

ED: HB 249 - 5M; SB 125 - 5M.

SUBS ABUSE: HB 247 - 1F,4M.

HEALTH & HUM DEV: SB 124 w/SA 1 & 2 - 7M.

ECON DEV, B & I: HB 232 - 8M; HB 240 - 8M; HB 245 - 9M; HB 264 - 9M; HB 276 - 9M; SB 128 w/1 - 7M; SB 180 - 8M; SB 186 - 9M; SB 208 - 9M.

TRANS & INFRA: HB 268 - 1F,4M; HB 270 - 5M; HB 271 - 5M; HJR 10 - 5M; SB 116 w/SA 1 & 2 - 3F,1M; SJR 6 - 4M.

Representatives Bunting & Reynolds requested that they be marked present.

Representative Ewing requested and was granted the privilege of the floor for Colonel James L. Ford, Jr., presented him with a House Tribute.

Representatives Jonkiert & Mack requested that they be marked present.

The Chief Clerk read the following committee report into the record:

LABOR: SB 204 - 4M.

Representative George brought HB 208, jointly sponsored by Senator McDowell & cosponsored by Representatives Oberle, Maier, Lofink, Plant & Scott, before the House for consideration.

HB 208 - An Act to Amend Chapter 94, Title 11 of the Delaware Code Relating to the Rights of Victims.

Representative George brought HA 1 to HB 208 before the House for consideration.

Representative George made a comment.

HA 1 was adopted by voice vote.

Representatives George, Oberle & Plant made comments.

The roll call on HB 208 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, Ulbrich - 2.

Therefore, having received a constitutional majority, HB 208 w/HA 1 was sent to the Senate for concurrence.

Representative Smith requested that he be marked present during the roll call.

Representative Petrilli deferred to Representative Reynolds.

Representatives George, Oberle & Plant made comments.

Representative Reynolds brought SB 65 w/SA 2, sponsored by Senators Voshell, Adams, Venables, Cook & Vaughn & Representatives Buckworth, Ewing & Schroeder, before the House for consideration.

SB 65 - An Act to Amend Chapter 29, Title 14 of the Delaware Code Relating to the Award and Transfer of School Transportation Contracts.

Representative Reynolds made comments.

Representative Reynolds deferred to Representative Buckworth.

Representative Buckworth made a comment.

The roll call on SB 65 w/SA 2 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, Ulbrich - 2.

Therefore, having received a constitutional majority, SB 65 w/SA 2 was returned to the Senate.

Mr. Speaker introduced a guest.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 202, jointly sponsored by Senator Marshall, before the House for consideration.

HB 202 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

Representative Oberle made comments.

The roll call on HB 202 was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto, Ulbrich - 2.

Therefore, having received a constitutional majority, HB 202 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Gilligan.

Representative Gilligan brought HB 178 w/HA 1.2 & SA 1, jointly sponsored by Representatives Boulden, Buckworth, Bunting, Caulk, Davis, DiPinto, Ewing, Houghton, Jonkiert, Lofink, Mack, Oberle, Reynolds, Roy, Welch & West & Senators Amick, Hauge, Sokola & Voshell & cosponsored by Representative Spence, before the House for concurrence on SA 1.

HB 178 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

Representative Gilligan made a comment.

The roll call on HB 178 w/HA 1.2 & SA 1 was taken and revealed:

YES: 36.

NOT VOTING: Representatives Banning, Brady, B. Ennis - 3.

ABSENT: Representatives DiPinto, Ulbrich - 2.

Therefore, having received a constitutional majority, HB 178 w/HA 1 & 2 & SA1 was sent to the Governor.

Representative Quillen was granted personal privilege of the floor for a comment.

The Chief Clerk read the following committee reports into the record:

R & F: HB 234 - 8M; HB 246 - 8M; HB 261 - 8M.

Mr. Speaker assigned HB 234 to the Appropriations Committee.

Representative Roy was granted personal privilege of the floor for an announcement.

The Majority Leader moved to recess to the call of the Chair at 5:58 p.m.

39th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
First Session
June 8, 1995

Mr. Acting Speaker Quillen called the House to order at 2:08 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 134, SB 198, HB 30 & SB 187.

The Majority Leader moved to adjourn at 2:09 p.m., thereby ending the current Legislative Day. The House reconvened at 2:10 p.m.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Reynolds - 1.

A prayer was offered by Representative Charles W. Welch, Twenty-Ninth Representative District.

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

The minutes of the previous Legislative Day were approved as posted.

The following prefiled legislation was introduced:

HB 278 - SPENCE & SENATOR VAUGHN - JUD: An Act to Amend Subpart D, Subchapter III, Chapter 5, Title 11 of the Delaware Code Relating to Theft and Related Offenses. (2/3 bill)

HB 279 - SPENCE & SENATOR SHARP - H/ADM: An Act to Waive Certain Statutory Provisions of Chapter 1, Title 13 of the Delaware Code Relating to the Marriage of Veronica A. Demurat and Kenneth A. Thomas.

HB 280 - QUILLEN - HEALTH & HUM DEV: An Act to Amend Title 5 of the Delaware Code Relating to Irrevocable Trust Accounts.

HB 281 - REYNOLDS & SENATOR SOKOLA; REPRESENTATIVES PETRILLI, QUILLEN, SPENCE, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, ROY, SMITH, STONE, ULBRICH, WAGNER, WELCH, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, VANSANT, WEST; SENATORS MCBRIDE, CONNOR - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Comprehensive School Discipline Program.

HB 282 - LEE & SENATOR VENABLES - NAT RES: An Act to Amend Title 7 of the Delaware Code Relating to Regulations and Prohibitions Concerning Game and Fish.

HB 283 - SMITH, PETRILLI, QUILLEN, BOULDEN, BUCKWORTH, CAPANO, DAVIS, D. ENNIS, EWING, LEE, LOFINK, MAIER, ROY, STONE, ULBRICH - R & F: An Act to Amend Title 30, Delaware Code Relating to Gross Receipts Tax.

HB 284 - MAIER & PETRILLI & SENATOR SOKOLA; REPRESENTATIVES SPENCE, QUILLEN, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, OBERLE, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, WELCH, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GILLIGAN, GEORGE, HOUGHTON, JONKIERT, PLANT, SCHROEDER, WEST, VANSANT - ED: An Act to Amend Title 14 Relating to Improving School Discipline.

HB 285 - STONE & WAGNER & BUCKWORTH, QUILLEN, B. ENNIS; SENATOR STILL - HOUSING & COM AFF: An Act to Amend Chapter 41, Title 9 of the Delaware Code Relating to the Government of Kent County.

HB 286 - DILIBERTO & SENATOR SHARP; REPRESENTATIVE SPENCE; SENATOR ADAMS - JUD: An Act to Amend Chapter 55, Title 29, Delaware Code, Relating to the State Employees' Pension Plan.

HA 1 to HB 84 - OBERLE - AGENDA: Placed with the bill.

HA 5 to HB 179 - MARONEY - AGENDA: Placed with the bill.

HA 6 to HB 179 - MARONEY - AGENDA: Placed with the bill.

HA 7 to HB 179 - MARONEY - AGENDA: Placed with the bill.

HA 1 to HB 239 - SCHROEDER - AGENDA: Placed with the bill.

SB 146 w/SA 1 & 3 - BAIR & REPRESENTATIVE MARONEY; SENATORS SORENSON, SHARP, BLEVINS; REPRESENTATIVES CAPANO, BRADY - ED: An Act to Amend Title 11 of the Delaware Code Relating to Child Safe School Zones.

SB 187 - MCBRIDE & REPRESENTATIVE CAREY - NAT RES: An Act to Amend Title 7 of the Delaware Code Updating the Wildlife Laws of This State and Establishing a Fine Schedule. (2/3 bill)

SB 198 - COOK & REPRESENTATIVE QUILLEN - H/ADM: An Act to Reincorporate the Town of Felton. (2/3 bill)

HA 1 to SB 151 - ROY, DILIBERTO; SENATOR SHARP - CONSENT AGENDA E: Placed with the bill.

HA 1 to SB 167 - SMITH & OBERLE - LABOR: Placed with the bill.

HA 2 to SB 167 - SMITH & OBERLE - LABOR: Placed with the bill.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 146 w/SA 1 & 3 & HB 4 w/HA 1.

Representatives VanSant, Davis, Plant, Banning & Buckworth requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:15 p.m.

The House reconvened at 4:34 p.m.

Representatives Bunting, Scott, Mack, West & Ulbrich requested that they be marked present.

Mr. Acting Speaker assigned HB 246 to the Appropriations Committee.

Representative Schroeder requested that he be marked present.

Representative Petrilli brought Consent Agenda B before the House for consideration.

HB 152 - SMITH; SENATOR SOKOI A - An Act to Amend Chapter 9 of Title 4 of the Delaware Code Relating to the Sale of Alcoholic Beverages to Persons Under the Age of Twenty-One.

HB 198 - ROY; SENATOR VOSHELL - An Act to Amend Title 21 of the Delaware Code Relating to Size and Weight of Vehicles and Loads.

SCR 18 - AMICK, SORENSON; REPRESENTATIVES MAIER, BOULDEN, ULBRICH, PETRILLI, LOFINK - Establishing a Task Force to Undertake a Cooperative Effort to Review and Coordinate Development Plans and Traffic Impact in the Newark Area and to Encourage Use of Multiple Passenger Transportation Options.

SB 112 w/SA 1 - COOK; REPRESENTATIVE EWING - An Act to Amend Title 11 of the Delaware Code to Provide Group Life Insurance for State Police Retirees and Survivors. (F/N)

HB 248 - B. ENNIS; SENATOR VAUGHN; REPRESENTATIVES BRADY, JONKIERT, EWING, CAULK, SPENCE, BANNING, HOUGHTON, VANSANT, LEE, OBERLE, WAGNER - An Act to Amend Chapter 59, Title 29, of the Delaware Code Relating to Compensation for Unused Sick Leave.

SB 7 - SENATOR SHARP; REPRESENTATIVE ROY - An Act to Amend Chapter 13, Subchapter III, Title 30, Delaware Code Relating to Inheritance Tax.

SB 8 w/SA 1 - SENATOR SHARP; REPRESENTATIVE ROY - An Act to Amend Chapter 23, Subchapter I, Title 12, Delaware Code Relating to Inheritance Tax.

Representative Petrilli requested that HB 248 be removed from Consent Agenda B.

Representatives Maroney, D. Ennis, Jonkiert, B. Ennis, Brady & DiLiberto requested that they be marked present.

The roll call on Consent Agenda B was taken and revealed:

YES: 40.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, HB 152 & HB 198 were sent to the Senate for concurrence & SCR 18, SB 112 w/SA 1, SB 7 & SB 8 w/SA 1 were returned to the Senate.

Representative Petrilli deferred to Representative Oberle.

Mr. Speaker Spence resumed the Chair.

Representative Oberle introduced HJR 12.

HJR 12 - Establishing a "Personal Income Tax Reduction Fund" for the Purpose of Financing a Future Tax Reduction Policy.

Mr. Speaker assigned HJR 12 to the Revenue & Finance Committee.

Representative Mack introduced & brought HR 29 before the House for consideration.

HR 29 - Extending the Existence of the Committee Appointed by the Speaker of the House Regarding Star Enterprise's Proposal to Control Noxious Emissions.

HR 29 was adopted by voice vote.

Representative Quillen introduced HB 287, jointly sponsored by Representatives Buckworth, Carey & Ewing & Senators Bonini, Connor, Henry, Reed, Sorenson & Still.

HB 287 - An Act to Provide for a Moratorium on the Granting of Certain Licenses.

Mr. Speaker assigned HB 287 to the Small Business Committee.

Representative Petrilli deferred to Representative Buckworth.

Mr. Speaker assigned HB 226 to the Appropriations Committee.

Representative Buckworth brought HB 179, jointly sponsored by Representatives Caulk & Jonkiert & Senator Bonini & Representatives Spence, Carey, Davis, DiPinto, D. Ennis, Ewing, Lofink, Maier, Welch, Brady & Bunting & Senators Marshall, Connor & Still, before the House for consideration.

HB 179 - An Act to Amend Chapter 17, Title 24, and Chapter 9, Title 10 of the Delaware Code Relating to Notice of Abortions Performed on Minors.(F/N)

Representative Buckworth made comments.

Representative Buckworth brought HA 1 to HB 179 before the House for consideration.

Representative Buckworth made a comment.

HA 1 was adopted by voice vote.

Representative Buckworth deferred to Representative Banning.

Representative Banning brought HA 2 to HB 179 before the House for consideration. Representative Banning moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Banning brought HA 3 to HB 179 before the House for consideration. Representative Banning moved to place HA 3 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Buckworth deferred to Representative Ulbrich.

Representative Ulbrich brought HA 4 to HB 179 before the House for consideration. Representative Ulbrich moved to place HA 4 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Buckworth made a comment.

Representative Buckworth deferred to Representative Maroney.

Representative Maroney made a comment.

Representative Maroney brought HA 5 to HB 179 before the House for consideration.

Representatives Maroney, Plant, Oberle, Banning, Smith, Maroney, DiPinto & Wagner made comments.

Representative Maroney requested and was granted the privilege of the floor for David Boswell, House Attorney.

Representative Wagner made comments.

Representative Maroney moved to place HA 5 to HB 179 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Maroney brought HA 6 to HB 179 before the House for consideration.

Representatives Maroney & Davis made comments.

Representative Davis moved to place HA 6 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Maroney brought HA 7 to HB 179 before the House for consideration.

Representatives Maroney & Davis made comments.

Representative Davis moved to place HA 7 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Maroney moved to suspend the rules which interfere with introduction of and action on HA 8 to HB 179. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Maroney introduced and brought HA 8 to HB 179 before the House for consideration.

Representative Maroney made a comment.

Representative Maroney requested and was granted the privilege of the floor for David Boswell, House Attorney.

Representatives Maroney, D. Ennis, Davis & Maroney made comments.

HA 8 was adopted by voice vote.

Representative Davis introduced and brought HA 9 to HB 179 before the House for consideration.

Representatives Davis, Oberle, George & Davis made comments.

Representative Davis moved to place HA 9 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Buckworth moved to place HB 179 w/HA 1 & 8 on the Speaker's table. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Petrilli deferred to Representative Lofink.

Representative Lofink requested that action on SB 116 be Deferred to a Day Certain, Thursday, June 15, 1995.

Representative Petrilli deferred to Representative Ulbrich.

Representative Ulbrich requested that action on HS 1 to HB 144 be Deferred to a Day Certain, Tuesday, June 13, 1995.

Representative Petrilli deferred to Representative Lee.

Representative Lee introduced **HB 288**, jointly sponsored by Representative Banning & Senators Voshell & Bonini & Representatives Spence, Petrilli, Quillen, Boulden, Buckworth, Capano, Carey, Caulk, Davis, D. Ennis, Ewing, Fallon, Lofink, Mack, Oberle, Reynolds, Roy, Smith, Ulbrich, Wagner, Welch, Maier, Stone, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant & West & Senators Blevins, Marshall, Sharp, Venables, Voshell, Sokola, Amick, Bair, Connor, Hauge, Reed & Still & cosponsored by Representative DiPinto.

HB 288 - An Act to Amend Title 11 of the Delaware Code Relating to Corrections; and Providing for a Boot Camp Intensive Incarceration Act.

Mr. Speaker assigned **HB 288** to the Corrections Committee.

Representative Petrilli deferred to Representative Davis.

Representative Davis introduced **HB 289**, jointly sponsored by Senator Blevins & Representatives Lofink & Maroney & Senators Sokola & Reed & cosponsored by Representative Maier.

HB 289 - An Act to Amend Title 25, Delaware Code Relating to Real Property Restrictive Covenants and Family Day Care Homes.

Mr. Speaker assigned **HB 289** to the Housing & Community Affairs Committee.

Representative Petrilli deferred to Representative Roy.

Representative Roy moved to lift **HB 140** from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Roy brought **HB 140**, jointly sponsored by Senator Sokola & Representatives Spence, Cloutier, DiPinto, Lofink & Wagner & Senators Vaughn & Amick, before the House for consideration.

HB 140 - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors. (F/N)

Representative Davis made a comment.

The roll call on **HB 140** was taken and revealed:

YES: 23.

NO: Representatives Bunting, Carey, Caulk, Davis, B. Ennis, Ewing, Fallon, George, Lee, Mack, Maier, Maroney, Schroeder, West - 14.

NOT VOTING: Representatives Jonkiert, Plant, Scott - 3.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, **HB 140** was sent to the Senate for concurrence.

Representative Petrilli brought **HB 243** before the House for consideration.

HB 243 - An Act to Amend Chapter 81, Title 10 of the Delaware Code Relating to Personal Actions and Abolishing the Economic Loss Doctrine.

Representative Petrilli made comments.

The roll call on **HB 243** was taken and revealed:

YES: 38.

NOT VOTING: Representatives Boulden, Bunting - 2.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, **HB 243** was sent to the Senate for concurrence.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #31

DATE: June 8, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-505	Welch	6/01/95	T	Robin Smith/Smyrna School District/Teacher of Year
H138-506	Welch	6/01/95	T	Robert Gasten/Agent of Year /ERA Delmar Broker's Council
H138-507	Wagner	6/07/95	T	Melissa Mattes/English Teacher of Year/DE Assoc/Teachers of English
H138-508	Wagner	5/31/95	T	Chris Wisler/State Championship/ Secondary Sch. Golf Tournament
H138-509	Fallon	6/16/95	T	Alice O'Neal/80th Birthday
H138-510	Fallon	6/23/95	T	John & Christine Keene/50th Wedding Anniversary
H138-511	Buckworth	6/27/95	T	Brad Huffman/DE Elementary Principals Assoc. Award
H138-512	Buckworth	6/27/95	T	Randall Chang/DE Elem. Principals Assoc. Award
H138-513	Banning	6/03/95	T	Steven M. Banning, Jr./Grad./ Green Acres Pre-School

H138-514	Banning	6/03/95	T	John R. Massey, Jr./Grad./Redding Middle School
H138-515	DiLiberto	6/10/95	T	Mr. Al Novin/71st Birthday
H138-516	Banning	6/03/95	T	Vincent "Kenny" Immediato/Grad./H.B. DuPont Middle School
H138-517	DiLiberto	6/07/95	T	Susan Stroman/Tony Award/Choreography of Showboat
H138-518	Roy	6/11/95	T	Tony Blewett/Eagle Scout
H138-519	Reynolds	6/12/95	T	Gladys Reese/Retirement/Colonial Food Service Manager
H138-520	Buckworth	6/27/95	T	Devon Johnson/DE Elem. Principals Assoc./Award
H138-521	Ewing	6/07/95	T	Col. James L. Ford, Jr./42 Yrs. Serv./State of Delaware

T - Tribute

Representative Petrilli deferred to Representative Maroney.

Representative Maroney moved to lift HB 181 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Maroney brought HB 181, jointly sponsored by Senator McDowell, before the House for consideration.

HB 181 - An Act to Amend Chapter 1, Title 13, Delaware Code to Provide for the Establishment of a Marriage License Surcharge for the Delaware Children's Trust Fund. (3/5 bill)

Representative Maroney made a comment.

