truly yours,
Edward F. Quinn, III, M.D.

EFQ/db

Representative Sincok rose on a point of order. Mr. Speaker concurred.

Representative Burris moved to place HB 200 w/HA 1,HA 2w/HA 1;HA 3w/HA 1;HA 5,6,7,9,10,12,23,24,26,28,29 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Campanelli rose on a point of order. Mr. Speaker did not concur.

Representative Riddagh moved to lift SB 42 w/SA 1, HA 2 from the Speaker's table for the purpose of adding it to the Agenda for Thursday, May 28, 1981.

The Majority Leader moved to adjourn at 4:12 p.m., thereby ending the previous legislative day. The House reconvened at 4:13 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Katharine M. Jester, Twenty-Ninth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 330 - CATHCART, CAIN, MACK, FREE, OBERLE, GILLIGAN, JONKIERT; SENATORS HOLLOWAY, KNOX, MCDOWELL - H/ADM: An Act to Amend Chapter 21, Title 10 of the Delaware Code Relating to the Office of Sheriff.

HB 331 - PETRILLI, HARRINGTON - R&F: An Act to Amend Title 18 of the Delaware Code to Require Insurers to Inform Their Claimant, in Writing, of the Applicable Statute of Limitations Period.

HB 332 - SPENCE, CORROZI, ENNIS, FALLON, CATHCART, ROY, BARNES, BUCKWORTH, DARLING, CORDREY, JESTER, HOLLOWAY, WEST; SENATOR HOLLOWAY - JUD: An Act to Amend Chapter 41 and Chapter 70, Title 21 of the Delaware Code Relating to Issuance of Mail-In Summons for Certain Parking Violations, and Appropriate Fines for Violations. (2/3 bill)

HB 333 - RIDDAGH; SENATOR COOK; REPRESENTATIVE FALLON; SENATOR VAUGHN; REPRESENTATIVE BARNES; SENATOR ADAMS; REPRESENTATIVE BUCKWORTH - H/ADM: An Act to Amend Chapter 5, Part I, Title 29 of the Delaware Code Relating to the Display and Distribution of the State Flag.

HB 334 - BRADY, RIDDAGH, MINNER - JUD: An Act to Amend Subchapter III, Title 10 of the Delaware Code Relating to the Civil Jurisdiction of the Court of Common Pleas. (2/3 bill)

HB 335 - BRADY, RIDDAGH, MINNER - JUD: An Act to Amend Chapter 93, Title 10 of the Delaware Code Relating to the Jurisdiction of the Justice of the Peace Court. (2/3 bill)

HB 336 - ANDERSON, JONKIERT, DIXON - JUD: An Act to Amend Title 21, Chapter 37, Delaware Code, to Prohibit Drivers Aged 16 or 17 From Driving a Motor Vehicle During Certain Hours. (2/3 bill)

HB 337 - BENNETT, ANDERSON, DARLING, DIXON, GEORGE, JESTER, RIDDAGH, WEST; SENATOR VAUGHN - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Escapes by Prisoners From the Custody of the Department of Health and Social Services or the Department of Corrections.

HB 338 - GILLIGAN, CAIN - ED: An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to the Use of English in Teaching the Standard Curriculum.

HB 339 - CATHCART, ROY, SPENCE, MACK, PLANT; SENATORS CITRO, CONNOR - ADM/S: An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to Grounds for the Alcoholic Beverage Control Commission to Grant a License.

HB 340 - OBERLE, SMITH, ENNIS, VAN SCIVER, CORROZI, JESTER, MINNER, HARRINGTON, CAMPANELLI, SOLES, ANDERSON, HOLLOWAY, PLANT, PETRILLI, ROY, CAIN, POWELL, GEORGE, MACK, FREE, BUCKWORTH, DARLING, WEST, CATHCART, CORDREY, GILLIGAN, DIXON, SPENCE; SENATORS MARTIN, KNOX, MARSHALL, CONNOR, ARNOLD, CITRO, ZIMMERMAN, SHARP, HUGHES, HOLLOWAY, VAUGHN, MCBRIDE, MURPHY - JUD: An Act to Amend Chapter 69, Title 29, Delaware Code Relating to State Agencies, Political Subdivisions and Authorities Purchasing Motor Vehicles Which are Manufactured and Assembled in the United States; and Providing Provisions for Recouping Public Funds in Violation Hereof.