Representative Maroney requested and was granted the privilege of the floor for Richard Donges, Executive Director, Delaware Children's Trust Fund.

Representatives Maroney, Brady, DiPinto, Capano, DiLiberto, VanSant, West, Ewing & Maroney made comments.

The roll call on HB 181 was taken and revealed:

YES: 21.

NO: Representatives Banning, Boulden, Brady, Carey, DiPinto, B. Ennis, Ewing, Gilligan, Jonkiert, Scott, West - 11.

NOT VOTING: Representatives Buckworth, DiLiberto, Fallon, Petrilli, Plant, Roy, Stone, Wagner - 8.

ABSENT: Representative Reynolds - 1.

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

Therefore, not having received a constitutional majority of at least three-fifths Members of the House, HB 181 was declared defeated.

Representative Wagner made a comment.

Representative Petrilli deferred to Representative Buckworth.

Representative Buckworth moved to lift HB 179 w/HA 1 & 8 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Buckworth brought HB 179 w/HA 1 & 8, jointly sponsored by Representatives Caulk & Jonkiert & Senator Bonini & Representatives Spence, Carey, Davis, DiPinto, D. Ennis, Ewing, Lofink Maier, Welch, Brady & Bunting & Senators Marshall, Connor & Still, before the House for consideration.

HB 179 - An Act to Amend Chapter 17, Title 24, and Chapter 9, Title 10 of the Delaware Code Relating to Notice of Abortions Performed on Minors.

Representative Buckworth deferred to Representative Davis.

Representative Davis introduced and brought HA 10 to HB 179 before the House for consideration.

Representatives Davis & George made comments.

Representative Davis requested and was granted the privilege of the floor for David Boswell, House Attorney.

HA 10 was adopted by voice vote.

Representative Buckworth introduced and brought HA 11 to HB 179 before the House for consideration.

Representative Buckworth made a comment.

HA 11 was adopted by voice vote.

Representative George made comments.

The roll call on HB 179 w/HA 1,8,10 & 11 was taken and revealed:

YES: 39.

NO: Representative George - 1.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, HB 179 w/HA 1,8,10 & 11 was sent to the Senate for concurrence.

The Chief Clerk read the following committee reports into the record:

JUD: SB 130 w/SA 1 - 7M.

SM BUS: SB 145 w/SA 1 - 8M.

Representative Roy made an announcement.

Representative Boulden moved to restore HB 181. The motion was seconded by Representative Quillen and adopted by voice vote.

HB 181 - An Act to Amend Chapter 1, Title 13, Delaware Code to Provide for the Establishment of a Marriage License Surcharge for the Delaware Children's Trust Fund. (3/5 bill)

Representative Davis moved to place HB 181 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Plant was granted personal privilege of the floor for an announcement.

Representative Davis was granted personal privilege of the floor for an announcement.

The Majority Whip moved to recess to the call of the Chair at 6:43 p.m.

40th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
First Session
June 13, 1995

Mr. Speaker Spence called the House to order at 2:10 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 182, SB 205, SCR 32, SB 203, SB 210 w/SA 1, SB 207, SS 1 to SB 69, SB 184, SB 194, SB 148, SS 1 to SB 72 & SB 190 w/SA 1.

The Majority Leader moved to adjourn at 2:11 p.m., thereby ending the current Legislative Day. The House reconvened at 2:12 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Charles P. West, Forty-First Representative District.

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

Representative West introduced guests.

Representative Plant was granted personal privilege of the floor for comments.

Representative Ewing made comments.

Representatives Boulden, Reynolds & George requested that they be marked present.

The minutes of the previous Legislative Day were approved as posted.

The following prefiled legislation was introduced:

HB 290 - SPENCE & SENATORS SHARP & MCBRIDE; REPRESENTATIVES QUILLEN, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, WELCH, BANNING, BRADY, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCOTT, VANSANT, WEST; SENATORS VOSHELL, AMICK, BAIR, BONINI, CONNOR, HAUGE, HENRY, REED, SORENSON, STILL - CORR: An Act to Amend Title 11 of the Delaware Code Relating to Sentences.

HB 291 - MACK - NAT RES: An Act to Amend Title 10 of the Delaware Code Relating to the Enforcement Personnel of the Department of Natural Resources and Environmental Control.

HB 292 - DIPINTO & HOUGHTON; SENATORS ADAMS & MCBRIDE - R & F: An Act to Amend Section 4302(a) of Title 30 of the Delaware Code Relating to the Use Tax on Leases of Tangible Personal Property.

HB 293 - SMITH, BOULDEN, CAPANO, D. ENNIS, LOFINK - LABOR: An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Employment Practices; and Providing for a Quality in Hiring Act.

HB 294 - LOFINK, OBERLE, SMITH; SENATORS VOSHELL, CONNOR - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Trip Permit Registrations and the International Registration Plan. (2/3 bill)

HB 295 - WAGNER, SPENCE, BOULDEN, CAULK, CLOUTIER, EWING, LEE, MAIER, SMITH, WELCH, BANNING, HOUGHTON, WEST - P/S: An Act to Amend Title 10 of the Delaware Code Relating to Family Court and Juveniles Driving Without Licenses.

HB 296 - WAGNER, SPENCE, CAULK, DAVIS, LEE, MAIER - LABOR: An Act to Amend Title 29 Relating to the Merit Employee Relations Board.

HB 297 - WELCH & SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Chapter 7, Title 18, Delaware Code, Relating to the Insurance Department Fees and Taxes. (3/5 bill)

HB 298 - WELCH & SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Risk-Based Capital Standards for Life and Health and Property and Casualty Insurers.

HB 299 - GILLIGAN & OBERLE & SENATOR SHARP; REPRESENTATIVES ROY & SPENCE - AG: An Act to Amend Chapter 101 of Title 3 of the Delaware Code to Allow the Thoroughbred Racing Commission to Fingerprint All License Applicants Without Using the Thoroughbred Racing Protection Bureau.

HB 300 - GILLIGAN, BANNING, BUCKWORTH, CAREY, CAULK, B. ENNIS, JONKIERT, MAIER, OBERLE; SENATORS BAIR, CONNOR, SOKOLA, VAUGHN, VOSHELL - CORR: An Act Proposing an Amendment to the Delaware Constitution Relating to Pardons. (2/3 bill)

HA 2 to HB 64 - OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 219 - CAPANO - AGENDA: Placed with the bill.

HA 1 to HB 222 - CAREY, CAULK - AGENDA: Placed with the bill.

HA 1 to HB 231 - SMITH - READY LIST: Placed with the bill.

HA 1 to HB 252 - OBERLE - CONSENT AGENDA I: Placed with the bill.

SS 1 for SB 69 - VENABLES, CORDREY - TRANS & INFRA: An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to Public Works Projects.

SS 1 for SB 72 - MCBRIDE & BAIR; BLEVINS, SORENSON; REPRESENTATIVES MARONEY, BRADY, CLOUTIER - HEALTH & HUM DEV: An Act to Amend Title 16 of the Delaware Code Relating to Health Care Decisions.

SB 148 - SOKOLA & REPRESENTATIVE DAVIS; SENATORS HAUGE, REED, BLEVINS & VOSHELL; REPRESENTATIVE REYNOLDS - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education Science Vans. (F/N)

SB 182 - VAUGHN; REPRESENTATIVE B. ENNIS - H/ADM: An Act to Amend Chapter 339, Volume 62, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Smyrna". (2/3 bill)

SB 184 - MCBRIDE & REPRESENTATIVE HOUGHTON - APPRO: An Act to Pay Certain Funds to Frank J. Carello, Jr. For His Services as a Member of the Unemployment Compensation Commission.

SB 190 w/SA 1 - BLEVINS & REPRESENTATIVE ULBRICH; SENATORS SOKOLA, VOSHELL, BONINI, REED; REPRESENTATIVES CAPANO, MAIER, HOUGHTON, SCOTT - HEALTH & HUM DEV: An Act to Amend Chapter 39, Title 24 of the Delaware Code and Chapters 88 and 101, Title 29 of the Delaware Code Relating to the Board of Clinical Social Work Examiners. (2/3 bill)

SB 194 - BLEVINS & REPRESENTATIVE STONE - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Insurance Code Relating to Medicare Supplement Insurance Minimum Standards.

SB 203 - BLEVINS & REPRESENTATIVE ULBRICH; SENATORS SOKOLA, VOSHELL, BONINI, REED; REPRESENTATIVES CAPANO, MAIER, HOUGHTON, SCOTT - HEALTH & HUM DEV: An Act to Amend Chapter 17, Title 24 of the Delaware Code Relating to the Board of Medical Practice.

SB 205 - ADAMS, BAIR, SHARP, VAUGHN, VOSHELL; REPRESENTATIVES EWING & SPENCE - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Voluntary Assessments.

SB 207 - CORDREY, ADAMS, MARSHALL, SHARP, SOKOLA, BAIR, CONNOR & SORENSON & REPRESENTATIVES CAPANO, DIPINTO, D. ENNIS, PETRILLI, SMITH, SPENCE, STONE, GEORGE, HOUGHTON & JONKIERT - ECON DEV, B & I: An Act to Amend Title 5 of the Delaware Code Relating to Banks and Other Financial Institutions, and to Amend Section 379 of Title 8 of the Delaware Code Relating to Banking Powers. (2/3 bill)

SB 210 w/SA 1 - BLEVINS & REPRESENTATIVE MARONEY - HEALTH & HUM DEV: An Act to Amend Title 29 of the Delaware Code Relating to Family Preservation Services.

HA 1 to SB 115 - ROY - JUD: Placed with the bill.

HA 1 to SB 126 - CAREY - CONSENT AGENDA F: Placed with the bill.

Representative Petrilli made an announcement.

Mr. Speaker introduced a guest.

The Majority Leader moved to recess for caucus at 2:20 p.m.

The House reconvened at 4:25 p.m. with Representative Quillen as Acting Speaker.

Mr. Speaker Spence resumed the Chair.

Representative Petrilli brought Consent Agenda D which requires a two-thirds vote, before the House for consideration.

HB 215 - CAULK; SENATOR BONINI - An Act to Amend Chapter 32, Volume 47, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Frederica", Relating to Eligibility Requirements for Elected Office, Voter Qualifications, Elections, Duties and Term of the Mayor, and Jurisdiction in the Justices of the Peace Court. (2/3 bill)

SB 90 - CORDREY; REPRESENTATIVE WEST - An Act to Amend the Charter of the Town of Millsboro, Chapter 457, Volume 60, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Millsboro", as Amended, Relating to the Imposition of Taxation Upon Real Estate Transfers Within the Town of Millsboro. (2/3 bill)

HB 256 - SCHROEDER; SENATOR CORDREY - An Act to Amend Chapter 59, Volume 62, Laws of Delaware, as Amended, Being the Charter of the Town of Dewey Beach. (2/3 bill)

SB 83 - MCDOWELL; REPRESENTATIVE D. ENNIS - An Act to Amend Title 16, Chapter 76 of the Delaware Code Relating to County and Municipal Building, Plumbing, Electrical and Other Codes. (2/3 bill)

Representatives VanSant & Maroney requested that they be marked present.

The roll call on Consent Agenda D was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 215 & HB 256 were sent to the Senate for concurrence and SB 90 & SB 83 were returned to the Senate.

Representatives Brady, Buckworth, Davis, DiPinto, Mack, Schroeder, D. Ennis & Jonkiert requested that they be marked present during the roll call.

Representative Plant was granted personal privilege of the floor for the introduction of guests.

Representative Petrilli brought Consent Agenda E which requires a two-thirds vote, before the House for consideration.

SB 109 - SHARP; REPRESENTATIVE ROY; SENATOR ADAMS; REPRESENTATIVE PLANT; SENATOR VAUGHN; REPRESENTATIVE EWING - An Act to Amend Chapter 18, Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Liability Companies and the Registration and Regulation of Foreign Limited Liability Companies. (2/3 bill)

SB 111 - SHARP; REPRESENTATIVE ROY; SENATOR ADAMS; REPRESENTATIVE PLANT; SENATOR VAUGHN; REPRESENTATIVE EWING - An Act to Amend Chapter 15, Title 6 of the Delaware Code Relating to the Registration and Regulation of Registered Limited Liability Partnerships. (2/3 bill)

SB 114 - SHARP; REPRESENTATIVE ROY; SENATOR ADAMS; REPRESENTATIVE PLANT; SENATOR VAUGHN; REPRESENTATIVE EWING - An Act to Amend Chapter 17, Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Partnerships and the Registration and Regulation of Foreign Limited Partnerships. (2/3 bill)

SB 175 - VOSHELL; REPRESENTATIVE EWING - An Act to Amend Title 8 of the Delaware Code Relating to the General Corporation Law. (2/3 bill)

The roll call on Consent Agenda E was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House SB 109, SB 111, SB 114 & SB 175 were returned to the Senate.

Representative Petrilli deferred to Representative Ulbrich.

Representative Petrilli deferred to Representative Ulbrich.

Representative Ulbrich brought HS 1 for HB 144, jointly sponsored by Senators Hauge & Sokola & Representatives Schroeder, Cloutier, Capano, Boulden, DiPinto, Smith, Maier, Ewing & Bunting & Senators Bair, Bonini, Connor, Henry, Reed, Sorenson & Still, before the House for consideration.

HB 144 - An Act to Amend Title 14 of the Delaware Code Relating to Choice in Public Education.

(F/N)

Representative Ulbrich made comments.

Representative Ulbrich brought HA 1 to HS 1 for HB 144 before the House for consideration.

Representatives Ulbrich, Plant, Davis & Ulbrich made comments.

HA 1 was adopted by voice vote.

Representative Ulbrich requested and was granted the privilege of the floor for Dr. James O'Neill, Director of Center for Economic Education, University of Delaware.

Representatives Capano, Ulbrich & Fallon made comments.

The roll call on HS 1 for HB 144 w/HA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representatives Carey, Reynolds, Scott - 3.

Therefore, having received a constitutional majority, HS 1 for HB 144 w/HA 1 was sent to the Senate for concurrence.

Representative Reynolds made a comments.

Representative Petrilli made an announcement.

Representative Petrilli deferred to Representative Carey.

Representative Carey moved to lift HB 222 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Carey brought HB 222, jointly sponsored by Senator Voshell & Representatives Petrilli, Quillen, Buckworth, Capano, Caulk, Davis, D. Ennis, Lofink, Mack, Maier, Maroney, Ulbrich, Wagner, Bunting, Houghton, Plant & Schroeder & Senators Cordrey, Venables, Amick, Bair & Sorenson, before the House for consideration.

HB 222 - An Act to Amend Title 7, Delaware Code, Creating the Oil Heat Commission Act. (2/3 bill)

Representative Boulden announced that he will not be voting on HB 222 because of a possible conflict of interest.

Representative Carey brought HA 1 to HB 222, jointly sponsored by Representative Caulk, before the House for consideration.

Representatives Carey & Oberle made comments.

HA 1 was adopted by voice vote.

Representative Carey introduced and brought HA 2 to HB 222 before the House for consideration.
 Representative Carey made a comment.
HA 2 was adopted by voice vote.
 Representative Mack introduced and brought HA 3 to HB 222, jointly sponsored by Representative Bunting, before the House for consideration.
 Representative Mack made a comment.
HA 3 was adopted by voice vote.
 Representative Carey made comments.
 Representative Carey requested and was granted the privilege of the floor for Nicholas A. DiPasquale, Director of Air & Waste Management for DNREC.
 Representatives Carey, Fallon, Plant, Ewing, Wagner, Stone, Banning & West made comments.
 Representative Quillen rose on a point of order. Mr. Speaker concurred.
 Representative Carey moved to place HB 222 w/HA 1, 2 & 3 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.
 Representative Petrilli deferred to Representative Capano.
 Representative Capano brought HB 216, jointly sponsored by Representative Smith, before the House for consideration.
HB 216 - An Act to Amend Chapter 14 of Title 30 of the Delaware Code Relating to Tax Returns for Gift Taxes.
 Representative Capano introduced and brought HA 1 to HB 216 before the House for consideration.
 Representatives Capano & George made comments.
HA 1 was adopted by voice vote.
 Representatives Gilligan, Capano, DiLiberto, Smith, Capano, Gilligan, Roy, Oberle & Fallon made comments.
 The roll call on HB 216 w/HA 1 was taken and revealed:
 YES: 41.
 Therefore, having received a constitutional majority, HB 216 w/HA 1 was sent to the Senate for concurrence.
 Representatives Capano & Gilligan made comments.
 Representative Petrilli deferred to Representative Caulk.
 Representative Caulk introduced HB 301.
HB 301 - An Act to Amend Chapter 83, Title 9, Delaware Code Relating to Penalties for Failing to Report Disqualification of Land for Valuation, Assessment and Taxation as Agricultural, Horticultural and Forest Lands.
 Mr. Speaker assigned HB 301 to the Agriculture & Farmland Preservation & Assessment Committee.
 Representative Smith brought HB 114, jointly sponsored by Senator Venables & Representatives Davis & Brady & Senators Cordrey, Hauge & Bonini, before the House for consideration.
HB 114 - An Act Proposing an Amendment to Article XV of the Delaware Constitution of 1897, as Amended, Relating to Prohibiting the Use of Discrimination Against or Preferential Treatment to Persons in Public Employment, Public Contracting, or Public Education, to be Known as the Delaware Civil Rights Initiative. (2/3 bill)
 Representatives Smith & Plant made comments.
 Representative Plant brought HA 1 to HB 114, jointly sponsored by Representative Scott, before the House for consideration.
 Representatives Plant, Oberle, Smith, Plant & Smith made comments.
 Representative Buckworth requested and was granted the privilege of the floor for Bobby Carmichael Jones, First Vice-President and Chairman of Political Action for the Central Branch of the NAACP.
 Representatives Scott, Brady, Davis, Plant, George, Davis, Smith, Plant, Scott, Cloutier, Wagner & Brady made comments.
 The roll call on HA 1 to HB 114 was taken and revealed:
 YES: Representatives Banning, Bunting, Cloutier, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant, Wagner, West - 15.
 NO: 24.
 NOT VOTING: Representative Caulk - 1.
 ABSENT: Representative Roy - 1.
 Therefore, not having received a constitutional majority, HA 1 was declared defeated.
 Representatives Oberle, Plant, Bunting, Maroney, Smith, Scott & Plant made comments.
 The roll call on HB 114 was taken and revealed:
 YES: 23.
 NO: Representatives Banning, Bunting, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Scott, Smith, VanSant, West - 12.

NOT VOTING: Representatives Caulk, Schroeder, Stone, Ulbrich, Wagner - 5.

ABSENT: Representative Roy - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 114 was declared defeated.

The Majority Leader moved to recess to the call of the Chair at 6:55 p.m.

41st LEGISLATIVE DAY
138th GENERAL ASSEMBLY
First Session
June 14, 1995

Mr. Speaker Spence called the House to order at 2:15 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 155 w/SA 1, HS 1 to HB 79 w/HA 1,2,3 & 4 & SA 1 & HB 53.