HB 341 - OBERLE, SMITH, ENNIS, VAN SCIVER, CORROZI, JESTER, MINNER, HARRINGTON, CAMPANELLI, SOLES, ANDERSON, HOLLOWAY, PLANT, PETRILLI, ROY, CAIN, POWELL, GEORGE, MACK, FREE, BUCKWORTH, DARLING, WEST, CATHCART, CORDREY, GILLIGAN, DIXON, SPENCE; SENATORS MARTIN, KNOX, MARSHALL, CONNOR, ARNOLD, CITRO, ZIMMERMAN, SHARP, HUGHES, HOLLOWAY, VAUGHN, MCBRIDE, MURPHY - R&F: An Act to Amend Chapter 30, Title 30, Delaware Code Relating to the Motor Vehicle Document Fee on American Manufactured or Assembled Motor Vehicles.

HB 342 - FREE, RIDDAGH, DIXON, CAMPANELLI, SPENCE; SENATORS NEAL, CONNOR - JUD: An Act Proposing an Amendment to Article X of the Constitution of the State of Delaware Relating to Education; and Providing for a Scholarship System for Children Between the Ages of Six and Eighteen Years of Age. (2/3 bill)

HA 1 to HB 57 - OBERLE - R&F: Placed with the bill.

HA 22 to HB 200 - CATHCART, OBERLE, PETRILLI - Placed with the bill.

HA 23 to HB 200 - CATHCART, OBERLE, PETRILLI, POWELL - Placed with the bill.

HA 24 to HB 200 - CATHCART, OBERLE, POWELL - Placed with the bill.

HA 25 to HB 200 - OBERLE, CATHCART - Placed with the bill.

HA 26 to HB 200 - CAMPANELLI - Placed with the bill.

HA 27 to HB 200 - CAMPANELLI - Placed with the bill.

HA 1 to HB 296 - MINNER - Placed with the bill. (Ready List)

HA 1 to HB 307 - FALLON - NR/AGRI: Placed with the bill.

HA 1 to HB 312 - CATHCART - ADM/S: Placed with the bill.

SB 55 - MURPHY - H/SS: An Act to Amend Chapters 13, 17 20, 45, and 49 of Title 15, Delaware Code, Relating to Registration and Voting by Physically Disabled and Elderly Persons.

SB 141 w/SA 1 - HOLLOWAY; REPRESENTATIVE MARONEY - H/SS: An Act to Amend Chapter 33 of Title 16 of the Delaware Code Relating to the Purity of Food and Drugs. (2/3 bill)

SB 142 - HOLLOWAY; REPRESENTATIVE MARONEY - H/SS: An Act to Amend Chapter 31, Title 16, of the Delaware Code, Relating to the Registration of Births, Deaths, Marriages, Divorces, Annulments, and Adoptions.

SB 145 w/SA 1 - HOLLOWAY; REPRESENTATIVE MARONEY - JUD: An Act to Amend Subchapter 1, Title 16, Delaware Code, Relating to Neglect of Duty. (2/3 bill)

SB 200 - CORDREY; REPRESENTATIVE DERRICKSON - H/ADM: An Act to Amend an Act, Being Chapter 170, Volume 57, Laws of Delaware, Entitled "An Act to Reinstate the City of Lewes" to Increase the Amount Which May be Raised From the Taxation of Real Estate. (2/3 bill)

SB 218 - HOLLOWAY, MCDOWELL; REPRESENTATIVE HOLLOWAY - ADM/S: An Act to Authorize the Department of Highways and Transportation to Convey Certain Lands to the Delaware Center for Contemporary Arts, Inc.

SB 230 - SHARP, CITRO; REPRESENTATIVE OBERLE - JUD: An Act to Amend Chapter 47, Part IV of Title 16 of the Delaware Code Pertaining to Unlawful Delivery of a Noncontrolled Substance.

SB 239 - CORDREY, ADAMS - R&F: An Act to Amend Chapter 7, Title 5 of the Delaware Code Relating to Banking; and Providing for the Location of Meetings of Stockholders. (2/3 bill)

HA 1 to SB 67 - SINCOCK - Placed with the bill (Ready List)

HA 1 to SB 122 - FREE - APPRO: Placed with the bill.

The Chief Clerk read the following Committee Reports into the record:

R&F: SB 57 w/SA 1 - 1F, 5M.

JUD - P/S Subcommittee: HB 266 - 3M.

NR/AGRI: HB 271 - 3F; HB 307 - 4F.