The Chief Clerk read the following committee reports into the record:

H/ADM: HB 279 - 5M; SB 182 - 5M; SB 198 - 5M; SCR 7 - 5M.

Representative Ewing requested that HB 21 be stricken.

The Majority Leader moved to adjourn at 2:16 p.m., thereby ending the current Legislative Day. The House reconvened at 2:17 p.m.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Capano - 1.

A prayer was offered by Representative Stephanie Ulbrich, Twenty-Fifth Representative District.

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

The minutes of the previous Legislative Day were approved as posted.

Representatives Fallon & Spence introduced guests.

The following prefiled legislation was introduced:

HB 265 - SMITH, PETRILLI, CAPANO, ULBRICH, WAGNER - R & F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Income Tax.

HB 302 - SPENCE & SENATOR SHARP; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, D. ENNIS, EWING, LOFINK, MACK, MAIER, MARONEY, OBERLE, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, WELCH, BANNING, BRADY, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, JONKIERT, VANSANT, WEST; SENATORS MCBRIDE, VAUGHN, AMICK, BAIR, BONINI, CONNOR, HAUGE, HENRY, REED, SOKOLA, SORENSON, STILL - ED: An Act to Amend Volume 69, Chapter 291 of the Laws of Delaware Relating to Appropriations and to Amend Title 14 of the Delaware Code Relating to General Regulatory Provisions in Education.

HB 303 - ROY, WELCH, JONKIERT, QUILLEN; SENATORS BAIR, BONINI, CONNOR, HAUGE, HENRY, REED, SORENSON, STILL - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Vehicular Homicides and Vehicular Assaults.

HB 304 - ROY & SENATOR SHARP - CORR: An Act to Amend Title 11 of the Delaware Code Relating to Early Release From Incarceration.

HB 305 - SMITH & SENATOR SHARP - JUD: An Act to Amend Chapter 9 of Title 10 Relating to Certain Crimes Committed by Juveniles.

HB 306 - SMITH & SENATOR SHARP - JUD: An Act to Amend Title 10 of the Delaware Code Relating to the Prosecution in Superior Court of Certain Serious Crimes Committed by Juveniles.

HB 307 - SMITH & SENATOR SHARP - JUD: An Act to Amend Title 10 of the Delaware Code Relating to Certain Crimes Committed by Juveniles.

HB 308 - LEE & SENATOR VENABLES - H/ADM: An Act to Amend Chapter 137, Volume 61, Laws of Delaware, as Amended, Being the Charter of the Town of Delmar. (2/3 bill)

HB 309 - WAGNER, QUILLEN, CAPANO, CLOUTIER, DAVIS, DIPINTO, LEE, MAIER, SMITH, STONE - JUD: An Act to Amend Title 10 of the Delaware Code Relating to the Family Court and Restitution.

HB 310 - WAGNER & SENATOR VAUGHN; REPRESENTATIVES SPENCE, CAPANO, CAULK, DAVIS, MAIER, WELCH - ECON DEV, B & I: An Act to Amend Chapter 3, Title 18 of the Delaware Insurance Code, Relating to the Review and Arbitration of Disputes Involving Health Insurance Coverage.

HB 311 - LOFINK, OBERLE, SMITH; SENATORS VOSHELL, CONNOR - TRANS & INFRA: An Act to Amend Chapter 51, Title 30 of the Delaware Code Relating to Motor Carrier Fuel Tax Surety Bonds.

HB 312 - BANNING & B. ENNIS; SENATORS VAUGHN & VOSHELL - TRANS & INFRA: An Act to Amend Chapter 4, Title 17, Delaware Code, Relating to the Power of the Department of Transportation or Its Agents to Impose Tolls.

HA 2 to HB 124 - OBERLE - AGENDA II: Placed with the bill.

HA 3 to HB 124 - OBERLE - AGENDA II: Placed with the bill.

HA 4 to HB 124 - OBERLE - AGENDA II: Placed with the bill.

HA 5 to HB 124 - OBERLE - AGENDA II: Placed with the bill.

HA 6 to HB 124 - OBERLE - AGENDA II: Placed with the bill.

SB 155 w/SA 1 - BLEVINS & REPRESENTATIVE MARONEY; SENATORS VOSHELL, BONINI, REED; REPRESENTATIVES CAPANO, MAIER, ULBRICH, HOUGHTON & SCOTT - HEALTH & HUM DEV: An Act to Amend Chapter 90, Title 29 of the Delaware Code Relating to the Advisory Council for Children, Youth and Their Families.

HA 1 to SB 101 - CAREY - READY LIST: Placed with the bill.

Representative VanSant requested that he be marked present.

Representative Roy introduced HB 313, jointly sponsored by Senator Sharp, before the House for consideration.

HB 313 - An Act to Amend Title 11 of the Delaware Code Relating to the Forfeiture of Good Time.

Mr. Speaker assigned HB 313 to the Corrections Committee.

Mr. Speaker introduced guests.

Representative Fallon made an announcement.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #31

DATE: June 14, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-522	Brady	6/30/95	T	Patricia S. Griffin/Retirement/ Brandywine School Dist./37 Yrs.
H138-523	Schroeder	6/08/95	M	Preston W. Shockley, Jr.
H138-524	Brady	6/08/95	T	Vern E. Toblan/Retire/AGREVO USA Co.
H138-525	Brady	6/08/95	T	Stanley K. Lehman/Retire /AGREVO USA Co.
H138-526	Maier	6/08/95	T	Helen Tanny/Volunteerism/ Dickinson High
H138-527	Mack	6/16/95	T	Matthew D. Luckini/Eagle Scout
H138-528	Mack	6/16/95	T	Robert T. Turcal/Eagle Scout
H138-529	Mack	6/16/95	T	Shaun A. Baker/Eagle Scout
H138-530	Carey	6/10/95	T	Jack Owens/Del Tech/ cosponsors: Sussex County Reps.
H138-531	Brady	6/08/95	T	Contributions/Sussex County Corinne K. Polleck/Retire/ AGREVO USA Co.
H138-532	Maier	6/08/95	T	Dickinson High/Athletic Teams/Blue Hen Conf. Winners & State Champions
H138-533	Scott	6/10/95	T	Rep. Al O. Plant, Sr./65th Birthday
H138-534	Mack	6/11/95	T	Wayne Lowe/Youth Ministry/ N.C. Presbyterian Church
H138-535	Wagner	5/21/95	M	Hutchinson Hart, Jr.
H138-536	Fallon	6/10/95	T	Jabbar Burke/Nat. Youth Volunteer Service Award
H138-537	Oberle	6/03/95	T	Michael Lofink/Gold Medal in Softball/Special Olympics
H138-538	Boulden	6/13/95	T	Sean McCullough/Newark High/All State Baseball Shortstop
H138-539	Boulden	6/13/95	T	Scott Hunt/Newark High /All State Baseball Pitcher

T - Tribute

M - Memoriam

Mr. Speaker assigned HB 293 to the Revenue & Finance Committee.

Representatives Davis, DiLiberto, Brady & Gilligan requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:28 p.m.

The House reconvened at 4:36 p.m.

Representatives Cloutier, Schroeder & Maroney requested that they be marked present.

The Reading Clerk read the following communications into the record:

June 13, 1995

LEGISLATIVE ADVISORY #16

The following legislation was signed by Governor Thomas R. Carper on the dates indicated: 6/08/95 - SB 93 aab SA 1 & HA 1. 6/12/95 - HB 67, HB 69 aab HA 1 & 2, HB 66 aab HA 1 & SA 1, HB 52, HB 54 aab HA 1 & 2 & SA 1, HB 88 aab HA 1 & SA 2. 6/13/95 - HB 105, HB 102, HB 128 aab HA 1 & 2, HB 129 AAB HA 2 & SA 1, SB 61 aab SA 1 & HA 1 & 2, HB 121, SB 65 aab SA 2, HB 4 aab HA 1, HB 134 & HB 178 aab HA 1 & 2 & SA 1.

Representative DiLiberto requested that HB 286 be stricken.

Representative Lofink requested that HB 269 be stricken.

The Reading Clerk read the following communication into the record:

REVISED

HOUSE TRIBUTE ANNOUNCEMENT #32

DATE: June 14, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-522	Brady	6/30/95	T	Patricia Griffin/Retirement/ Brandywine Sch. Dist./37 Yrs.
H138-523	Schroeder	6/08/95	M	Preston W. Shockley, Jr.
H138-524	Brady	6/08/95	T	Vern E. Toblan/Retire /AGREVO USA Co.
H138-525	Brady	6/08/95	T	Stanley K. Lehman/Retire /AGREVO USA Co.
H138-526	Maier	6/08/95	T	Helen Tanny/Outstanding Vol. /John Dickinson High Sch.
H138-527	Mack	6/16/95	T	Matthew D. Luckini/Eagle Scout
H138-528	Mack	6/16/95	T	Robert T. Turcal/Eagle Scout
H138-529	Mack	6/16/95	T	Shaun A. Baker/Eagle Scout
H138-530	Carey	6/10/95	T	Jack Owens/Del Tech/Contributions /Sussex County Representatives
	cosponsors: Sussex County			
H138-531	Brady	6/08/95	T	Corinne K. Polleck/Retire/ AGREVO USA Co.
H138-532	Maier	6/08/95	T	Dickinson High/Athletic Teams/Blue Hen Conf. Winners & State Champions
H138-533	Scott	6/10/95	T	Rep. Al O. Plant, Sr./65th Birthday
H138-534	Mack	6/11/95	T	Wayne Lowe/Youth Ministry /N.C. Presbyterian Church
H138-535	Wagner	5/21/95	M	Hutchinson Hart, Jr.
H138-536	Fallon	6/10/95	T	Jabbar Burke/Nat. Youth Volunteer Service Award
H138-537	Oberle	6/03/95	T	Michael Lofink/Gold Medal Softball/Special Olympics
H138-538	Boulden	6/13/95	T	Sean McCullough/Newark High/All State Baseball Team Shortstop
H138-539	Boulden	6/13/95	T	Scott Hunt/Newark High /All State Baseball Pitcher

HOUSE TRIBUTE ANNOUNCEMENT #33

DATE: June 14, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-540	Boulden	6/13/95	T	Jeff Myers/Newark High All State Baseball/2nd Baseman
H138-541	Reynolds	6/14/95	T	Kristin Chichadel/George Read Academic Honors
H138-542	Reynolds	6/13/95	T	Tim Hamberger/St. Mark's All State Baseball Shortstop
H138-543	Fallon	6/12/95	T	Joy Oliver/James D. Fallon/Foreign Language Award
H138-544	Fallon	6/13/95	T	Frank Jones/92nd Birthday
H138-545	Fallon	6/10/95	M	Marion Rice

H138-546	Lofink	6/13/95	T	Andy Burt/St. Mark's All State Baseball Designated Hitter
H138-547	Lofink	6/13/95	T	Joe Saggio/St. Mark's All State Baseball Outfielder
H138-548	Lofink	6/13/95	T	Mark Heisler/Salesianum All State Baseball Pitcher
H138-549	Lofink	6/13/95	T	Chris Hill/St. Mark's All State Baseball Utility Player
H138-550	Lofink	6/13/95	T	Scott Stephan/Salesianum All State Baseball/3rd Baseman
H138-551	Lofink	6/13/95	T	Jamie French/Salesianum All State Baseball 2nd Baseman
H138-552	Lofink	6/13/95	T	Bobby Sartin/Middletown High All State Baseball /Utility Player
H138-553	Lofink	6/13/95	T	Will Vanjonack/St. Mark's All State Baseball Outfielder

T - Tribute

M - Memoriam

Representative Petrilli brought Consent Calendar #9 before the House for consideration.

HR 30 - LOFINK, DIPINTO, GEORGE, GILLIGAN - Congratulating Salesianum on Winning the 1995 State High School Baseball Championship Tournament.

HR 31 - DIPINTO, LOFINK, GEORGE, GILLIGAN - Congratulating Reverend Robert D. Kenney, O.S.F.S., On His Induction Into the Delaware Baseball Hall of Fame.

HCR 23 - STONE & SENATOR STILL & COSPONSORED BY REPRESENTATIVES WAGNER & WELCH & SENATORS COOK & BONINI - Recognizing Kishor C. Sheth as an Outstanding Citizen of Dover and as President of the Central Delaware Chamber of Commerce.

HCR 24 - REYNOLDS; ON BEHALF OF ALL REPRESENTATIVES - Commending Candice H. Hopkins for Being Selected Delaware Teacher of the Year 1995, and Commending the Teacher of the Year for Each Delaware Public School.

HCR 25 - SPENCE, PETRILLI, QUILLEN, GEORGE, GILLIGAN ON BEHALF OF ALL REPRESENTATIVES & SENATORS CORDREY, SHARP, MARSHALL, BAIR, CONNOR ON BEHALF OF ALL SENATORS - Commending the 58th Session of Boys State Held Under the Auspices of the American Legion Department of Delaware, for Their Dedication, Profound Interest in Good Government and Their Outstanding Democratic Debate of the Many Salient Issues That Face State Government, and Further Extending to Each Participant, to the American Legion, Department of Delaware, Congratulations for a Successful Program.

SCR 32 - BAIR & SENATORS BLEVINS, SORENSON, REED, AMICK, MCBRIDE; REPRESENTATIVES MARONEY, CAPANO, MAIER, ULBRICH, WAGNER, STONE, FALLON, CLOUTIER, HOUGHTON - Commending Senator Margaret Rose Henry, Lt. Governor Ruth Ann Minner, and Dr. Diana Dickson-Witmer for Their Recognition by Girls Inc. of Delaware of the Meritorious Award Entitled "She Knows Where She's Going".

Consent Calendar #9 was adopted by voice vote and HCR 24 & HCR 25 were sent to the Senate for concurrence and SCR 32 was returned to the Senate.

The Chief Clerk read the following committee reports into the record:

JUD: HB 253 - 7M; HB 255 - 8M; HB 278 - 8M; HB 303 - 8M; SB 37 - 8M; SB 38 - 8M; SB 104 - 8M; SB 131 - 8M; SB 132 w/SA 1 - 8M; SB 147 - 8M; SB 174 - 8M.

P/S: SB 205 - 7M; SS 1/SB 9 - 7M; HB 294 - 7M; HB 295 - 7M.

CORR: HB 288 - 6M; HB 290 - 6M.

HEALTH & HUM DEV: HB 263 - 5M; HB 277 - 5M; SB 176 w/SA 2 - 5M.

AG & F.P. & A: HB 299 - 5M; HB 301 - 5M.

NAT RES: HB 291 - 4M; SB 187 - 1F,4M.

R & F: HB 292 - 6M; HB 293 - 6M; SB 123 - 6M; SB 172 - 6M.

LABOR: SB 156 - 4M; SB 157 - 4M; SB 158 - 4M; SB 159 - 4M; SB 161 - 4M; SB 163 - 4M; SB 164 - 4M; SB 165 - 4M; SB 166 - 4M; SB 167 - 4M.

APPRO: HB 207 - 2F,2M; HB 226 - 1F,3M; HB 234 - 2F,2M.

ED: HB 146 - 1F,6M; HB 281 - 5M; HB 284 - 1F,6M; HJR 11 - 5M; SB 75 - 5M.

HOUSING & COM AFF: HB 274 - 9M; HB 285 - 9F.

Representative Oberle requested that HB 64 be stricken.

Representative Wagner requested that HB 68 be stricken.

The House observed a moment of silence in memory of Judge Jean Crompton.

Representative Petrilli made an announcement.

Representative Petrilli deferred to Representative Carey.

Representative Carey moved to lift HB 222 w/HA 1,2 & 3 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Carey brought HB 222 w/HA 1,2 & 3, jointly sponsored by Senator Voshell & Representatives Petrilli, Quillen, Buckworth, Capano, Caulk, Davis, D. Ennis, Lofink, Mack, Maier, Maroney, Ulbrich, Wagner, Bunting, Houghton, Plant & Schroeder & Senators Cordrey, Venables, Amick, Bair & Sorenson, before the House for consideration.

HB 222 - An Act to Amend Title 7, Delaware Code, Creating the Oil Heat Commission Act. (2/3 bill)

Representative Smith introduced and brought HA 4 to HB 222 before the House for consideration.

Representatives Smith, Carey, Brady & Carey made comments.

HA 4 was adopted by voice vote.

Representative Caulk introduced and brought HA 5 to HB 222 before the House for consideration.

Representatives Caulk, Carey & Davis made comments.

HA 5 was adopted by voice vote.

Representatives Jonkiert & Stone requested that they be marked present.

Representative Caulk introduced and brought HA 6 to HB 222 before the House for consideration.

Representatives Caulk, Carey, Schroeder, Caulk, Stone, Welch & Fallon made comments.

HA 6 was adopted by voice vote.

Representative Caulk introduced and brought HA 7 to HB 122 before the House for consideration.

Representatives Caulk, West, Carey & Caulk made comments.

HA 7 was adopted by voice vote.

Representative Banning introduced and brought HA 8 to HB 122 before the House for consideration.

Representatives Banning, Petrilli, Davis, Carey, Banning, Fallon, Carey, B. Ennis, Brady, Carey & Davis made comments.

HA 8 was defeated by voice vote.

Representative Carey requested and was granted the privilege of the floor for Nate Lamborn, representing Ace Fuel Oil.

Representatives Welch, Carey, Bunting & Banning made comments.

The roll call on HB 222 w/HA 1,2,3,4,5,6 & 7 was taken and revealed:

YES: 24.

NO: Representatives Banning, DiLiberto, Gilligan, Jonkiert, Mack, Oberle, Scott, Ulbrich, VanSant, Wagner, Welch - 11.

NOT VOTING: Representatives Boulden, Brady, B. Ennis, Houghton, Plant - 5.

ABSENT: Representative Capano - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 222 w/HA 1,2,3,4,5,6 & 7 was declared defeated.

Representative D. Ennis requested that he be marked present during the roll call.

Representative Petrilli deferred to Representative Smith.

Representative Smith moved to restore HB 114. The motion was seconded by Representative Davis and adopted by voice vote.

HB 114 - An Act Proposing an Amendment to Article XV of the Delaware Constitution of 1897, as Amended, Relating to Prohibiting the Use of Discrimination Against or Preferential Treatment to Persons in Public Employment, Public Contracting, or Public Education, to be Known as the Delaware Civil Rights Initiative. (2/3 bill)

Representative Smith moved to place HB 114 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HB 147, jointly sponsored by Representatives Petrilli & Cloutier & Senators Amick, Bair, Bonini, Connor, Hauge, Reed, Sorenson & Still, before the House for consideration.

HB 147 - An Act to Amend Chapter 17, Title 14, Delaware Code, Relating to School District Contracting for Education Services.

Representative Smith moved to place HB 147 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli brought HS 1 for HB 79 w/HA 1,2,3 & 4 & SA 1, jointly sponsored by Senator Sharp & Representatives Quillen, Spence, Boulden, Buckworth, Capano, Carey, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Reynolds, Roy, Smith, Stone, Ulbrich, Wagner, Banning, Brady, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott & VanSant & Senators McBride, Sokola, Vaughn, Voshell, Bair, Connor, Henry, Reed & Sorenson, before the House for concurrence on SA 1.