H/ADM: HB 324 - 5M; HJR 17 - 5M; SB 170 - 5M; SB 168 - 5M; SB 167 - 5M; SB 166 - 5M; SB 165 - 5M; SB 160 - 5M.

Representative Burris moved to recess at 4:20 p.m.

The House reconvened at 4:45 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 142, SCR 55, HCR 55, HCR 62, SB 230, SB 200, SB 239, SB 55, SB 218, SB 141 w/SA 1; SB 145 w/SA 1.
May 26, 1981

LEGISLATIVE ADVISORY #10

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on May 26, 1981 - HB 272 aab HA 1; SB 2 aab HA 1; HB 45.

The following is a Constitutional Amendment and does not require the Governor's signature: HB 34 aab HA 1 & SA 18.

Representative Maroney read the following communication into the record:

Dear Jane - You did something for Al which I've never heard of being done for any member of the Shands or Preceitt families! I never saw so many whereases on one piece of paper before. That was so dear of you and Al's family all do appreciate it. I shall put it in the book with his diplomas! This is the prayer which Al III wrote the night after his father's death and used in the service. It means a lot to me.

Love to you and John

Pelly

Oh God, revealed through human form, we give you thanks for Alfred. In the brightness of his face we beheld the goodness and joy of thy creation. In the healing of his hands and mind we glimpsed the healing and compassion of thy Son. In the unswerving purposefulness of his life we learned a purpose for our own lives. In his fortitude in the midst of suffering he made us know that there is nothing we cannot face through love. Well done good and faithful servant. The strife is o'er, the battle done, the victory of life is won. Hallelujah.

A.R.S., III

April 22, 1981

Representative Burris moved to lift HA 200 w/HA 1, HA 2w/HA 1; HA 3w/HA 1; HA 5,6,7,9,10,12,23,24,26,28,29 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Burris brought HB 200 w/HA 1, HA 2w/HA 1; HA 3w/HA 1; HA 5,6,7,9,10,12,23,24,26,28,29, jointly sponsored by Representative Bennett, before the House for consideration.

HB 200 - An Act to Amend Titles 19, 9, 11, 18, 24, 29, 30 and 31 of the Delaware Code Relating to Workers' Compensation, Providing for the "Workers' Compensation Act of 1981" and Further Providing for an Appropriation for the Implementation of That Act.

Representative Campanelli requested and was granted the privilege of the floor for Mr. Thomas Hickman, Chairman, Industrial Accident Board.

Representative Campanelli rose on a point of order. Mr. Speaker concurred.

Mr. Speaker Hebner declared a recess at 4:20 p.m. for the purpose of changing the recording tape. The House reconvened at 4:23 p.m.

Representative Cain rose on a point of order. Mr. Speaker did not concur.

Representative Oberle brought HA 34 to HB 200, jointly sponsored by Representative Anderson, before the House for consideration. Representative Oberle moved to place HA 34 on the Speaker's table. The motion was seconded by Representative Anderson and adopted by voice vote.

Representative Roy requested and was granted the privilege of the floor for House Attorney Bruce Hudson.

The roll call on HB 200 w/HA 1, HA 2w/HA 1; HA 3w/HA 1; HA 5,6,7,9,10,12,23,24,26,28,29 was taken and revealed:

YES: Representatives Barnes, Bennett, Brady, Buckworth, Burris, Cathcart, Corrozi, Derrickson, Edwards, Ennis, Fallon, Free, Gilligan, Harrington, Maroney, McKay, Petrilli, Powell, Riddagh, Roy, Sincok, Smith, Mr. Speaker Hebner - 23.

NO: Representatives Anderson, Campanelli, Cordrey, Darling, Dixon, Holloway, Jester, Jonkiert, Mack, Minner, Oberle, Plant, Soles, Spence, Van Sciver, West - 16.

NOT VOTING: Representatives Cain, George - 2.

Therefore, having received a constitutional majority, HB 200 w/HA 1, HA 2w/HA 1; HA 3w/HA 1; HA 5,6,7,9,10,12,23,24,26,28,29 was sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 7:05 p.m.

35th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

June 2, 1981

The Speaker called the House to order at 2:04 p.m.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the previous legislative day. The House reconvened at 2:06 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Barnes - 1.

A prayer was offered by Representative Gwynne P. Smith, Tenth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 343 - JESTER, FALLON, FREE, CAMPANELLI, SOLES; SENATORS BAIR, VAUGHN - ED: An Act to Amend Title 14, Delaware Code, Relating to Unpaid Leaves of Absence.