HB 79 - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to the Establishment of the Delaware Center for Educational Technology.

Representative Petrilli made a comment.

The roll call on HS 1 for HB 79 was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, HS 1 for HB 79 w/HA 1,2,3 & 4 & SA 1 was sent to the Governor.

Representative Petrilli brought Consent Agenda F before the House for consideration.

SB 121 - ADAMS; REPRESENTATIVE CAULK; SENATORS VAUGHN, STILL; REPRESENTATIVES CAREY, BUNTING; SENATORS VENABLES, COOK, BONINI; REPRESENTATIVES MACK, SCHROEDER - An Act to Amend Title 3, of the Delaware Code Relating to the Powers and Duties of the Department of Agriculture.

SB 122 - ADAMS; REPRESENTATIVE CAULK; SENATORS VAUGHN, STILL; REPRESENTATIVES CAREY, BUNTING; SENATORS VENABLES, COOK, BONINI; REPRESENTATIVES MACK, SCHROEDER - An Act to Amend Title 3 of the Delaware Code Relating to the Powers of the Department of Agriculture.

SB 143 - ADAMS; REPRESENTATIVE CAULK; SENATORS COOK, VENABLES; REPRESENTATIVES BUNTING, MACK; SENATORS BONINI, STILL, VAUGHN; REPRESENTATIVES CAREY, SCHROEDER, BANNING - An Act to Amend Title 3 of the Delaware Code Relating to Noxious Weeds.

SB 98 - MCBRIDE; REPRESENTATIVES MACK, DIPINTO, AMICK, CAREY, DAVIS - An Act to Amend Title 29 of the Delaware Code Relating to Powers of the Secretary of the Department of Natural Resources and Environmental Control.

HB 125 - DIPINTO, BUNTING; SENATOR MCBRIDE - An Act to Amend Chapter 64, Title 7 of the Delaware Code to Eliminate the Requirement for Approval by the Department of Natural Resources and Environmental Control Prior to Disposal of Industrial Solid Waste at Delaware Solid Waste Authority Facilities.

The roll call on Consent Agenda F was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, SB 121, SB 122, SB 143 w/SA 1 & SB 98 were returned to the Senate & HB 125 was sent to the Senate for concurrence.

Representative Petrilli brought Consent Agenda H before the House for consideration.

HB 240 - D. ENNIS; SENATOR VAUGHN - An Act to Amend Chapter 35, Title 18 of the Delaware Code Relating to Group Health Insurance.

HB 232 - SMITH; SENATOR MARSHALL; REPRESENTATIVES DIPINTO, STONE, HOUGHTON, SCOTT, CAPANO, D. ENNIS, WAGNER, JONKIERT, BRADY - An Act to Amend Chapter 11, Title 12 of the Delaware Code Relating to Escheat of Abandoned or Unclaimed Property.

HB 160 - SCHROEDER; REPRESENTATIVES BANNING, BUCKWORTH, CAREY, B. ENNIS, GEORGE, LEE, PLANT, WEST; SENATORS HAUGE, VENABLES; REPRESENTATIVES BOULDEN, BUNTING, DILIBERTO, D. ENNIS, GILLIGAN, LOFINK, VANSANT; SENATORS ADAMS, HENRY, VOSHELL - An Act to Amend Chapter 25 of Title 18 of the Delaware Code Relating to Rates and Rating Organizations.

HB 169 - EWING; SENATOR VOSHELL - An Act to Amend Chapter 26, Title 21 of the Delaware Code to Establish Out-of-Service Penalties for Commercial Drivers.

HJR 10 - ROY, LOFINK - Urging the Governor to Lend His Support for the Passage of S. 733, the Intercity Rail Investment Act.

The roll call on Consent Agenda H was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, HB 240, HB 232, HB 160, HB 169 & HJR 10 were sent to the Senate for concurrence.

The Chief Clerk read the following committee reports into the record:

ECON. DEV. B & I: HB 298 - 6M; SB 189 w/SA 1 - 6M; SB 194 - 6M; SB 207 - 6M.

H/ADM: HB 199 - 5M; HB 308 - 5M.

TRANS & INFRA: HB 311 - 7M; SB 63 - 7M.

Representative B. Ennis was granted personal privilege of the floor for the introduction of a guest.

Representative Maroney made an announcement.

The Majority Leader moved to recess to the call of the Chair at 6:01 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:12 p.m.

The Chief Clerk read the following committee report into the record:

SM BUS: SB 117 - 5M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 199, SB 220, HB 151, HB 5 w/HA 1, HB 176, SB 213, HB 14, HB 103 w/HA 1, SB 201 w/SA 1, SB 212.

The Majority Leader moved to adjourn at 2:14 p.m., thereby ending the current Legislative Day. The House reconvened at 2:15 p.m.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Capano - 1.

A prayer was offered by Representative Richard A. DiLiberto, Jr., Fourteenth Representative District.

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

The minutes of the previous Legislative Day were approved as posted.

The following prefiled legislation was introduced:

HB 314 - QUILLEN - H/ADM: An act to Amend Part VII, Title 16 of the Delaware Code Relating to Elevators, Penalties. (2/3 bill)

HB 315 - DAVIS - APPRO: An Act to Amend Chapter 27, Title 29, Delaware Code, Relating to the State Treasurer.

HB 316 - VANSANT & OBERLE & SENATORS MARSHALL & MCBRIDE; REPRESENTATIVES BANNING, GILLIGAN, HOUGHTON, LOFINK, MACK, REYNOLDS, SCOTT - LABOR: An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Alcoholic Liquors.

HA 1 to HB 167 - WAGNER - CONS AGENDA G: Placed with the bill.

HA 1 to HB 199 - WAGNER - READY LIST: Placed with the bill.

HA 2 to HB 252 - OBERLE - AGENDA II: Placed with the bill.

HA 1 to HB 270 - LOFINK - CONS AGENDA G: Placed with the bill.

SB 199 - CORDREY & REPRESENTATIVES BUNTING & WEST - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Sale of Timber and the Disposition of the Proceeds.

SB 201 w/SA 1 - VAUGHN; REPRESENTATIVE OBERLE - ECON DEV, B & I: An Act to Amend Chapter 23, Title 18, Delaware Code, Relating to Unfair Insurance Practices.

SB 212 - VAUGHN, SHARP, MCBRIDE; REPRESENTATIVES OBERLE, SPENCE, WELCH-LABOR: An Act to Amend Chapter 21, Title 19, Delaware Code Relating to Attorneys Fees.

SB 213 - CORDREY; REPRESENTATIVE SCHROEDER - H/ADM: An Act to Amend Chapter 197, Volume 54, Laws of Delaware, the Charter of the City of Rehoboth Beach as Amended, With Regard to Fines and Penalties for Violation of City Ordinances. (2/3 bill)

SB 220 - CORDREY & REPRESENTATIVE SCHROEDER - H/ADM: An Act to Amend Chapter 197, Volume 54 Laws of Delaware, the Charter of the City of Rehoboth Beach, as Amended, With Regard to the Procedures and Limits for Authorizing General Obligation Bonds. (2/3 bill)

HA 1 to SS 1 for SB 72 - FALLON - HEALTH & HUM DEV: Placed with the bill.

HA 1 to SB 92 - DILIBERTO - AGENDA II: Placed with the bill.

HA 1 to SB 124 - MARONEY - READY LIST: Placed with the bill.

HA 1 to SB 186 - D. ENNIS - READY LIST: Placed with the bill.

HA 1 to SB 187 - CAREY - READY LIST: Placed with the bill.

Representatives Buckworth, Schroeder & West requested that they be marked present.

Representative Carey introduced guests.

Representatives Stone, George, Scott, Jonkiert & Smith requested that they be marked present.

Representative Oberle was granted privilege of the floor for Wildcat Cheerleaders.

Representative Oberle introduced and brought HR 32 before the House for consideration.

HR 32 - Offering Our Congratulations and Three Mighty Cheers for the Diamond State Wildcats Cheerleaders.

WHEREAS, The Diamond State Wildcats Cheerleaders are a competitive cheerleading squad which represents the State of Delaware in local and national competitions; and

WHEREAS, The Wildcats squad consists of nineteen girls and two boys ranging in age from ten to fourteen years old; and

WHEREAS, In March of this year the squad competed in Florida, at the Epcot Center's Garden Theater, where their soaring vocals and hi-energy stepping earned them a second place prize, in a field consisting of more than 80 other cheering teams from all over the country; and

WHEREAS, The Diamond State Wildcats have maintained a busy cheering schedule, traveling to Williamsburg in April to compete in the Colonial Cheer Challenge and then entering and winning a local competition held at Del Castle Technical High School where they won 1st place in the All Star Category; and

WHEREAS, the members and alternates of the Diamond State Wildcats Cheerleaders include: Kelly Barnes, Jason Gegany, Brittany Boyer, Blair Brown, Chrissa Carroll, T.J. Cook, Christen Cook, Courtney

Cook, Lisa Davis, Ashley DiStefano, Carlene DeMaio, Erin Hammond, Nicole Hopson, Kristen King, Holly Kowanick, Shannon Leech, Amy Maninko, Zenobia Moultrie, Ashley Steil, Rae Dana Thompson, Lauren Widdoes, Nikki Widdoes and Deidre Wilson.

NOW THEREFORE:

BE IT RESOLVED by the House of Representatives of the 138th General Assembly of the State of Delaware that we do hereby offer our best wishes and three mighty cheers to the members of the Diamond State Wildcats Cheerleaders.

BE IT FURTHER RESOLVED that the distinguished Wildcats squad gives the people of the Diamond State something big to cheer about.

BE IT FURTHER RESOLVED that suitably prepared copies of this Resolution be presented to members of the Diamond State Wildcats Cheerleaders.

HR 32 was adopted by voice vote.

Representatives Smith & Reynolds introduced guests.

Representative Reynolds requested and was granted the privilege of the floor for Jennifer Gibbons representing Laurel School District and thirteen other District Teachers of the Year and Candice Hopkins, State Teacher of the Year from the Pleasantville Elementary School, Colonial School District.

Representatives Smith, Fallon & Scott made comments.

Representative Plant requested that he be marked present.

Representatives Plant, Buckworth & Ulbrich made comments.

Representative Spence requested that he be marked present.

Representatives Spence & Reynolds made comments.

Representatives Lee, Banning, Brady, D. Ennis, Welch, Davis & Roy requested that they be marked present.

The Majority Leader moved to recess for caucus at 3:06 p.m.

The House reconvened at 4:15 p.m.

Representative Petrilli deferred to Representative Lee.

Representative Lee requested that action on HB 288 be Deferred to a Day Certain, Wednesday, June 21, 1995.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto requested that action on HB 124 be Deferred to a Day Certain, Tuesday, June 27, 1995.

Representative Reynolds requested that action on HB 281 be Deferred to a Day Certain, Wednesday, June 21, 1995.

Representative Petrilli deferred to Representative Lofink.

Mr. Speaker Spence resumed the Chair.

Representative Lofink brought SB 116 w/SA 1 & 2, jointly sponsored by Senators Sokola, Amick, Blevins, McBride & Sorenson & Representatives Cloutier, Davis, George, Gilligan, Mack, Oberle, Petrilli, Roy & Schroeder & cosponsored by Senators Voshell & Still, before the House for consideration.

SB 116 - An Act to Amend Title 9 of the Delaware Code Relating to County, State, and Local Planning Efforts.

Representative Lofink made comments.

Representative Cloutier introduced and brought HA 1 to SB 116 before the House for consideration.

Representative Cloutier made comments.

HA 1 was adopted by voice vote.

Representative Lofink requested and was granted the privilege of the floor for David Hugg, State

Planning Coordinator.

Representatives Davis, Roy, Caulk, Roy, Wagner & West made comments.

The roll call on SB 116 w/SA 1 & 2 & HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 116 w/SA 1 & 2 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Lofink made a comment.

Representative Jonkiert was granted personal privilege of the floor to announce that the Minority Caucus has met and elected Representative Gilligan Minority Leader and Representative John VanSant Minority Whip to become effective upon the resignation of Representative Orlando J. George, Jr.

Representative Petrilli deferred to Representative Mack.

Representative Mack made comments.

Representative Mack brought SB 40 w/SA 1, jointly sponsored by Senators McBride, Voshell, Amick & Bair & Representatives Carey, Bunting, Schroeder & D. Ennis, before the House for consideration.

SB 40 - An Act to Amend Chapter 91, Title 7 of the Delaware Code Relating to the Delaware Hazardous Substance Cleanup Act. (F/N)

Representative Mack made comments.

The roll call on SB 40 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, SB 40 w/SA 1 was returned to the Senate.

Representative Mack brought SB 41 w/SA 1, jointly sponsored by Senator McBride & Representative D. Ennis, before the House for consideration.

SB 41 - An Act to Amend Chapter 20, Title 30 of the Delaware Code Relating to Business Tax Credits and Deductions. (F/N)

Representative Mack introduced & brought HA 1 to SB 41, jointly sponsored by Representative D. Ennis, before the House for consideration.

Representative Mack deferred to Representative D. Ennis.

Representative D. Ennis made a comment.

HA 1 was adopted by voice vote.

Representative Mack made a comment.

The roll call on SB 41 w/SA 1 & HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, SB 41 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Mack was granted personal privilege of the floor for the introduction of guests.

Representative Welch was granted personal privilege of the floor for a comment.

Representative Mack brought HB 241 before the House for consideration.

HB 241 - An Act to Amend Titles 7, 11, 18, 23 and 29 of the Delaware Code Relating to the Enforcement Personnel of the Department of Natural Resources and Environmental Control.

Representative Mack brought HA 1 to HB 241 before the House for consideration.

Representative Mack made a comment.

HA 1 was adopted by voice vote.

Representatives Mack & Davis made comments.

The roll call on HB 241 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority HB 241 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli brought Consent Agenda J before the House for consideration.

HB 264 - D. ENNIS; SENATOR CORDREY; REPRESENTATIVES DIPINTO, STONE; SENATOR ADAMS; REPRESENTATIVES CAPANO, SMITH, WAGNER - An Act to Amend Chapter 61, Title 12, Delaware Code, Relating to the Allocation of Trust Income and Principal.

SB 66 w/SA 1 - CORDREY, ADAMS, VOSHALL; REPRESENTATIVES SCHROEDER, EWING; SENATOR VENABLES; REPRESENTATIVES WEST, BUNTING - An Act to Amend Section 1068, Title 14 of the Delaware Code Relating to the Terms of Office of Indian River Board of Education Members. (F/N)

SB 56 - VOSHALL, COOK, VAUGHN, ADAMS - An Act to Amend Title 12 of the Delaware Code Relating to the Accounting and Distribution of a Decedent's Property Without Grant of Letters.

SB 180 - VAUGHN; REPRESENTATIVE D. ENNIS - An Act to Amend Title 18 of the Delaware Code Relating to the Investments of Domestic Insurers.

SB 208 - VAUGHN; REPRESENTATIVE D. ENNIS - An Act to Amend Title 18, Chapter 69 of the Delaware Code Relating to the Authority of an Association or Industrial Insured Captive Insurance Company.

Representative Petrilli requested that SB 66 w/SA 1 be removed from Consent Agenda J.

The roll call on Consent Agenda J was taken and revealed:

YES: 40.

ABSENT: Representative Bunting - 1.

Therefore, having received a constitutional majority, HB 264 was sent to the Senate for concurrence and SB 56, SB 180 & SB 208 were returned to the Senate.

Representatives Schroeder & Brady were granted personal privilege of the floor for the introduction of guests.

Representative Petrilli deferred to Representative Reynolds.

Representative Reynolds brought SB 66 w/SA 1, sponsored by Senators Cordrey, Adams, Venables & Voshell & Representatives West, Schroeder, Bunting & Ewing, before the House for consideration.

SB 66 - An Act to Amend Section 1068, Title 14 of the Delaware Code Relating to the Terms of Office of Indian River Board of Education Members. (F/N)

Representatives Reynolds, Smith, Fallon, Bunting & Carey made comments.

The roll call on SB 66 w/SA 1 was taken and revealed:

YES: 39.

NOT VOTING: Representative Buckworth - 1.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, SB 66 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative D. Ennis.

Representative D. Ennis moved to suspend the rules which interfere with action on SB 207. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative D. Ennis brought SB 207, jointly sponsored by Senators Cordrey, Adams, Marshall, Sharp, Sokola, Bair, Connor & Sorenson & Representatives Capano, DiPinto, Petrilli, Smith, Spence, Stone, George, Houghton & Jonkiert, before the House for consideration.

SB 207 - An Act to Amend Title 5 of the Delaware Code Relating to Banks and Other Financial Institutions, and to Amend Section 379 of Title 8 of the Delaware Code Relating to Banking Powers. (2/3 bill)

Representative D. Ennis made a comment.

The roll call on SB 207 was taken and revealed:

YES: 40.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 207 was returned to the Senate.

Representative D. Ennis was granted personal privilege of the floor comments.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 119, jointly sponsored by Senator McBride & Representatives Spence, DiPinto, Roy, Welch & Banning, before the House for consideration.

HB 119 - An Act to Amend Section 1602 of Title 19 of the Delaware Code Relating to the Police Officers and Firefighters Employment Relations Act.

Representatives Oberle, Smith, Davis, Cloutier, Ewing, Oberle, Fallon, Wagner & DiPinto made comments.

The roll call on HB 119 was taken and revealed:

YES: 39.

NOT VOTING: Representative Ewing - 1.

ABSENT: Representative Capano - 1.

Therefore, having received a constitutional majority, HB 119 was sent to the Senate for concurrence.

Representative Maroney introduced HB 317, jointly sponsored by Senator Blevins & Representatives DiPinto & VanSant & Senators Sorenson & McDowell.

HB 317 - An Act to Amend Chapter 3, Title 31 of the Delaware Code Relating to Child Welfare.

Mr. Speaker assigned HB 317 to the Health & Human Development Committee.

Representative Maroney introduced HB 318.

HB 318 - An Act to Amend Titles 16 and 29 of the Delaware Code, to Provide That Powers and Duties Vested in the Division of Physical Health Shall Now be Vested in the Division of Public Health, Its Director or Designee Under the Direction and Control of the Department of Health and Social Services.

Mr. Speaker assigned HB 318 to the Health & Human Development Committee.

Mr. Speaker assigned HB 292 to the Appropriations Committee.

Mr. Speaker reassigned SB 201 to the Labor Committee.

Mr. Speaker reassigned SB 212 to the Economic Development, Banking & Insurance Committee.

Mr. Speaker reassigned HB 302 to the Appropriations Committee.

Mr. Speaker reassigned SS 1 to SB 69 to the Labor Committee.

The Chief Clerk read the following committee reports into the record:

HEALTH & HUM DEV: HB 93 - 5M.

LABOR: SB 168 w/SA 1 - 4M.

The Majority Leader moved to recess to the call of the Chair at 5:47 p.m.

43rd LEGISLATIVE DAY
138th GENERAL ASSEMBLY
First Session
June 20, 1995

Mr. Speaker Spence called the House to order at 2:10 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 219, HCR 23, HCR 24, HCR 25, SS 1 to SB 34 w/SA 1 & 2, SB 211, HB 10, HB 251, SB 40 w/SA 1, SB 153, SB 197 w/SA 1 & HB 11 w/HA 1.

June 14, 1995

LEGISLATIVE ADVISORY #17

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 6/14/95 - HB 113.

June 15, 1995

LEGISLATIVE ADVISORY #18

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 6/15/95 - HB 103 aab HA 1.

Mr. Speaker assigned HB 244 & SB 132 w/SA 1 to the Appropriations Committee.

The Majority Leader moved to adjourn at 2:13 p.m., thereby ending the current Legislative Day. The House reconvened at 2:14 p.m.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative George - 1.

A prayer was offered by Representative Bruce C. Reynolds, Fifteenth Representative District.

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

The minutes of the previous Legislative Day were approved as posted.

The following prefilled legislation was introduced:

HB 319 - PETRILLI, DIPINTO; SENATOR SHARP - ECON DEV, B & I: An Act to Amend Chapters 9 and 22, Title 5 of the Delaware Code Relating to Bank and Licensed Lenders' Revolving Credit.

HB 320 - DAVIS, DIPINTO, D. ENNIS, LOFINK, OBERLE, VANSANT - SM BUS: An Act to Amend Title 16 of the Delaware Code Relating to the Propane Industry.

HA 2 to HB 114 - PLANT & SCOTT - L.O.T.: Placed with the bill.

HA 1 to HB 183 - MARONEY - AGENDA IV: Placed with the bill.

HA 1 to HB 195 - MARONEY - AGENDA IV: Placed with the bill.

HA 1 to HB 217 - MARONEY - AGENDA IV: Placed with the bill.

HA 1 to HB 234 - DAVIS - AGENDA V: Placed with the bill.

HA 2 to HB 239 - SCHROEDER - AGENDA: Placed with the bill.

HA 1 to HB 244 - OBERLE - READY LIST: Placed with the bill.

HA 1 to HB 278 - SPENCE - CONSENT AGENDA K: Placed with the bill.

HA 1 to HB 295 - WAGNER - READY LIST: Placed with the bill.

HA 1 to HCR 13 - MAIER - AGENDA III: Placed with the bill.

SS 1 for SB 34 w/SA 1 & 2 - VENABLES, ADAMS, BAIR, CONNOR, CORDREY, HENRY, MARSHALL, SHARP, SOKOLA & VAUGHN; REPRESENTATIVES SPENCE, MARONEY, EWING & JONKIERT - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Exercise of First Amendment Rights by Public School Students.

SB 153 - SHARP & REPRESENTATIVE OBERLE - R & F: An Act to Amend Title 29 of the Delaware Code Relating to the Powers of the Lottery Director.

SB 170 - ADAMS, BAIR, SHARP & VAUGHN; REPRESENTATIVES EWING & SPENCE - P/S: An Act to Amend Title 11 of the Delaware Code Relating to Police Chief Due Process.

SB 197 w/SA 1 - MCDOWELL; REPRESENTATIVES BANNING, BUCKWORTH & QUILLEN - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Property Insurance Contracts.

SB 211 - MCBRIDE & REPRESENTATIVE MACK - ENV MAN: An Act to Amend Title 16 of the Delaware Code Relating to Radioactive Waste.

SB 212 - VOSHELL & REPRESENTATIVE LOFINK - TRANS & INFRA: An Act to Amend Chapter 19, Title 2 of the Delaware Code Relating to the Employee Commute Options Act. (3/5 bill)

Representative Carey requested that he be marked present.

Representative Plant was granted personal privilege of the floor for the introduction of guests.

Representative Brady requested that he be marked present.

Representative Brady was granted personal privilege of the floor for the introduction of guests.

Representative D. Ennis requested that he be marked present.

Representative D. Ennis was granted personal privilege of the floor for comments.

The Chief Clerk read the following committee reports into the record:

LABOR: HB 316 - 4M.

H/ADM: HB 314 - 5M; SB 213 - 5M; SB 220 - 5M.

Representative Petrilli brought Consent Agenda K, which requires a two-thirds vote, before the House for consideration.

SB 87 w/SA 1 - SHARP, VAUGHN, AMICK; REPRESENTATIVE DILIBERTO; SENATOR BAIR; REPRESENTATIVE ROY - An Act to Amend Title 11 to Provide for Appeals in the Court of Common Pleas. (2/3 bill)

SB 204 - VAUGHN, SHARP; REPRESENTATIVE SPENCE; SENATOR STILL; REPRESENTATIVE OBERLE; SENATOR MCBRIDE - An Act to Amend Title 7 of the Delaware Code Relating to Shellfish Licenses. (2/3 bill)

SB 120 - ADAMS; REPRESENTATIVE CAULK; SENATORS VAUGHN, STILL; REPRESENTATIVES CAREY, BUNTING; SENATORS VENABLES, COOK, BONINI;

REPRESENTATIVES MACK, SCHROEDER - An Act to Amend Title 3, of the Delaware Code Relating to Dealers in Agricultural Products. (2/3 bill)

SB 182 - VAUGHN; REPRESENTATIVE B. ENNIS - An Act to Amend Chapter 339, Volume 62, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Smyrna". (2/3 bill)

SB 198 - COOK; REPRESENTATIVE QUILLEN - An Act to Reincorporate the Town of Felton. (2/3 bill)

HB 278 - SPENCE; SENATOR VAUGHN - An Act to Amend Subpart D, Subchapter III, Chapter 5, Title 11 of the Delaware Code Relating to Theft and Related Offenses. (2/3 bill)

Representative Petrilli requested that SB 204 & HB 278 be removed from Consent Agenda K.

Representatives Oberle, Bunting & Mack requested that they be marked present.

The roll call on Consent Agenda K was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 87 w/SA 1, SB 120, SB 182 & SB 198 were returned to the Senate.

Representative Petrilli brought SB 204, sponsored by Senators Vaughn & Sharp & Representatives Oberle & Spence & Senators McBride & Still, before the House for consideration.

SB 204 - An Act to Amend Title 7 of the Delaware Code Relating to Shellfish Licenses. (2/3 bill)

Representative Petrilli deferred to Representative Schroeder.

Representatives Schroeder & Oberle made comments.

The roll call on SB 204 was taken and revealed:

YES: 22.

NO: Representatives Bunting, Carey, Caulk, Ewing, Lee, Oberle, Schroeder, Welch - 8.

NOT VOTING: Representatives Boulden, Buckworth, Capano, DiPinto, B. Ennis, D. Ennis, Fallon, Maroney, Stone, Wagner - 10.

ABSENT: Representative George - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, SB 204 was declared defeated.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Petrilli deferred to Representative Spence.

Representative Spence brought HB 278, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 278 - An Act to Amend Subpart D, Subchapter III, Chapter 5, Title 11 of the Delaware Code Relating to Theft and Related Offenses. (2/3 bill)

Representative Spence brought HA 1 to HB 278 before the House for consideration.

Representative Spence made a comment.

HA 1 was adopted by voice vote.

Representative Spence made comments.

The roll call on HB 278 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 278 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli brought Consent Agenda C before the House for consideration.

HCR 14 - WAGNER, SPENCE, BUCKWORTH, DAVIS, EWING, CAPANO, ROY, ULBRICH, GILLIGAN, SCHROEDER; SENATORS VENABLES, BAIR; REPRESENTATIVES PETRILLI, CAREY, DIPINTO, MAIER, CLOUTIER, STONE, BUNTING, PLANT - Encouraging State Departments and Agencies to Expand the Use of Performance and Completion Incentives in Public Contracts.

HJR 6 - OBERLE - Directing and Authorizing the State Employees Pension Benefits Review Committee to Study and Make Recommendations to Establish Criteria for Post-Retirement Supplements.

HB 299 - GILLIGAN, OBERLE, ROY; SENATOR SHARP; REPRESENTATIVE GILLIGAN - An Act to Amend Chapter 101 of Title 3 of the Delaware Code to Allow the Thoroughbred Racing Commission to Fingerprint All License Applicants Without Using the Thoroughbred Racing Protection Bureau.

HB 247 - WELCH, SPENCE, QUILLEN, BUCKWORTH, CAREY, CLOUTIER, DIPINTO, EWING, LEE, MACK, MARONEY, REYNOLDS, SMITH, ULBRICH, GEORGE, BANNING, BUNTING, B. ENNIS, JONKIERT, SCHROEDER, VANSANT, PETRILLI, BOULDEN, CAPANO, CAULK, DAVIS, D. ENNIS, FALLON, LOFINK, MAIER, OBERLE, ROY, STONE, WAGNER, GILLIGAN, BRADY, DILIBERTO, HOUGHTON, PLANT, SCOTT, WEST - An Act to Amend Chapter 47, Title 16 of the Delaware Code Relating to Trafficking in Phencyclidine.

HB 249 - BRADY, BANNING, CLOUTIER, B. ENNIS, HOUGHTON, MAIER, SCOTT, WAGNER; SENATORS AMICK, STILL, VOSHELL; REPRESENTATIVES BUNTING, DILIBERTO, GILLIGAN,

LEE, SCHROEDER, VANSANT; SENATORS ADAMS, SOKOLA, VAUGHN - An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to General Regulatory Provisions.

SJR 6 - CONNOR, MARSHALL, VAUGHN, COOK; REPRESENTATIVE DAVIS; SENATORS VENABLES, VOSHELL; REPRESENTATIVE SPENCE - Establishing a Task Force to Consider the Feasibility of Business Logo Signs on Delaware Highways.

HJR 11 - FALLON; SENATORS SORENSON, BAIR, HAUGE, AMICK, REED, CONNOR, STILL, BONINI - Congratulating the 1995 First State Constitutional Scholarship Recipients.

SJR 11 - CONNOR, MCBRIDE, SORENSON; REPRESENTATIVES SPENCE, DAVIS, MACK; SENATOR VAUGHN; REPRESENTATIVE REYNOLDS - Requiring the Department of Natural Resources and Environmental Control and the Department of Health and Social Services to Prepare and Submit a Plan and an Estimate of Associated Costs to Expand Existing Monitoring and Analysis Programs and to Develop New Programs to Monitor and Analyze the Environment and the Population to Better Understand the Interaction Between Environmental Toxicants and Public Health.

The roll call on Consent Agenda C was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HCR 14, HJR 6, HB 299, HB 247, HB 249 & HJR 11 were sent to the Senate for concurrence & SJR 6 & SJR 11 were returned to the Senate.

Representative Petrilli brought Consent Agenda G before the House for consideration.

HB 167 - WAGNER, SPENCE, BOULDEN, D. ENNIS, MAIER, STONE, PETRILLI, DAVIS, LEE, OBERLE, ULBRICH - An Act to Amend Chapter 59 of Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration.

HB 109 - JONKIERT, BANNING, BRADY, LEE, REYNOLDS, WAGNER; SENATORS BLEVINS, MCBRIDE; REPRESENTATIVES BOULDEN, DIPINTO, LOFINK, SCOTT, SPENCE; SENATORS MARSHALL, VAUGHN - An Act to Amend Chapter 11, Title 28 of the Delaware Code Relating to Allowable Prizes and Promotional Giveaways in Connection With Bingo Games.

SB 142 - ADAMS; REPRESENTATIVE OBERLE; SENATORS SHARP, CORDREY; REPRESENTATIVE EWING - An Act to Amend Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 270 - LOFINK, OBERLE; SENATOR VOSHELL; REPRESENTATIVE SMITH; SENATOR CONNOR - An Act to Amend Chapters 30, 48 and 68, Title 9, Delaware Code, Providing for Rules and Regulations Governing Plan Approval and Maintenance of Public Streets in Subdivisions.

HB 271 - ROY, LOFINK, OBERLE; SENATOR VOSHELL; REPRESENTATIVE SMITH; SENATORS SOKOLA, SORENSON - An Act to Amend Title 17 of the Delaware Code Relating to the Disposition of State-Owned Property.

Representative Petrilli requested that HB 167 & HB 270 be removed from Consent Agenda G.

The roll call on Consent Agenda G was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 109 & HB 271 were sent to the Senate for concurrence & SB 142 was returned to the Senate.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HB 167, jointly sponsored by Representatives Spence, Petrilli, Boulden, Davis, D. Ennis, Lee, Maier, Oberle, Stone & Ulbrich, before the House for consideration.

HB 167 - An Act to Amend Chapter 59 of Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration.

Representative Wagner brought HA 1 to HB 167 before the House for consideration.

Representative Wagner made a comment.

HA 1 was adopted by voice vote.

Representative Wagner made a comment.

The roll call on HB 167 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 167 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Lofink.

Representative Lofink brought HB 270, jointly sponsored by Representatives Oberle & Smith & Senators Voshell & Connor, before the House for consideration.

HB 270 - An Act to Amend Chapters 30, 48 and 68, Title 9, Delaware Code, Providing for Rules and Regulations Governing Plan Approval and Maintenance of Public Streets in Subdivisions.

Representative Lofink brought HA 1 to HB 270 before the House for consideration.

Representatives Lofink & Davis made comments.

HA 1 was defeated by voice vote.

The roll call on HB 270 was taken and revealed:

YES: 39.

ABSENT: Representatives George, Smith - 2.

Therefore, having received a constitutional majority, HB 270 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle moved to restore SB 204. The motion was seconded by Representative Petrilli and adopted by voice vote.

SB 204 - An Act to Amend Title 7 of the Delaware Code Relating to Shellfish Licenses. (2/3 bill)

The roll call on SB 204 was taken and revealed:

YES: 36.

NO: Representative Schroeder - 1.

NOT VOTING: Representatives Boulden, Carey, Fallon - 3.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 204 was returned to the Senate.

Representative Petrilli brought Consent Agenda I before the House for consideration.

HB 185 - EWING; SENATOR VOSHELL - An Act to Amend Title 21 of the Delaware Code Relating to Vehicle Size and Weight Limitations and Restrictions.

HB 194 - JONKIERT; SENATOR MARSHALL; REPRESENTATIVES BUCKWORTH, CLOUTIER, B. ENNIS, FALLON, GEORGE, SMITH, BUNTING, CAREY, DIPINTO, EWING, GILLIGAN, LEE, ULBRICH - An Act to Amend Chapter 41 of Title 21 of the Delaware Code Relating to Traffic Laws. (F/N)

SB 47 w/SA 1 - SENATOR VOSHELL; REPRESENTATIVE EWING - An Act to Amend Chapter 7, Title 21, of the Delaware Code Relating to Enforcement: Arrest, Bail and Appeal.

HB 166 - EWING; SENATOR VOSHELL - An Act to Amend Title 17 of the Delaware Code Relating to the Division of Communications and the Authority to Enter Into Contracts and Provide Services to County Government and Local Municipalities.

Representative Jonkiert requested that HB 194 be removed from Consent Agenda I.

The roll call on Consent Agenda I was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority HB 185 & HB 166 were sent to the Senate for concurrence & SB 47 w/SA 1 was returned to the Senate.

Representative Jonkiert brought HB 194, jointly sponsored by Senator Marshall & Representatives Buckworth, Cloutier, B. Ennis, Fallon, George, Smith, Bunting, Carey, DiPinto, Ewing, Gilligan, Lee & Ulbrich, before the House for consideration.

HB 194 - An Act to Amend Chapter 41 of Title 21 of the Delaware Code Relating to Traffic Laws. (F/N)

Representative Jonkiert moved to place HB 194 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli deferred to Representative Maier.

Representative Maier brought HB 284, jointly sponsored by Representative Petrilli & Senator Sokola & Representatives Spence, Quillen, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Oberle, Reynolds, Roy, Smith, Stone, Ulbrich, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, Gilligan, George, Houghton, Jonkiert, Plant, Schroeder, West & VanSant, before the House for consideration.

HB 284 - An Act to Amend Title 14 Relating to Improving School Discipline. (F/N)

Representative Maier moved to suspend the rules which interfere with action on HB 284. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representatives Maier, Gilligan, B. Ennis, Maier & Gilligan made comments.

The roll call on HB 284 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 284 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HS 1 for HB 101, jointly sponsored by Senator McBride & Representatives Spence, DiPinto, Roy, Welch & Banning, before the House for consideration.

HB 101 - An Act to Amend Chapter 16 of Title 19 of the Delaware Code Relating to Fact-Finding for Police Officers and Firefighters.

Representative Oberle moved to place HS 1 for HB 101 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HB 219, jointly sponsored by Senator Vaughn & Representatives B. Ennis & Capano, before the House for consideration.

HB 219 - An Act to Amend Title 11 of the Delaware Code Relating to Restitution.

Representative Banning deferred to Representative Capano.

Mr. Speaker Spence resumed the Chair.

Representative Capano brought HA 1 to HB 219 before the House for consideration.

Representatives Capano & Banning made comments.

HA 1 was adopted by voice vote.

The roll call on HB 219 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 219 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Bunting.

Representative Bunting brought HB 187, jointly sponsored by Representatives Banning, Brady, Boulden, Buckworth, Carey, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Lee, Maier, Plant, Quillen, Schroeder, Scott, Smith, Stone, Ulbrich, VanSant & Wagner & Senator Amick, before the House for consideration.

HB 187 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (3/5 bill)

Representative B. Ennis brought HA 1 to HB 187 before the House for consideration.

Representative B. Ennis made a comment.

HA 1 was adopted by voice vote.

Representative Bunting made a comment.

The roll call on HB 187 w/HA 1 was taken and revealed:

YES: 39.

NOT VOTING: Representative Davis - 1.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 187 w/HA 1 was sent to the Senate for concurrence.

Representative Quillen deferred to Representative Wagner.

Representative Wagner brought HB 168, jointly sponsored by Representatives Petrilli, Buckworth, Cloutier, Davis, Lee, Lofink, Maier, Roy, Stone & Ulbrich, before the House for consideration.

HB 168 - An Act to Amend Title 29 of the Delaware Code Relating to Investigations by the Division of Professional Regulation.

Representative Wagner made a comment.

The roll call on HB 168 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 168 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 84, jointly sponsored by Senator Marshall, before the House for consideration.

HB 84 - An Act to Amend Title 19 of the Delaware Code Relating to Unemployment Compensation.

Representative Oberle brought HA 1 to HB 84 before the House for consideration.

Representative Oberle made a comment.

HA 1 was adopted by voice vote.

Representative Oberle made comments.

The roll call on HB 84 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 84 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Schroeder.

Representative Schroeder brought HB 239, jointly sponsored by Representatives Bunting, Carey, Caulk & Mack & Senators Amick, Bair & Voshell, before the House for consideration.

HB 239 - An Act to Amend Title 23 of the Delaware Code Relating to Boating Safety.

Representative Schroeder brought HA 1 to HB 239 before the House for consideration. Representative Schroeder moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Schroeder brought HA 2 to HB 239 before the House for consideration.

Representatives Schroeder, Oberle, Wagner, Brady, Schroeder, Fallon, Oberle & Brady made comments.

HA 2 was adopted by voice vote.

The roll call on HB 239 w/HA 2 was taken and revealed:

YES: 38.