HB 344 - CORDREY; SENATOR LITTLETON - H/ADM: An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, As Amended, Entitled "An Act to Re-Incorporate the Town of Laurel" to Provide for the Reporting of Motor Vehicle Accidents, Equipment on Motor Vehicles, the Removal and Disposition of Abandoned Motor Vehicles, to Make Provision for Stolen, Unauthorized Use and Damage to Motor Vehicles, and for Removal of Motor Vehicles From Public Streets. (2/3 bill)

HB 345 - CORDREY; SENATOR LITTLETON - H/ADM: An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, As Amended, Entitled "An Act to Re-Incorporate the Town of Laurel" to Grant the Alderman Jurisdiction for Certain Criminal Offenses. (2/3 bill)

HB 346 - CORDREY; SENATOR LITTLETON - H/ADM: An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, As Amended, Entitled "An Act to Re-Incorporate the Town of Laurel" to Provide for the Determination of Other Income to the Town and for the Fixing of the Time of Assessment of Taxes. (2/3 bill)

HB 347 - CORDREY; SENATOR LITTLETON - H/ADM: An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, Entitled "An Act to Re-Incorporate the Town of Laurel" to Provide for the Appointment of an Alderman and an Associate Alderman; to Establish Limits of Jurisdiction; to Permit the Removal of the Alderman and Associate Alderman and Providing for Disposition of Books and Records Upon Removal. (2/3 bill)

HB 348 - JONKIERT, BARNES, BRADY, SMITH, SOLES; SENATORS MARSHALL, MCDOWELL, VAUGHN, BAIR, CONNOR - JUD: An Act Proposing an Amendment to Section 9, Article III of the Constitution of the State of Delaware Relating to Certain Gubernatorial Appointments. (2/3 bill)

HB 349 - GEORGE, SINCOCK, MCKAY, ANDERSON, BARNES, BENNETT, BRADY, BUCKWORTH, CAIN, CATHCART, CORDREY, CORROZI, DARLING, DERRICKSON, DIXON, EDWARDS, ENNIS, FALLON, FREE, GILLIGAN, HARRINGTON, HOLLOWAY, JESTER, JONKIERT, MACK, MARONEY, MINNER, OBERLE, PETRILLI, PLANT, POWELL, RIDDAGH, SMITH, SOLES, SPENCE, VAN SCIVER, WEST; SENATORS ADAMS, BAIR, BERNDT, HOLLOWAY, HUGHES, LITTLETON, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, MURPHY, SHARP, VAUGHN - APPRO: An Act to Provide for Budgetary Procedure to Handle Proposed Expenditures of Certain Federal Funds in Fiscal Year 1982, and Providing an Appropriation Therefor, and to Require the Executive Branch of Government to Prepare and Submit to the General Assembly Beginning With the Fiscal Year 1983 a Budget Bill for All Proposed Appropriations, Including All Funds on Deposit in the State Treasury, Provisions of Chapters 27, 63, and 65, Title 29, and Chapter 17, Title 14, Delaware Code, Notwithstanding.

HJR 18 - BARNES - H/ADM: Requesting the People of Delaware to Join in the National Pause on June 14 at 4 P.M. to Honor Our American Flag.

HA 1 to HB 248 - RIDDAGH - Placed with the bill. (Agenda)

HA 1 to HB 257 - SINCOCK - Placed with the bill. (Agenda)

SB 86 - CITRO, BAIR, HUGHES, MCBRIDE; REPRESENTATIVES MARONEY, PETRILLI, OBERLE - JUD: An Act to Amend Chapter 16, Title 24 of the Delaware Code Relating to Location of Adult Entertainment Establishments.

SB 215 - COOK, ZIMMERMAN, MURPHY; REPRESENTATIVE SINCOCK - APPRO: An Act to Amend Chapter 52, Title 29 of the Delaware Code to Correct an Inequity in Health Care Insurance Coverage for Retirees Over Age 65 and Extending an Appropriation Therefor.

HA 2 to SB 84 - POWELL, DERRICKSON, HARRINGTON, BRADY, ANDERSON, DIXON - R&F: Placed with the bill.

The Reading Clerk read the following communications into the record:

May 18, 1981

Your Excellency:

I wish to acknowledge with sincere gratitude receipt of Resolution #50 passed by both Houses of the 131st General Assembly of the State of Delaware which asked for prayers for the recovery of His Holiness, Pope John Paul II.

Permit me to assure you and the members of the Senate and House that I will forward your Resolution to the Holy Father according to your request.