NO: Representative Reynolds - 1.

NOT VOTING: Representative Brady - 1.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 239 w/HA 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 201, jointly sponsored by Senator Marshall, before the House for consideration.

HB 201 - An Act to Amend Section 2321, Title 19 of the Delaware Code Relating to Worker's Compensation.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Oberle brought HA 1 to HB 201 before the House for consideration.

Representatives Oberle & Boulden made comments.

HA 1 was adopted by voice vote.

The roll call on HB 201 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 201 w/HA 1 was sent to the Senate for concurrence.

Mr. Acting Speaker Quillen declared a recess for the purpose of changing the recording tape at 3:52 p.m..

The House reconvened at 4:00 p.m.

Representative Plant brought HB 218 before the House for consideration.

HB 218 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

The roll call on HB 218 was taken and revealed:

YES: 37.

NO: Representative Welch - 1.

ABSENT: Representatives Caulk, George, West - 3.

Therefore, having received a constitutional majority, HB 218 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative B. Ennis.

Representative B. Ennis brought HB 248, jointly sponsored by Senator Vaughn & Representatives Banning, Brady, Houghton, Jonkiert, VanSant, Ewing, Lee, Caulk, Oberle, Spence & Wagner, before the House for consideration.

HB 248 - An Act to Amend Chapter 59, Title 29, of the Delaware Code Relating to Compensation for Unused Sick Leave.

Representatives B. Ennis & Davis made comments.

The roll call on HB 248 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 248 was sent to the Senate for concurrence.

Representative Gilligan was granted personal privilege of the floor for the introduction of a guest.

Mr. Speaker Spence resumed the Chair.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought SB 151, sponsored by Senator Sharp & Representative DiLiberto, before the House for consideration.

SB 151 - An Act to Amend Title 6 of the Delaware Code to Provide for Voluntary Alternative Dispute Resolution. (3/5 bill)

Representative Roy brought HA 1 to SB 151, jointly sponsored by Representative DiLiberto & Senator Sharp, before the House for consideration.

Representative Roy made a comment.

HA 1 was adopted by voice vote.

The roll call on SB 151 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 151 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing moved to lift HB 122 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Ewing brought HB 122, jointly sponsored by Senator Voshell, before the House for consideration.

HB 122 - An Act to Amend Title 21, Chapter 42 of the Delaware Code Relating to Accidents Involving Motor Vehicles and Reporting Limits. Representatives Ewing & Davis made comments.

The roll call on HB 122 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 122 was sent to the Senate for concurrence.

Representative Roy brought SB 130 w/SA 1, sponsored by Senators Sharp & Marshall &

Representative Oberle, before the House for consideration.

SB 130 - An Act to Amend Title 11 of the Delaware Code Relating to Dangerous Crime Against a Child. (F/N)

Representatives Oberle, Davis, Cloutier, Plant & Brady made comments.

Representative Petrilli moved to place SB 130 w/SA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought SB 92 w/SA 1, jointly sponsored by Senators Sharp, Vaughn, Bair & Amick & Representative DiLiberto, before the House for consideration.

SB 92 - An Act to Amend Title 11 Delaware Code Relating to Classification of Crimes Involving Pecuniary Loss. (2/3 bill)

Representative DiLiberto brought HA 1 to SB 92 before the House for consideration.

Representative DiLiberto made a comment.

HA 1 was adopted by voice vote.

Representative Roy made a comment.

The roll call on SB 92 w/SA 1 & HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 92 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought SB 48 w/SA 1, jointly sponsored by Senator Voshell, before the House for consideration.

SB 48 - An Act to Amend Chapter 21, Title 21, of the Delaware Code Relating to Motor Vehicle Registrations. (F/N)

Representative Ewing made a comment.

Representative Ewing requested and was granted the privilege of the floor for Jack Eanes, Chief of Vehicle Services, DMV.

Representatives Davis & Brady made comments.

The roll call on SB 48 w/SA 1 was taken and revealed:

YES: 39.

NO: Representative Brady - 1.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, SB 48 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative Maroney.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Maroney requested that HB 165 be stricken.

Representative Petrilli deferred to Representative Spence.

Representative Spence brought HJR 9, jointly sponsored by Representative Petrilli & Senators Sorenson & McBride, before the House for consideration.

HJR 9 - Urging the Establishment of a State Athletic Commission, and Providing for an Athletic Commission Study Committee.

Representative Spence brought HA 1 to HJR 9 before the House for consideration.

Representative Spence made a comment.

HA 1 was adopted by voice vote.

Representative Spence made a comment.

The roll call on HJR 9 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HJR 9 w/HA 1 was sent to the Senate for concurrence.

Representatives Petrilli & Davis made announcements.

Representative D. Ennis brought HB 245, jointly sponsored by Senator Cordrey & Representatives Capano, DiPinto, Smith, Stone & Wagner & Senator Adams, before the House for consideration.

HB 245 - An Act to Amend Chapter 5, Title 25, Delaware Code, Relating to the Rule Against Perpetuities.

Representative D. Ennis brought HA 1 to HB 245, jointly sponsored by Senator Cordrey & Representatives Capano, DiPinto, Smith, Stone & Wagner & Senator Adams, before the House for consideration.

Representatives D. Ennis & Oberle made comments.

HA 1 was adopted by voice vote.

The roll call on HB 245 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Banning, George - 2.

Therefore, having received a constitutional majority, HB 245 w/HA 1 was sent to the Senate for concurrence.

Mr. Acting Speaker granted personal privilege of the floor to former Speaker John P. Ferguson.

Mr. Speaker Spence resumed the Chair.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought SB 77 w/SA 1, sponsored by Senator Sokola & Representative Reynolds & Senators Blevins, Voshell, Hauge, Reed & Sorenson & Representatives Cloutier, Fallon, Maier, Maroney, Smith, B. Ennis, Gilligan & Schroeder, before the House for consideration.

SB 77 - An Act to Amend Title 11 of the Delaware Code Relating to Criminal Background Checks.

Representative Roy brought HA 1 to SB 77 before the House for consideration.

Representative Roy made a comment.

HA 1 was adopted by voice vote.

Representatives Roy, Wagner & Reynolds made comments.

The roll call on SB 77 w/SA 1 & HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, SB 77 w/SA 1 & HA 1 was sent to the Senate for concurrence on HA 1.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 252, jointly sponsored by Representatives Jonkiert, VanSant & DiLiberto, before the House for consideration.

HB 252 - An Act to Amend Title 21 of the Delaware Code Regarding Driving Vehicles While License is Suspended or Revoked.

Representative Oberle brought HA 1 to HB 252 before the House for consideration.

Representative Oberle made a comment.

HA 1 was adopted by voice vote.

Representative Oberle brought HA 2 to HB 252 before the House for consideration.

Representative Oberle made a comment.

HA 2 was adopted by voice vote.

Representatives Oberle & DiPinto made comments.

The roll call on HB 252 w/HA 1 & 2 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 252 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Carey.

Representative Carey brought SB 126 w/SA 1, jointly sponsored by Senators Cook, Vaughn & McBride, before the House for consideration.

SB 126 - An Act to Amend Title 7 of the Delaware Code Relating to Water Well Permits.

Representative Carey brought HA 1 to SB 126 before the House for consideration.

Representative Carey made a comment.

HA 1 was adopted by voice vote.

Representatives Carey & DiPinto made comments.

The roll call on SB 126 w/SA 1 & HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, SB 126 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 153, jointly sponsored by Senator Blevins & Representatives Spence, Petrilli, Quillen, Boulden, Buckworth, Carey, Caulk, Davis, D. Ennis, Ewing, Lofink Maier, Maroney, Reynolds, Roy, Smith, Ulbrich, Wagner, Welch & Gilligan & Senators Amick, Henry & Sorenson, before the House for consideration.

HB 153 - An Act to Amend Title 30 of the Delaware Code, Relating to Personal Income Tax. (F/N) Representatives Oberle, Petrilli, Gilligan, Davis, Smith & Oberle made comments.

The roll call on HB 153 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 153 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Smith.

Representative Smith moved to lift HB 107 w/HA 1 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith brought HB 107 w/HA 1, jointly sponsored by Senator Sokola, before the House for consideration.

HB 107 - An Act to Amend Title 19 and Title 29 of the Delaware Code Relating to the Regulation of Private Employment Agencies.

Representative Smith made a comment.

The roll call on HB 107 w/HA 1 was taken and revealed:

YES: 34.

NO: Representatives DiLiberto, Gilligan, Scott, VanSant - 4.

NOT VOTING: Representatives Plant, Schroeder - 2.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 107 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HB 231, jointly sponsored by Senator Marshall & Representatives Capano, DiPinto, D. Ennis, Stone, Wagner, Houghton, Jonkiert, Scott & Brady, before the House for consideration.

HB 231 - An Act to Amend Title 30 of the Delaware Code Relating to Delaware Taxes. (3/5 bill)

Representative Smith made a comment.

Representative Smith brought HA 1 to HB 231 before the House for consideration.

Representative Smith made a comment.

HA 1 was adopted by voice vote.

The roll call on HB 231 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 231 w/HA 1 was sent to the Senate for concurrence.

Representative Roy brought SB 39, jointly sponsored by Senators Sharp, Amick & Vaughn & Representatives Ewing, DiLiberto & Cloutier, before the House for consideration.

SB 39 - An Act to Amend Title 6 of the Delaware Code by Providing for Certain Amendments to the Uniform Commercial Code.

Representative Roy made a comment.

The roll call on SB 39 was taken and revealed:

YES: 39.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, SB 39 was returned to the Senate.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HS 1 for HB 83 before the House for consideration.

HB 83 - An Act to Amend Title 31 of the Delaware Code Relating to Child Welfare.

Representative Maroney made a comment.

The roll call on HS 1 for HB 83 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HS 1 for HB 83 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought HB 172, jointly sponsored by Senator Voshell, before the House for consideration.

HB 172 - An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Mopeds and Tripeds.
(2/3 bill)

Representative Ewing brought HA 1 to HB 172 before the House for consideration.

Representative Ewing made a comment.

HA 1 was adopted by voice vote.

Representative Ewing made a comment.

The roll call on HB 172 w/HA 1 was taken and revealed:

YES: 39.

NOT VOTING: Representative Brady - 1.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 172 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maier.

Representative Maier brought HCR 13, jointly sponsored by Representatives Spence, Petrilli, Quillen, Buckworth, Capano, Davis, DiPinto, Ewing, Roy, Stone, Cloutier, Smith & Wagner & Senator Sorenson, before the House for consideration.

HCR 13 - Requesting the State Budget Office to Report to the General Assembly on Its Use of Performance Based Budgeting Including How Performance Based Criteria Are Set, How Success is Measured and Its Plans for Expanding Performance Based Budgeting.

Representative Maier brought HA 1 to HCR 13 before the House for consideration.

Representative Maier made a comment.

HA 1 was adopted by voice vote.

HCR 13 w/HA 1 was adopted by voice vote.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HB 182, jointly sponsored by Senator Blevins & Representatives Petrilli, Quillen, Spence, Buckworth, Capano, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Lee, Maier, Reynolds, Stone, Ulbrich, Banning, Bunting, B. Ennis, Houghton & VanSant, before the House for consideration.

HB 182 - An Act Concurring in a Proposed Deletion of Article XII of the Delaware Constitution of 1897, as Amended, Relating to the State Board of Health. (2/3 bill)

Representative Maroney made a comment.

The roll call on HB 182 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 182 was sent to the Senate for concurrence.

Representative Maroney made an announcement.

Representative Petrilli deferred to Representative Reynolds.

Representative Reynolds brought SB 125, jointly sponsored by Senator Cordrey & Representative Petrilli & Senators Connor & Voshell & Representatives Buckworth, Fallon, Mack & Schroeder, before the House for consideration.

SB 125 - An Act to Amend Title 29 of the Delaware Code Relating to Administrative Procedures.

Representative Reynolds made a comment.

The roll call on SB 125 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, SB 125 was returned to the Senate.

Representative Petrilli deferred to Representative Roy.

Representative Roy moved to lift SB 130 w/SA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Roy brought SB 130 w/SA 1, sponsored by Senators Sharp & Marshall & Representative Oberle, before the House for consideration.

SB 130 - An Act to Amend Title 11 of the Delaware Code Relating to Dangerous Crimes Against a Child. (F/N)

The roll call on SB 130 w/SA 1 was taken and revealed:

YES: 39.

NOT VOTING: Representative Cloutier - 1.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, SB 130 w/SA 1 was returned to the Senate.

The Chief Clerk read the following committee reports into the record:

TRANS & INFRA: HB 312 - 2F,3M; SB 219 - 5M.

ECON DEV, B & I: HB 310 - 9M; HB 319 - 9M; SB 212 - 9M.

APPRO: HB 150 - 6M; SB 184 - 6U.

HOUSING & COM AFF: HB 210 - 6M; HB 211 - 6M.

ENV MAN: SB 211 - 5M.

JUD: HB 305 - 9M; HB 306 - 8M; HB 307 - 8M.

HEALTH & HUM DEV: HB 280 - 9M; HB 317 - 9M; HB 318 - 9M; SB 97 - 8M; SB 155 w/SA 1 - 9M; SB 190 w/SA 1 - 9M; SB 203 - 8M; SB 210 - 9M.

ED: HR 26 - 6M.

The Majority Leader moved to recess to the call of the Chair at 5:58 p.m.

44th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
First Session
June 21, 1995

Mr. Speaker Spence called the House to order at 2:04 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 68, SB 242, SB 26, SB 231 w/SA 1, SB 225, SB 196, SB 224, SB 214 & SCR 33.

June 20, 1995

LEGISLATIVE ADVISORY #19

The following legislation was signed by Governor Thomas R. Carper on the date indicated: 6/19/95 - SB 102 aab SA 1 & 4, HB 251 & HB 30.

The Majority Leader moved to adjourn at 2:06 p.m., thereby ending the current Legislative Day. The House reconvened at 2:07 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative J. Benjamin Ewing, Thirty-Fifth Representative District.

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

Representative George requested that he be marked present.

The minutes of the previous Legislative Day were approved as posted.

The following prefiled legislation was introduced:

HB 321 - MARONEY & SENATOR BLEVINS; REPRESENTATIVES SPENCE, PETRILLI, QUILLEN, EWING, LEE, SMITH, WAGNER, BUNTING, HOUGHTON, JONKIERT - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code by the Addition of a New Chapter Relating to Health Insurance to Assure Fairness and Choice to Patients and Providers Under All Qualified Health Benefits Plans.

HB 322 - CAULK & ROY, BUCKWORTH, CAREY, CLOUTIER, LOFINK, MACK, WAGNER, GILLIGAN - TRANS & INFRA: An Act to Amend Part I, Title 2 and Chapter 51, Title 30 of the Delaware Code Relating to Aeronautics. (2/3 bill)

HB 323 - BUCKWORTH & SENATOR BONINI - H/ADM: An Act to Amend Chapter 189, Volume 43 of the Laws of Delaware, as Amended, Relating to the Town of Wyoming. (2/3 bill)

HB 324 - CAPANO & SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Title 18 Relating to the Rehabilitation and Liquidation of Insurers.

HB 325 - STONE & SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Chapter 7, Title 18 of the Delaware Code to Change the Dates on Which Quarterly Tax Payments Are Due and How Underpayments Are Determined.

HA 2 to HB 93 - MARONEY - AGENDA: Placed with the bill.

HA 1 to HB 267 - BANNING - TRANS & INFRA: Placed with the bill.

HA 1 to HB 268 - LOFINK - AGENDA IV: Placed with the bill.

HA 1 to HB 272 - QUILLEN - HEALTH & HUM DEV: Placed with the bill.

HA 1 to HB 276 - WELCH - READY LIST: Placed with the bill.

HA 1 to HB 291 - MACK - CONS. AGENDA M: Placed with the bill.

HA 2 to HB 295 - WAGNER - READY LIST: Placed with the bill.

SB 26 - MARSHALL & REPRESENTATIVE OBERLE - LABOR: An Act to Amend Chapter 7, Title 19, of the Delaware Code, Relating to Replacement Workers.

SB 68 - MCBRIDE & REPRESENTATIVE MARONEY - HEALTH & HUM DEV: An Act to Amend Chapter 88, Title 29 of the Delaware Code Relating to the Office of Handicapped Services.

SB 196 - SHARP & REPRESENTATIVE SPENCE - HEALTH & HUM DEV: An Act to Amend Title 16 of the Delaware Code Regarding Notifiable Diseases.

SB 214 - COOK & VAUGHN; REPRESENTATIVES HOUGHTON & OBERLE - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicle Registrations.

SB 224 - SHARP & REPRESENTATIVE ROY; SENATORS BAIR & SORENSON; REPRESENTATIVES BANNING, BRADY, BUNTING, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, SCOTT, SPENCE, VANSANT, WEST, BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER & WELCH - JUD: An Act to Amend Title 11 of the Delaware Code Relating to the Crime of Menacing.

SB 225 - SHARP & REPRESENTATIVE ROY; SENATORS BLEVINS, COOK, MCBRIDE, SOKOLA, VAUGHN, BAIR, CONNOR, HAUGE & SORENSON; REPRESENTATIVES SPENCE, OBERLE, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, PLANT, SCHROEDER, SCOTT, VANSANT, WEST, DAVIS, CAULK, BUCKWORTH, MAIER, ULBRICH, REYNOLDS, MARONEY, DIPINTO, LEE, WAGNER, LOFINK, CAREY, BOULDEN, STONE, CLOUTIER, PETRILLI, FALLON, MACK, WELCH, D. ENNIS, QUILLEN, EWING, CAPANO, SMITH & GEORGE - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Homicides of Children Which Occur Through Abuse or Neglect. (F/N)

SB 231 w/SA 1 - SHARP; REPRESENTATIVE ROY - JUD: An Act to Amend Title 10 of the Delaware Code Relating to Justice of the Peace Constables and Procedure in Justice of the Peace Courts.

SB 242 - BLEVINS & REPRESENTATIVE ULBRICH; SENATOR VOSHELL; REPRESENTATIVE MAIER - H/ADM: An Act to Amend Chapter 2, Title 24 of the Delaware Code Relating to Landscape Architects.

HA 1 to SB 164 - OBERLE - CONS. AGENDA L - Placed with the bill.

HA 1 to SB 189 - D. ENNIS - READY LIST: Placed with the bill.

Representatives Smith, DiPinto, Capano & West requested that they be marked present.

Mr. Speaker Spence introduced guests.

Representative Fallon made comments.

Representatives Davis, Buckworth, Jonkiert & Schroeder requested that they be marked present.

Mr. Speaker Spence made a comment.

Representative Quillen introduced a guest.