As Apostolic Delegate I would like to express my personal gratitude for your thoughtfulness and extend to all of you my prayerful best wishes for continued blessings.

With sentiments of esteem, I am

Sincerely yours,
Apostolic Delegate

The Honorable
Pierre S. DuPont
Governor, State of Delaware
State Capitol
Dover, Delaware

The Senate wishes to inform the House that it has passed: HB 37 w/HA 1; SB 86, SB 215, HB 2, HB 52, HB 103 w/HA 1,2.

June 2, 1981

LEGISLATIVE ADVISORY #11

FROM: Office of Counsel to the Governor

The Governor signed the following legislation on May 28, 1981 - SB 232.

The following is a Constitutional Amendment on its 2nd Leg and does not require the Governor's signature: HB 2.

TO: Speaker, Charles L. Hebner

FROM: B. Bradford Barnes

DATE: June 2, 1981

RE: House of Representative Sessions

June 2, 1981 and June 3, 1981

I will be unable to attend sessions on Tuesday, June 2, 1981 and Wednesday, June 3, 1981.

Representative Burris moved to recess for caucus at 2:14 p.m.

The House reconvened at 3:45 p.m.

Representative Smith brought HB 60, jointly sponsored by Senator Marshall, before the House for consideration.

HB 60 - An Act to Amend Title 13 and Title 27 of the Delaware Code Relating to Ordained Ministers.

Representative Bennett brought HA 1 to HB 60 before the House for consideration.

Mr. Speaker Hebner declared a recess at 3:53 p.m. for the purpose of adjusting the recording machine. The House reconvened at 3:55 p.m.

Representative Smith moved to place HB 60 - HA 1 on the Speaker's table. The motion was seconded by Representative McKay and adopted by voice vote.

Representative Riddagh moved to lift SB 42 w/SA 1, HA 2 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Riddagh brought SB 42 w/SA 1, HA 2, sponsored by Senator Cordrey, before the House for consideration.

SB 42 - An Act to Amend Chapter 84, Title 11, Delaware Code, Relating to a Police Training Program. (2/3 bill)

Representative Riddagh brought HA 3 to SB 42 before the House for consideration. HA 3 was adopted by voice vote.

The roll call on SB 42 w/SA 1, HA 2,3 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 38.

ABSENT: Representatives Barnes, Burris, Campanelli - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 42 w/SA 1, HA 2,3 was returned to the Senate.

Representative Buckworth brought HB 209, jointly sponsored by Representatives Free & Mack, co-sponsored by Representatives Harrington, Spence, Ennis & Senator Cordrey; before the House for consideration.

HB 209 - An Act to Amend Title 18, Section 2503 of the Delaware Code to Require Insurers to Provide Reductions in Motor Vehicle Insurance Premium Rates for Drivers Completing a Motor Vehicle Accident Prevention Course.

Representative Buckworth brought HA 1 to HB 209 before the House for consideration. HA 1 was adopted by voice vote.

Representative Petrilli rose on a point of order. Mr. Speaker concurred.

The roll call on HB 209 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Seiver, West, Mr. Speaker Hebner - 37.

NOT VOTING: Representatives Campanelli, Cordrey - 2.

ABSENT: Representatives Barnes, Roy - 2.

Therefore, having received a constitutional majority, HB 209 w/HA 1 was sent to the Senate for concurrence.

Representative Derrickson brought HB 259, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 259 - An Act to Amend Chapter 61, Title 30 of the Delaware Code Relating to the Lodging Tax on Tourist Homes.

The roll call on HB 259 was taken and revealed:

YES: Representatives Bennett, Brady, Buckworth, Burris, Cathcart, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Mack, Maroney, McKay, Petrilli, Powell, Riddagh, Sincok, Smith, Spence, Van Seiver, West, Mr. Speaker Hebner - 24.

NO: Representatives Anderson, Cain, Campanelli, Cordrey, Free, George, Jester, Jonkiert, Oberle, Roy, Soles - 11.

NOT VOTING: Representatives Holloway, Minner, Plant - 3.
ABSENT: Representatives Barnes, Gilligan, Harrington - 3.
Therefore, having received a constitutional majority, HB 259 was sent to the Senate for concurrence.
Representative Bennett brought HB 22, jointly sponsored by Representatives McKay & Petrilli, before the House for consideration.

HB 22 - An Act to Amend Chapter 29, Title 24 of the Delaware Code Relating to Expenditures From the Real Estate Guaranty Fund.