The Chief Clerk read the following committee report into the record:

HEALTH & HUM DEV: **HS 1/HB 132 - 8M.**

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #34

DATE: June 21, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-554	Lofink	6/13/95	T	Kevin Mench/St. Mark's All State Baseball/Outfielder
H138-555	Lofink	6/13/95	T	Ryan Victor/Brandywine High/All State Baseball/Pitcher
H138-556	Lofink	6/13/95	T	Bob Fad/St. Mark's All State Baseball/First Baseman
H138-557	Buckworth	6/14/95	T	Romagne Seward/ Outstanding Dem./34th District
H138-558	DiPinto	6/10/95	T	Father Robert Kenney, Baseball Hall of Fame
H138-559	Buckworth	6/17/95	T	Charles E. Wilt/Brown Elementary/Retirement /34 Yrs.
H138-560	Buckworth	6/16/95	T	David Robinson/Principal of Year 95/C.R. High School
H138-561	Buckworth	6/25/95	T	Rev. & Mrs. Dale Pruett/Service to Wyoming United Methodist Church
H138-562	Jonkiert	6/03/95	T	Dennis Walker/High School Baseball Championship
H138-563	Wagner	6/13/95	T	Mr. & Mrs. C. Andrew Hastings/25th Wedding Anniv.
H138-564	DiLiberto	7/08/95	T	Bruce M. Stargatt, Esq./65th Birthday
H138-565	Maier	6/15/95	T	Ronald R. Russo/St. Mark's/26 Yrs. Ded. Serv.
H138-566	Maier	6/15/95	T	Felix Flanigan & Jeff Thomas/ Soccer Cup Tournament
H138-567	Wagner	6/25/95	T	Leon deValinger, Jr./90th Birthday
H138-568	Bunting	6/17/95	T	Wilgus Assoc., Inc./50th Anniversary

T - Tribute

M - Memoriam

The Majority Leader moved to recess for caucus at 2:18 p.m.

The House reconvened at 3:45 p.m.

The Chief Clerk read the following committee report into the record:

JUD: HB 309 - 6M.

Representative Oberle requested that he be marked present.

Representative Petrilli brought Consent Agenda L before the House for consideration.

SB 156 - MARSHALL; REPRESENTATIVE OBERLE - An Act to Amend Title 19 of the Delaware Code Relating to Workers' Compensation Death Benefits.

SB 157 - MARSHALL; REPRESENTATIVE OBERLE - An Act to Amend Title 19 of the Delaware Code Relating to Workers' Compensation Penalties.

SB 158 - MARSHALL; REPRESENTATIVE OBERLE - An Act to Amend Title 19 of the Delaware Code Relating to Workers' Compensation Wages.

SB 159 - MARSHALL; REPRESENTATIVE OBERLE - An Act to Amend Title 19 of the Delaware Code Relating to Unemployment Insurance Benefits.

SB 161 - MARSHALL; REPRESENTATIVE OBERLE - An Act to Amend Title 19 of the Delaware Code Relating to Employment Practices.

SB 163 - MARSHALL; REPRESENTATIVE OBERLE - An Act to Amend Title 29 of the Delaware Code Relating to Prevailing Wage.

SB 164 - MARSHALL; REPRESENTATIVE OBERLE - An Act to Amend Title 18 and Title 19 of the Delaware Code Relating to Making Said Titles Gender Neutral.

SB 165 - MARSHALL; REPRESENTATIVE OBERLE - An Act to Amend Title 19 and Title 10 of the Delaware Code Relating to Child Labor.

SB 166 - MARSHALL; REPRESENTATIVE OBERLE - An Act to Amend Title 19 of the Delaware Code Relating to Wage Payment and Collection.

Representative Petrilli requested that SB 164 be removed from Consent Agenda L.

The roll call on Consent Agenda L was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 156, SB 157, SB 158, SB 159, SB 161, SB 163, SB 165 & SB 166 were returned to the Senate.

Representatives Maroney & D. Ennis requested that they be marked present during the roll call.

Representative Oberle brought SB 164, jointly sponsored by Senator Marshall, before the House for consideration.

SB 164 - An Act to Amend Title 18 and Title 19 of the Delaware Code Relating to Making Said Titles Gender Neutral.

Representative Oberle brought HA 1 to SB 164 before the House for consideration.

Representative Oberle made a comment.

HA 1 was adopted by voice vote.

The roll call on SB 164 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 164 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Roy & Mr. Speaker Spence introduced guests.

Representative Petrilli deferred to Representative Lee.

Representative Lee brought HB 288, jointly sponsored Representative Banning & Senators Voshell & Bonini & Representatives Spence, Petrilli, Quillen, Boulden, Buckworth, Capano, Carey, Caulk, Davis, D. Ennis, Ewing, Fallon, Lofink, Mack, Oberle, Reynolds, Roy, Smith, Ulbrich, Wagner, Welch, Maier, Stone, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant & West & Senators Blevins, Marshall, Sharp, Venables, Voshell, Sokola, Amick, Bair, Connor, Hauge, Reed & Still & cosponsored by Representative DiPinto, before the House for consideration.

HB 288 - An Act to Amend Title 11 of the Delaware Code Relating to Corrections; and Providing for a Boot Camp Intensive Incarceration Act.

Representative Lee introduced and brought HA 1 to HB 288 before the House for consideration.

Representative Lee made a comment.

HA 1 was adopted by voice vote.

Representatives Lee, Plant, Fallon, Houghton, Lee, Scott, Plant, Houghton, Davis & West made comments.

The roll call on HB 288 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 288 w/HA 1 was sent to the Senate for concurrence.

Representative Lee & Mr. Speaker Spence made comments.

Representative Petrilli deferred to Representative Reynolds.

Representative Reynolds brought HB 281, jointly sponsored by Senator Sokola & Representatives Petrilli, Quillen, Spence, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Roy, Smith, Stone, Ulbrich, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, VanSant & West & Senators McBride & Connor, before the House for consideration.

HB 281 - An Act to Amend Title 14 of the Delaware Code Relating to the Comprehensive School Discipline Program. (F/N)

Representative Reynolds introduced and brought HA 1 to HB 281, jointly sponsored by Representative Davis, before the House for consideration.

Representatives Reynolds, Davis, Maroney, Wagner, Reynolds, Maier & Oberle made comments.

HA 1 was adopted by voice vote.

Representative Reynolds introduced and brought HA 2 to HB 281 before the House for consideration.

Representative Reynolds made a comment.

HA 2 was adopted by voice vote.

Representatives Reynolds, Wagner, Davis, Reynolds, Maier, Mack, Smith, Reynolds, Plant, Mack, Fallon & Wagner made comments.

The roll call on HB 281 w/HA 1 & 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 281 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Lofink.

Representative Lofink requested that action on SB 219 be Deferred to a Day Certain, Thursday, June 22, 1995.

Representative Petrilli brought SS 1 for SB 4, sponsored by Senator Cordrey, before the House for consideration.

SB 4 - An Act to Amend Subchapter IV, Chapter 80, Title 15, Delaware Code Relating to Reports of Political Committees.

Representative Davis brought HA 1 to SS 1 for SB 4 before the House for consideration.

Representative Davis made a comment.

HA 1 was adopted by voice vote.

Representative Petrilli made a comment.

The roll call on SS 1 for SB 4 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SS 1 for SB 4 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli deferred to Representative Welch.

Representative Welch brought HB 226, jointly sponsored by Representatives Oberle & Spence & Senator Vaughn & Representatives Boulden, Buckworth, Capano, Carey, Caulk, DiPinto, D. Ennis, Ewing, Lee, Lofink, Mack, Maier, Oberle, Reynolds, Roy, Smith, Stone, Wagner, Banning & West & Senators Adams, Cook, Sokola, Voshell, Bair, Reed & Still, before the House for consideration.

HB 226 - An Act to Amend Chapter 42 of Title 11 Relating to Habitual Criminals. (F/N)

Representatives Welch, Brady & Davis made comments.

Representative Welch requested and was granted the privilege of the floor for Steve Wood, Deputy Attorney General.

Representatives Brady & Scott made comments.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representatives VanSant, Cloutier, Welch, Plant & Brady made comments.

The roll call on HB 226 was taken and revealed:

YES: 37.

NO: Representatives Brady, Scott - 2.

NOT VOTING: Representative Plant - 1.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, HB 226 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought SB 124 w/SA 1 & 2, jointly sponsored by Senators Blevins, Voshell, Marshall, Sokola, Sharp, McBride, Bair, Connor, Sorenson, Bonini, Still, Reed, Amick & Henry & Representatives Spence, Quillen, Buckworth, Bunting, Banning, Carey, Roy, Maier, Schroeder & Plant, before the House for consideration.

SB 124 - An Act to Amend Titles 10, 12, 13, and 19 of the Delaware Code Relating to Child Support Orders. (2/3 bill)

Mr. Speaker Spence resumed the Chair.

Representative Maroney brought HA 1 to SB 124 before the House for consideration.

Representative Maroney made a comment.

HA 1 was adopted by voice vote.

Representative Maroney introduced and brought HA 2 to SB 124 before the House for consideration.

Representatives Maroney & Oberle made comments.

HA 2 was adopted by voice vote.

The roll call on SB 124 w/SA 1 & 2 & HA 1 & 2 was taken and revealed:

YES: 37.

NO: Representative Caulk - 1.

NOT VOTING: Representatives Jonkiert, Oberle, Scott - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House SB 124 w/SA 1 & 2 & HA 1 & 2 was returned to the Senate for concurrence on HA 1 & 2.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HB 217, jointly sponsored by Senator Blevins, before the House for consideration.

HB 217 - An Act to Amend Chapter 5, Title 16 of the Delaware Code Relating to Contagious Diseases & Immunization.

Representative Maroney made a comment.

Representative Maroney brought HA 1 to HB 217 before the House for consideration.

Representative Maroney made a comment.

HA 1 was adopted by voice vote.

Representatives Maroney & Smith made comments.

Representative Maroney requested and was granted the privilege of the floor for Dr. Charles Konigsberg, Director, Division of Public Health.

Representatives Smith, Caulk & Wagner made comments.

Mr. Speaker Spence granted the privilege of the floor to Dr. Paul Silverman, representing the Division of Public Health.

Representatives Wagner, DiPinto, Oberle, Maroney & Oberle made comments.

Representative Maroney moved to place HB 217 w/HA 1 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Caulk brought SB 135, jointly sponsored by Senators Adams, Venables, Vaughn, Cook, Still & Bonini & Representatives Carey, Mack, Bunting & Schroeder, before the House for consideration.

SB 135 - An Act to Amend Title 6, of the Delaware Code Relating to Weights and Measures. (3/5 bill)(F/N)

Representatives Caulk & Davis made comments.

Representative Caulk requested and was granted the privilege of the floor for Jack Tarburton, Secretary, Department of Agriculture.

Representative Davis made a comment.

The roll call on SB 135 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 135 was returned to the Senate.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HB 183, jointly sponsored by Senator Blevins & Representatives Petrilli, Quillen, Spence, Buckworth, Capano, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Lee, Maier, Reynolds, Stone, Ulbrich, Banning, Bunting, B. Ennis, Houghton & VanSant, before the House for consideration.

HB 183 - An Act to Amend Titles 16, 18, 21, 24, 28, and 29 of the Delaware Code, to Provide That Powers and Duties Vested in the State Board of Health Shall Now be Vested in the Division of Public Health, Its Director or Designee Under the Direction and Control of the Department of Health and Social Services.

Representative Maroney brought HA 1 to HB 183 before the House for consideration.

Representative Maroney made a comment.

HA 1 was adopted by voice vote.

Representative Maroney made a comment.

The roll call on HB 183 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 183 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney brought HB 184, jointly sponsored by Senator Blevins & Representatives Petrilli, Quillen, Spence, Buckworth, Capano, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Lee, Maier,

Reynolds, Stone, Ulbrich, Banning, Bunting, B. Ennis, Houghton & VanSant, before the House for consideration.

HB 184 - An Act to Amend §7904, Chapter 79, Title 29 of the Delaware Code, to Establish the Division of Public Health Under the Direction and Control of the Department of Health and Social Services and to State the Mission of the Division.

Representatives Maroney, Welch, Davis & Oberle made comments.

The roll call on HB 184 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 184 was sent to the Senate for concurrence.

Representative Maroney brought HB 195 before the House for consideration.

HB 195 - An Act to Amend Titles 7, 9, 11, 13, 16, 18, 21, 24, 26, 29, and 31 of the Delaware Code to Provide That Certain Powers and Duties Vested in the Board of Health Shall Now be Vested in the Department of Health and Social Services, Its Secretary or His Designee.

Representative Maroney brought HA 1 to HB 195 before the House for consideration.

Representative Maroney made a comment.

HA 1 was adopted by voice vote.

Representative Maroney made a comment.

The roll call on HB 195 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 195 w/HA 1 was sent to the Senate for concurrence.

Representative Maroney brought HB 318 before the House for consideration.

HB 318 - An Act to Amend Titles 16 and 29 of the Delaware Code, to Provide That Powers and Duties Vested in the Division of Physical Health Shall Now be Vested in the Division of Public Health, Its Director or Designee Under the Direction and Control of the Department of Health and Social Services.

Representative Maroney made a comment.

The roll call on HB 318 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 318 was sent to the Senate for concurrence.

Representative Maroney made a comment.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HB 199, jointly sponsored by Representatives Davis & Maier, before the House for consideration.

HB 199 - An Act to Amend Title 29, Delaware Code, Relating to State Government Accountability.

Representative Wagner brought HA 1 to HB 199 before the House for consideration.

Representative Wagner made a comment.

HA 1 was adopted by voice vote.

Representatives Wagner, Gilligan, Davis, Fallon & Maier made comments.

The roll call on HB 199 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 199 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli brought Consent Agenda M before the House for consideration.

SB 106 - MCBRIDE; REPRESENTATIVE MACK - An Act to Amend Title 7 of the Delaware Code Relating to the Temporary Storage of Hazardous Wastes.

HB 291 - MACK - An Act to Amend Title 10 of the Delaware Code Relating to the Enforcement Personnel of the Department of Natural Resources and Environmental Control.

HB 316 - VANSANT, OBERLE; SENATOR MCBRIDE; REPRESENTATIVES GILLIGAN, LOFINK, REYNOLDS; SENATOR MARSHALL; REPRESENTATIVES BANNING, HOUGHTON, MACK, SCOTT - An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Alcoholic Liquors.

HB 274 - ROY - An Act to Amend Title 25 of the Delaware Code Relating to Unit Properties and Restrictions of the Display of Flags.

Representative Petrilli requested that HB 291 be removed from Consent Agenda M.

The roll call on Consent Agenda M was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 106 was returned to the Senate and HB 316 & HB 274 were sent to the Senate for concurrence.

Representative Mack brought HB 291 before the House for consideration.

HB 291 - An Act to Amend Title 10 of the Delaware Code Relating to the Enforcement Personnel of the Department of Natural Resources and Environmental Control.

Representative Mack brought HA 1 to HB 291 before the House for consideration.

Representative Mack made a comment.

HA 1 was adopted by voice vote.

The roll call on HB 291 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 291 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli brought Consent Agenda N before the House for consideration.

HB 279 - SPENCE; SENATOR SHARP - An Act to Waive Certain Statutory Provisions of Chapter 1, Title 13 of the Delaware Code Relating to the Marriage of Veronica A. Demurat and Kenneth A. Thomas.

SB 117 - VOSHELL; REPRESENTATIVE EWING - An Act to Amend Title 4 of the Delaware Code Relating to a Voluntary Assessment Plan.

SB 174 - VOSHELL; REPRESENTATIVE EWING - An Act to Amend Title 10 of the Delaware Code Relating to Reporting of Adjudications of Family Court to the Division of Motor Vehicles.

SB 123 - SOKOLA, BLEVINS, SHARP, VOSHELL; REPRESENTATIVES OBERLE, BRADY; SENATORS MARSHALL, VENABLES; REPRESENTATIVES SMITH, HOUGHTON, JONKIERT - An Act to Amend Title 29 of the Delaware Code Regarding Identification of Vendors, Firms, and Subcontractors Reporting to the Division of Revenue.

HB 317 - MARONEY; SENATOR BLEVINS; REPRESENTATIVE VANSANT; SENATOR MCDOWELL; REPRESENTATIVES DIPINTO, SORENSON - An Act to Amend Chapter 3, Title 31 of the Delaware Code Relating to Child Welfare.

HB 301 - CAULK - An Act to Amend Chapter 83, Title 9, Delaware Code Relating to Penalties for Failing to Report Disqualification of Land for Valuation, Assessment and Taxation as Agricultural, Horticultural and Forest Lands.

Representative Petrilli requested that HB 317 be removed from Consent Agenda N.

The roll call on Consent Agenda N was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 279 & HB 301 were sent to the Senate for concurrence & SB 117, SB 174 & SB 123 were returned to the Senate.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HB 317, jointly sponsored by Senator Blevins & Representatives DiPinto & VanSant & Senators Sorenson & McDowell, before the House for consideration.

HB 317 - An Act to Amend Chapter 3, Title 31 of the Delaware Code Relating to Child Welfare.

Representative Maroney introduced and brought HA 1 to HB 317 before the House for consideration.

Representative Maroney made a comment.

HA 1 was adopted by voice vote.

Representatives Oberle & Maroney made comments.

Representative Maroney moved to place HB 317 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

The following prefilled Consent Calendar #10 was introduced:

HR 33 - OBERLE - Extending Best Wishes to the Enzian Volkstanzgruppe of the Delaware Saengerbund in Recognition of Its Selection to Host Gaufest, a Convention of Bavarian Folk Dancers in 1997.

SCR 33 - BLEVINS FOR ALL SENATORS; REPRESENTATIVE MARONEY FOR ALL REPRESENTATIVES - Congratulating Delaware's Delegates and Alternates for Their Participation in the Governor's Conference on Aging and the White House Conference on Aging.

Representative Scott introduced and brought HR 34, jointly sponsored by Representative Plant, before the House for consideration.

HR 34 - Recognizing Nancy R. Harris Upon Her Retirement From Bell Atlantic.

HR 34 was placed on Consent Calendar #10.

Representative Ewing moved to suspend the rules which interfere with introduction of and action on HCR 26. The motion was properly seconded and adopted by voice vote.

Representative Ewing introduced and brought HCR 26, sponsored on Behalf of All Representatives and Senators, before the House for consideration.

HCR 26 - Petitioning the Congress of the United States of America to Propose to the States an Amendment to the United States Constitution Protecting the American Flag and Each State's Flag From Willful Desecration.

HCR 26 was placed on Consent Calendar #10.

Consent Calendar #10 was adopted by voice vote and HCR 26 was sent to the Senate for concurrence and SCR 33 was returned to the Senate.

The Chief Clerk read the following committee reports into the record:

H/ADM: HB 323 - 5M.

ED: HB 44 - 6M.

APPRO: HB 203 - 2M,4U; HB 244 - 2F,4M; HB 292 - 5F,1M; HB 315 - 2F,4M; SB 132 w/SA 1 - 3F,3M.

The Majority Whip moved to recess to the call of the Chair at 6:30 p.m.

45th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
First Session
June 22, 1995

Mr. Speaker Spence called the House to order at 2:25 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 126 w/HA 1, SS 1 to SB 200 w/SA 1,5 & 6, HB 87 w/HA 1 & SA 1, SB 232, SB 241, HB 152 & HB 143 w/HA 1.