Representative Bennett brought HA 1 to HB 22 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 22 w/HA 1 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Ennis, Fallon, George, Holloway, Jester, Jonkiert, Mack, McKay, Minner, Oberle, Petrilli, Powell, Riddagh, Sincok, Smith, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 32.

NO: Representatives Campanelli, Edwards, Roy - 3.

NOT VOTING: Representative Harrington - 1.

ABSENT: Representatives Barnes, Free, Gilligan, Maroney, Plant - 5.

Therefore, having received a constitutional majority, HB 22 w/HA 1 was sent to the Senate for concurrence.

Representative Harrington brought HB 184, jointly sponsored by Senator Adams, before the House for consideration.

HB 184 - An Act to Amend Chapter 17, Title 18, Delaware Code Regarding the Examination Procedures of Agents, Brokers, Surplus Lines Brokers, Consultants, Limited Representatives, Fraternal Representatives, Adjusters, and Appraisers.

The roll call on HB 184 was taken and revealed:

YES: Representatives Anderson, Bennett, Brady, Buckworth, Burris, Cain, Cathcart, Cordrey, Corrozi, Darling, Derrickson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Holloway, Jester, Jonkiert, Mack, Maroney, McKay, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Soles, Spence, Van Sciver, West, Mr. Speaker Hebner - 37.

NO: Representative Minner - 1.

NOT VOTING: Representatives Campanelli, Smith - 2.

ABSENT: Representative Barnes - 1.

Therefore, having received a constitutional majority, HB 184 was sent to the Senate for concurrence.

Representative Burris moved to recess to the call of the Chair at 5:58 p.m.

36th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

June 3, 1981

The Speaker called the House to order at 1:54 p.m.

Representative Bennett introduced HA 2 to HB 264, jointly sponsored by Representatives Burris, Sincok, Darling, Minner, George, Cain, Cathcart, Free, McKay, Campanelli; Senators Cook, Adams & Vaughn. HA 2 was placed with the bill.

Representative Oberle introduced HJR 19, jointly sponsored by Representatives Cain & Roy.

HJR 19 - Directing the State Board of Education to Order the Delaware Secondary School Athletic Association to Modify All Rules That in Any Way Restrict a Parents' Authority to Decide What Athletic Events Their Child May Participate in as a Student.

Mr. Speaker assigned HJR 19 to the Administrative Services Committee.

Representative Oberle requested that HJR 12 be stricken.

Representative Soles introduced HB 353, jointly sponsored by Senator McBride; Representative Ennis & Senator Bair.

HB 353 - An Act to Amend Title 14 and Title 7 of the Delaware Code to Provide a Mechanism by Which School Districts May Dispose of Unneeded Buildings and Land by Sale or Lease.

Mr. Speaker assigned HB 353 to the Education Committee.

The Majority Leader moved to adjourn at 2:03 p.m., thereby ending the previous legislative day. The House reconvened at 2:04 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Barnes - 1.

A prayer was offered by Representative John P. McKay, Thirteenth District.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 350 - SINCOCK, DERRICKSON, POWELL, ENNIS, CORROZI - R&F: An Act to Amend Titles 5, 6, 16, 19, 23, 24, 28 and 29 of the Delaware Code, Providing Reorganization of Certain Departments of State Government: by the Transfer of the Divisions of Business and Occupational Regulation, and State Bank Commissioner From the Department of Administrative Services to the Department of State; by the Reorganization of the Department of Administrative Services Through the Consolidation and Establishment of Divisions Within the Department; by the Transfer of Two Programs of the Delaware Energy Office to the Departments of Administrative Services and Public Safety; and by Continuing the Energy Facilities Siting Liaison Committee.

HB 351 - PETRILLI, FALLON - ED: An Act to Amend Chapter 13, Title 14 of the Delaware Code, With Reference to the Assignment of Administrative Units.

HB 352 - DERRICKSON; SENATOR CORDREY - H/ADM: An Act to Incorporate the Town of Dewey Beach. (2/3 bill)

HCR 66 - VAN SCIVER, EDWARDS, FREE, MARONEY, HOLLOWAY, WEST; SENATORS CITRO, CONNOR, HOLLOWAY - H/SS: Establishing a Task Force on Abuse of the Elderly.

HA 1 to HA 1 to HB 221 - CAIN - Placed with the bill. (Agenda)

SB 211 - CORDREY, BERNDT, ADAMS - R&F: An Act to Amend Subchapter I, Chapter 49, Title 10, of the Delaware Code Relating to Exemptions in Bankruptcy and Insolvency.

SCR 56 - HUGHES, COOK; REPRESENTATIVES CORROZI, DIXON - ADM/S: Extending the Existence and Mandate of the Disability Reform Committee and Adding Two Members to That Committee.

HA 1 to SB 56 - BRADY, DIXON - R&F: Placed with the bill.

The following prefiled Consent Calendar was introduced:

HR 60 - SMITH, BARNES, BUCKWORTH, BURRIS, DARLING, FALLON, SOLES - Congratulating G. Wallace (Pat) Caulk, of Woodside, and Richard Lester, of St. George's, Upon Their Appointments to Important Agricultural Posts in the Administration of President Ronald Reagan.

HR 61 - VAN SCIVER, ANDERSON, CATHCART, SPENCE, MACK, WEST, OBERLE, CAMPANELLI; SENATORS CITRO, NEAL - Requesting Lending Institutions to Offer Incentives to Purchase Automobiles Assembled in Delaware.

HCR 63 - MCKAY; SENATOR CORDREY - Acknowledging and Endorsing the Title VI Compliance Plan Which the State and Each of Its Public Institutions of Higher Education Have Filed With the Office for Civil Rights of the United States Department of Education.

HCR 64 - PETRILLI, MCKAY; SENATOR KNOX - Recognizing the Mushroom Industry of Delaware.

HCR 65 - SMITH, ENNIS, VAN SCIVER; SENATOR BAIR - Marking the Retirement of Betty Burroughs, Newspaperwoman for 45 Years and Outstanding Columnist of the Wilmington Morning News.

SCR 55 - VAUGHN, MURPHY, COOK, MCDOWELL, CITRO, ALL SENATORS; REPRESENTATIVES JESTER, BENNETT - Expressing Condolences to the Rowan Family Upon Hearing of the Death of Thomas C. Rowan, Former Member of the 117th and 118th General Assemblies.

SCR 57 - ADAMS, HOLLOWAY, VAUGHN, CITRO, HUGHES - Commending the Delaware Police Chiefs' Council for Developing an Approach to Police Use of Deadly Force Designed to Permit Police Officers to Function While Easing Citizen Fears of Misuse of Such Force.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 57, HB 108, SCR 56, SB 211.

Representative Burris moved to recess at 2:08 p.m.

The House reconvened at 2:20 p.m.

Consent Calendar #18 was adopted by voice vote and HCR 63, HCR 64 & HCR 65 were sent to the Senate for concurrence and SCR 55 & SCR 57 were returned to the Senate.

Representative Petrilli requested and was granted the privilege of the floor for Mr. Jack Cooker, Executive Director of the Mushroom Growers Institute.

Representative Burris moved to recess for committee meetings at 2:30 p.m.

The House reconvened at 4:45 p.m.

Representative Burris moved to recess to the call of the Chair at 4:46 p.m.

37th LEGISLATIVE DAY 131ST GENERAL ASSEMBLY

First Session

June 4, 1981

The Speaker called the House to order at 2:04 p.m.

The Chief Clerk read the following Committee Reports into the record:

ADM/S: HB 262 - 3M; HB 277 - 3M.

ED: HB 325 - 3M; HB 328 - 5M; HB 353 - 4M.

NR/AGRI: HB 322 - 1F,2M; HB 321 - 2F,2M; HB 320 - 2F,2M; HB 319 - 2F,2M; HB 318 - 3F,1M; SB 133 - 4F; SCR 28 - 3M.

R&F: HB 313 - 6M; HB 331 - 6M; SB 239 - 5M.

H/ADM: HB 330 - 5M; HB 333 - 5M; SB 200 - 5M; HJR 18 - 4M; HB 344 - 5M; HB 345 - 5M; HB 346 - 5M; HB 347 - 5M; HB 352 - 5M.

JUD: HB 223 - HA 1 - 5M; HB 327 - 5M; HB 310 - 5M; HB 336 - 1F,3M;1UF; HB 335 - 5M; HB 334 - 5M; HB 332 - 3F,2M; SB 145 w/SA 1 - 5M; SB 230 - 5M; HB 329 - 5M; HB 337 - 5M.

APPRO: SB 215 - 1F,5M; HB 349 - 5F,1M.

H/SS: SB 142 - 3M,1UF; HJR 16 - 4M; HB 274 - 5M.

Mr. Speaker Hebner appointed Representatives Catheart, Minner, George & Harrington to the Bond Committee.

Mr. Speaker re-assigned HB 340 to the Administrative Services Committee.

The Majority Leader moved to adjourn at 2:13 p.m., thereby ending the previous legislative day. The House reconvened at 2:14 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Holloway - 1.

A prayer was offered by Reverend Irvin R. Pusey, Red Lion Evangelical Church, Bear, DE.

The Speaker led those present in a pledge of allegiance to the Flag.

The minutes of the previous calendar day were approved as posted.

The following prefiled legislation was introduced:

HB 354 - POWELL; SENATOR COOK - R&F: An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the Application of Maximum Pensions for Service Prior to 1977.

HB 355 - OBERLE - R&F: An Act to Amend Chapter 29, Title 6, Delaware Code, Relating to the Requirement of Attendants at Full-Service Gasoline Stations Offering Self-Service to Dispense Gasoline From the Self-Service Portion of the Station to Motor Vehicles Properly Displaying Special Plates for Handicapped When the Person to Whom the Special Plate Has Been Issued is the Operator of the Vehicle and Such Service is Requested.

HA 1 to HB 21 - BENNETT - Placed with the bill. (Laid on the Table)

HA 2 to HA 1 to HB 221 - CAIN - Placed with the bill. (Agenda)

HA 1 to HB 275 - OBERLE - Placed with the bill. (Ready List)

HA 1 to HB 288 - ENNIS - ADM/S: Placed with the bill.

HA 1 to HB 291 - ENNIS - Placed with the bill. (Agenda)

HA 1 to HB 309 - RIDDAGH - R&F: Placed with the bill.

HA 1 to HB 324 - RIDDAGH - Placed with the bill. (Agenda)

SB 33 w/SA 1,2 - MARTIN, CONNOR - ADM/S: An Act to Amend Chapter 53, Title 25, Delaware Code, Relating to Landlord Obligations and Tenant Remedies.

SB 89 - BERNDT, SHARP, KNOX, HUGHES, MCBRIDE; MARONEY, SMITH - JUD: An Act to Amend Chapter 17, Title 24, Delaware Code Relating to Determination of Death.

SB 92 - LITTLETON; REPRESENTATIVE CORDREY - H/ADM: An Act to Amend An Act Being Chapter 277, Volume 49, Laws of Delaware, As Amended, Entitled "An Act to Re-Incorporate the Town of Laurel" to Provide for Absentee Voting in the General Municipal Election. (2/3 bill)

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 92, HB 15, SB 89, SB 33 w/SA 1,2; HCR 63, HCR 64, HCR 65.

The Chief Clerk read the following Committee Report into the record:

ADM/S: HB 326 - 3M.

Representative Fallon introduced HB 356, jointly sponsored by Representatives Petrilli, Catheart, Mack, Spence, Jester, Dixon, Darling, Barnes, West, Campanelli, Minner, Soles, Buckworth, Van Sciver, Maroney; Senators Connor, Cook, Adams, Martin & Littleton.

HB 356 - An Act to Amend Delaware Code, Title 14, by Providing for Assignment of Existing Pupil Units in Support of High School Counselors.

Mr. Speaker assigned HB 356 to the Education Committee.

Representative Barnes requested that HB 221 be stricken.

Representative Roy brought HR 58, co-sponsored by Representative Oberle, before the House for consideration.

HR 58 - Urging the City of Wilmington to Review Abolishing the City of Wilmington Wage Tax.

HR 58 was adopted by voice vote.

Representative Riddagh brought HB 242, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 242 - An Act to Amend Chapter 2, of Title 11, of the Delaware Code Relating to a Definition of What Constitutes an Ordinary Pocketknife.

The roll call on HB 242 was taken and revealed:

YES: Representatives Anderson, Barnes, Bennett, Buckworth, Burris, Cain, Campanelli, Catheart, Cordrey, Corrozi, Darling, Derriekson, Dixon, Edwards, Ennis, Fallon, Free, George, Gilligan, Harrington, Jester, Jonkiert, Mack, Maroney, McKay, Minner, Oberle, Petrilli, Plant, Powell, Riddagh, Roy, Sincok, Smith, Soles, Spence, Van Sciver, Mr. Speaker Hebner - 38.

NO: Representative West - 1.

ABSENT: Representatives Brady, Holloway - 2.

Therefore, having received a constitutional majority, HB 242 was sent to the Senate for concurrence. Representative Riddagh brought HB 243, jointly sponsored by Senator Vaughn, before the House for consideration.