MEMORANDUM

TO: The Members of the House of Representatives
FROM: Representative Roger Roy
RE: SB 219
DATE: June 21, 1995

I find it necessary to declare a conflict of interest with regard to SB 219 which was reported out of the House Transportation and Infrastructure Committee yesterday.

I did not have an opportunity to make this statement during the Committee's consideration of the bill.

RR/gmr

The Chief Clerk read the following committee report into the record:

R & F: SB 23 - 6M.

Representative Smith & Mr. Speaker Spence introduced guests.

The Majority Leader moved to adjourn at 2:30 p.m., thereby ending the current Legislative Day. The House reconvened at 2:31 p.m.

The Chief Clerk called the roll:

Members Present: 41.

Representative Lee introduced Reverend Wayne R. Mathis.

A prayer was offered by Reverend Wayne R. Mathis, Laurel Church of Christ.

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

Representative D. Ennis requested that he be marked present.

The minutes of the previous Legislative Day were approved as posted.

Representative Caulk requested that he be marked present.

The following prefiled legislation was introduced:

HS 1 for HB 210 - BUCKWORTH & SENATOR VAUGHN - HOUSING & COM AFF: An Act to Amend Chapter 1, Title 25, Delaware Code Relating to the Enforceability of Certain Leases and Documents Pertaining to Lands and Tenements.

HS 1 for HB 211 - BUCKWORTH & SENATOR VAUGHN - HOUSING & COM AFF: An Act to Amend Chapter 21, Title 25, Delaware Code Relating to Perfection of Security Interests in the Lessor's Interest in Leases or Rents Arising From Real Property.

HB 326 - SPENCE & SENATOR MARSHALL; REPRESENTATIVES DIPINTO, JONKIERT, PLANT, SCOTT; SENATOR HENRY - H/ADM: An Act to Amend Chapter 88, Title 11 of the Delaware Code to Provide Admission of Municipal and County Police Officers and Firefighters Currently on Retirement to Participate in the State-Managed Pension Plan.

HB 327 - PETRILLI, ROY, DAVIS; SENATORS COOK, BLEVINS, VOSHALL, AMICK, BAIR - H/ADM: An Act to Amend Titles 15, 17 and 29 of the Delaware Code Relating to the Office of Information Services.

HB 328 - LEE & B. ENNIS & SENATOR VOSHALL; REPRESENTATIVES CAREY, CAULK, WAGNER, BANNING, BRADY, HOUGHTON, VANSANT; SENATORS BLEVINS, MCBRIDE, STILL - LABOR: An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation.

HB 329 - CAULK, BANNING - AG & FP & A: An Act to Amend Chapter 83, Title 9, Delaware Code Relating to Farmland Assessment. (2/3 bill)

HB 330 - CAULK & WELCH - AG & FP & A: An Act to Amend Title 3 of the Delaware Code Relating to Agriculture.

HB 331 - CAREY - NAT RES: An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Commercial Food Fishing Licenses.

HB 332 - CAPANO, BUNTING - ECON DEV, B & I: An Act to Amend Chapter 17, Title 18, Delaware Code Relating to Insurance Agents, Brokers, and Other Licensees of the Insurance Department.

HB 333 - JONKIERT & SENATOR MARSHALL - CORR: An Act to Amend Chapters 41, 42 and 43, Title 11 of the Delaware Code With Reference to Eligibility for Parole; and Providing Early Compassionate Parole Release for Terminally Ill Prisoners.

HB 334 - BUNTING & SENATOR CORDREY - H/ADM: An Act to Amend Chapter 64, Volume 63, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Ocean View in Sussex County, Delaware." (2/3 bill)

HB 335 - SCHROEDER & BUNTING - NAT RES: An Act to Amend Chapter 76, Title 7 of the Delaware Code Relating to the Inland Bays' Watershed Enhancement Act.

HB 336 - VANSANT, OBERLE & SENATOR MCBRIDE; REPRESENTATIVES SPENCE, BANNING, BRADY, B. ENNIS, GILLIGAN, EWING, HOUGHTON, JONKIERT, PLANT, WEST; SENATOR VAUGHN - H/ADM: An Act Awarding Special Pension Benefits to Leroy O'Neal, Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware; and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act as If the Award Were Made Pursuant to Chapter 55, Title 29, Delaware Code.

HB 337 - BANNING & SENATOR VAUGHN - H/ADM: An Act to Amend Chapter 174, Volume 23, Laws of Delaware, as Amended, Entitled "An Act to Re-incorporate the Town of Townsend", Relating to Real Estate Transfer Tax. (2/3 bill)

HA 1 to HB 209 - OBERLE - SM BUS: Placed with the bill.

HA 2 to HB 276 - CAPANO & SENATOR BLEVINS - READY LIST: Placed with the bill.

HA 1 to HB 304 - DAVIS - CORR: Placed with the bill.

SS 1 to SB 200 w/1.5 & 6 - SOKOLA & SENATOR REED; REPRESENTATIVES DIPINTO & GILLIGAN; SENATORS CORDREY, SHARP, MARSHALL, BLEVINS, AMICK, BAIR, BONINI, CONNOR, HAUGE, HENRY, SORENSON & STILL; REPRESENTATIVES BOULDEN, CAPANO, CAREY, CAULK, CLOUTIER, LOFINK, MAIER, MARONEY, PETRILLI, QUILLEN, ROY, SMITH, STONE & ULBRICH - ED: An Act to Amend Title 14 of the Delaware Code Relating to Charter Schools. (F/N)

SB 232 - SHARP & REPRESENTATIVE ROY - JUD: An Act to Amend Title 11 of the Delaware Code Relating to the Court of Common Pleas.

SB 241 - ADAMS, CORDREY, SOKOLA; REPRESENTATIVES CLOUTIER, D. ENNIS - SM BUS: An Act to Amend Title 26 of the Delaware Code Relating to the Status of Certain Utility Services Provided to Non-Profit Entities.

HA 1 to SB 28 - OBERLE - LABOR: Placed with the bill

HA 2 to SS 1 to SB 72 - DAVIS - HEALTH & HUM DEV: Placed with the bill.

HA 3 to SS 1 to SB 72 - DAVIS - HEALTH & HUM DEV: Placed with the bill.

HA 4 to SS 1 to SB 72 - DAVIS - HEALTH & HUM DEV: Placed with the bill.

HA 5 to SS 1 to SB 72 - DAVIS - HEALTH & HUM DEV: Placed with the bill.

HA 6 to SS 1 to SB 72 - DAVIS - HEALTH & HUM DEV: Placed with the bill.

HA 7 to SS 1 to SB 72 - DAVIS - HEALTH & HUM DEV: Placed with the bill.

HA 1 to SB 128 - CAPANO & SENATOR BLEVINS - READY LIST: Placed with the bill.

The Reading Clerk read the following communications into the record:

June 21, 1995

Mr. Bernard Brady
Secretary of the Senate
Delaware State Senate
Legislative Hall
Dover, DE 19903
Dear Bernard:

Please request that Senate Bill 118 be returned from the House of Representatives. It has been replaced with Senate Bill 204 which has passed both houses.

Sincerely
James T. Vaughn
State Senator-14th District

JTV:mah
June 21, 1995
JoAnn Hedrick
Chief Clerk, House of Representatives
Legislative Hall
Dover, Delaware 19903
Dear Mrs. Hedrick:

Attached please find a copy of Senator Vaughn's correspondence to my office referencing the return of SB 118 from the House.

Thank you for your continuing cooperation.
Sincerely,

Bernard J. Brady
Secretary of the Senate
BJB:dmc

June 22, 1995

Bernard J. Brady
Secretary of the Senate
Delaware State Senate
117 Legislative Hall
Dover, DE 19903

Dear Mr. Brady:

I am herewith returning SB 118 to the Senate per request of Senator Vaughn dated June 21, 1995.

Very truly yours,
JoAnn M. Hedrick
Chief Clerk of the House

Enclosure
JMH/gmr

Representative Petrilli deferred to Representative Welch.

Representative Welch brought HB 298, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 298 - An Act to Amend Title 18 of the Delaware Code Relating to Risk-Based Capital Standards for Life and Health and Property and Casualty Insurers.

Representatives Welch, Bunting & D. Ennis made comments.

Representative Welch requested and was granted the privilege of the floor for Catherine Mulholland, Director of Insurance Regulation for the Delaware Insurance Department.

Representative D. Ennis made a comment.

The roll call on HB 298 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 298 was sent to the Senate for concurrence.

Representatives Gilligan & Oberle requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Davis.

Representative Davis brought HB 234, jointly sponsored by Representatives Oberle, Ulbrich & VanSant & Senators Amick & Blevins, before the House for consideration.

HB 234 - An Act to Amend Chapter 55, Title 30 of the Delaware Code Relating to Public Utilities

Taxes. (F/N)

Representative Davis brought HA 1 to HB 234 before the House for consideration.

Representative Davis made a comment.

HA 1 was adopted by voice vote.

Representative Davis made a comment.

Representative George requested that he be marked present.

Representative George made a comment.

The roll call on HB 234 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 234 w/HA 1 was sent to the Senate for concurrence.

Representative B. Ennis brought HB 277, jointly sponsored by Senator Blevins & Representatives Banning, Boulden, Brady, Buckworth, Bunting, Capano, Carey, Cloutier, DiLiberto, DiPinto, D. Ennis, Fallon, Gilligan, Houghton, Jonkiert, Lofink, Mack, Maier, Oberle, Plant, Quillen, Reynolds, Schroeder, Scott, Smith, Stone, Ulbrich, VanSant, Wagner, Welch & West & Senators Bonini, Connor, McBride, McDowell, Reed, Sokola, Still, Vaughn & Voshell & cosponsored by Representative Ewing, before the House for consideration.

HB 277 - An Act to Amend Chapters 97 and 98, Title 16, Delaware Code Relating to Emergency Medical Services and Paramedic Services.

Representative B. Ennis made a comment.

The roll call on HB 277 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 277 was sent to the Senate for concurrence.

Representative Reynolds was granted personal privilege of the floor for comments.

Mr. Speaker Spence granted the privilege of the floor to the Girls' State Governor.

Representative Fallon made comments.

Representative Lee brought HB 253, jointly sponsored by Senator Bonini & Representatives Buckworth, Carey, DiPinto, Ewing & Reynolds & Senators Adams, Connor, Reed, Still & Amick &

Representatives Boulden, Capano, Caulk, D. Ennis, Lofink & Smith & Senators Bair, Hauge, Sorenson & Vaughn, before the House for consideration.

HB 253 - An Act to Amend Chapter 68, Title 16 of the Delaware Code Relating to Exemptions From Civil Liability.

Representative Lee moved to placed HB 253 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli deferred to Representative Lofink.

Representative Lofink brought SB 212, jointly sponsored by Senator Voshell, before the House for consideration.

SB 212 - An Act to Amend Chapter 19, Title 2 of the Delaware Code Relating to the Employee Commute Options Act. (3/5 bill)

Representative Lofink made comments.

Representative Lofink requested and was granted the privilege of the floor for Bryon Short, Employee Transportation Coordinator, Department of Transportation.

Representative Davis made comments.

Representative Roy announced that he will not be voting on SB 212 because of a possible conflict of interest.

Representative DiPinto made a comment.

The roll call on SB 212 was taken and revealed:

YES: 37.

NO: Representative Maier - 1.

NOT VOTING: Representatives Davis, Roy, Wagner - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 212 was returned to the Senate.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Spence brought HB 290, jointly sponsored by Senators Sharp & McBride & Representatives Quillen, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Reynolds, Roy, Smith, Stone, Ulbrich, Wagner, Welch, Banning, Brady, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Scott, VanSant & West & Senators Voshell, Amick, Bair, Bonini, Connor, Hauge, Henry, Reed, Sorenson & Still, before the House for consideration.

HB 290 - An Act to Amend Title 11 of the Delaware Code Relating to Sentences.

Representatives Spence, Lee, DiLiberto, Davis, Plant & Banning made comments.

The roll call on HB 290 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 290 was sent to the Senate for concurrence.

Representative Davis brought HB 207 before the House for consideration.

HB 207 - An Act to Amend Title 11 of the Delaware Code Relating to Victim-Offender Mediation.

(F/N)

Representative Davis made a comment.

Representative Davis moved to suspend the rules which interfere with action on HB 207. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Davis brought HA 1 to HB 207 before the House for consideration.

Representative Davis made a comment.

HA 1 was adopted by voice vote.

Representative Davis introduced & brought HA 2 to HB 207 before the House for consideration.

Representative Davis made a comment.

HA 2 was adopted by voice vote.

Representative Davis made comments.

The roll call on HB 207 w/HA 1 & 2 was taken and revealed:

YES: 38.

ABSENT: Representatives Petrilli, Spence, West - 3.

Therefore, having received a constitutional majority, HB 207 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative George was granted personal privilege of the floor for the introduction of a guest.

Representative D. Ennis brought SB 186, jointly sponsored by Senator Vaughn & cosponsored by Representative Scott, before the House for consideration.

SB 186 - An Act to Amend Chapter 27, Title 18 of the Delaware Code Relating to Insurance Contracts to Require the Filing of Forms by Out of State Insurers Doing Business in Delaware.

Representative D. Ennis brought HA 1 to SB 186 before the House for consideration.

Representative D. Ennis made a comment.

HA 1 was adopted by voice vote.

Representative D. Ennis made a comment.

The roll call on SB 186 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Petrilli, Spence - 2.

Therefore, having received a constitutional majority, SB 186 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Buckworth deferred to Representative Smith.

Representative Smith brought HB 293, jointly sponsored by Representatives Boulden, Capano, D. Ennis & Lofink, before the House for consideration.

HB 293 - An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to Employment Practices; and Providing for a Quality in Hiring Act.

Representatives Smith & Oberle made comments.

Representative Smith requested and was granted the privilege of the floor for Stephen Zalik, President, Cirrus Communications.

Representatives Oberle, Davis, Smith, Davis & Scott made comments.

Representative Smith moved to place HB 293 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative DiPinto introduced HB 338, jointly sponsored by Representative George & Senator Marshall & Representatives Spence, Petrilli, Quillen, Buckworth, Cloutier, Davis, D. Ennis, Maier, Maroney, Roy, Banning, Houghton & VanSant & Senators McDowell, Hauge, Sorenson & Still.

HB 338 - An Act Relating to Consolidating the Municipal Court for the City of Wilmington With the Court of Common Pleas by Abolishing the Municipal Court and Transferring Current Full-Time Municipal Court Judges to the Court of Common Pleas; Redefining the Jurisdiction of the Court of Common Pleas and the Justice of the Peace Courts; Increasing the Number of Common Pleas Judges and Justices of the Peace; Addressing the Powers and Duties of the City Solicitor of the City of Wilmington; Making Provisions for Employees of the Municipal Court and the Criminal Division of the City Solicitor's Office of the City of Wilmington; Addressing Certain Property Personnel and Payment Matters; and Amending Titles 3, 10, 11, 16, 17, 21, 24, 25, and 29 of the Delaware Code. (2/3 bill)

Mr. Acting Speaker Quillen assigned HB 338 to the Judiciary Committee.

Representative Maroney brought HB 263, jointly sponsored by Senator Blevins & Representatives Davis & DiLiberto, before the House for consideration.

HB 263 - An Act to Amend Chapters 11 and 51 of Title 16 of the Delaware Code, Relating to Mental Health.

Representatives Maroney, Welch, Davis & Welch made comments.

Representative Maroney requested and was granted the privilege of the floor for Brian Hartman, Attorney with the Disabilities Law Program.

Representative Cloutier made comments.

The roll call on HB 263 was taken and revealed:

YES: 38.

NOT VOTING: Representatives Caulk, Jonkiert, Welch - 3.

Therefore, having received a constitutional majority, HB 263 was sent to the Senate for concurrence.

Representative Maroney was granted personal privilege of the floor for a comment.

Representative Roy brought HB 93 before the House for consideration.

HB 93 - An Act to Amend Chapter 25, Title 24 of the Delaware Code Prohibiting Persons Licensed to Practice Medicine in the State of Delaware From Owning or Operating Pharmacies.

Representative Roy made a comment.

Representative Roy brought HA 1 to HB 93 before the House for consideration. Representative Roy moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth.

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

The motion to table HA 1 to HB 93 was adopted by voice vote.

Representative Maroney brought HA 2 to HB 93 before the House for consideration.

Representative Maroney made a comment.

HA 2 was adopted by voice vote.

Representative Roy moved to place HB 93 w/HA 2 on the Speaker's table. The motion was seconded by Representative Maroney and adopted by voice vote.

Representative Ewing brought SB 51 w/SA 2 & 4, jointly sponsored by Representative Ewing, before the House for consideration.

SB 51 - An Act to Amend Title 21, Delaware Code, Clarifying Laws Concerning Commercial Drivers.

Representative Ewing made a comment.

The roll call on SB 51 w/SA 2 & 4 was taken and revealed:

YES: 37.

ABSENT: Representatives Davis, Petrilli, Smith, Spence - 4.

Therefore, having received a constitutional majority, SB 51 w/SA 2 & 4 was returned to the Senate.

Representative Mack brought SB 99, jointly sponsored by Senator McBride, before the House for consideration.

SB 99 - An Act to Amend Title 7 of the Delaware Code to Extend the Existing Registration Requirement for Extremely Hazardous Substances From One to Three Years.

Representative Mack brought HA 1 to SB 99 before the House for consideration.

Representative Mack made a comment.

HA 1 was adopted by voice vote.

Representative Mack made a comment.

The roll call on SB 99 w/HA 1 was taken and revealed:

YES: 37.

ABSENT: Representatives Davis, Petrilli, Smith, Spence - 4.

Therefore, having received a constitutional majority, SB 99 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Lofink brought HB 268, jointly sponsored by Representatives Oberle & Smith & Senators Voshell & Connor, before the House for consideration.

HB 268 - An Act to Amend Chapter 40, Title 7 of the Delaware Code Relating to Storm Water Plan Approvals for Work On or Adjacent to a State Right-of-Way. (3/5 bill)

Representative Lofink brought HA 1 to HB 268 before the House for consideration.

Representative Lofink made a comment.

HA 1 was adopted by voice vote.

Representative Lofink made a comment.

The roll call on HB 268 w/HA 1 was taken and revealed:

YES: 37.

ABSENT: Representatives Davis, Petrilli, Smith, Spence - 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 268 w/HA 1 sent to the Senate for concurrence.

Representative Buckworth deferred to Representative Roy.

Representative Roy brought SB 131, sponsored by Senators Sharp, Sokola & Vaughn & Representatives Spence & Oberle, before the House for consideration.

SB 131 - An Act to Amend Title 11 of the Delaware Code Relating to Hate Crimes.

Representative Roy made a comment.

The roll call on SB 131 was taken and revealed:

YES: 33.

NO: Representative Plant - 1.

NOT VOTING: Representatives Oberle, Scott, Stone - 3.

ABSENT: Representatives Davis, Petrilli, Smith, Spence - 4.

Therefore, having received a constitutional majority, SB 131 was returned to the Senate.

Representative Roy brought SB 132 w/SA 1, sponsored by Senators Sharp, Sokola & Vaughn & Representatives Spence & Oberle, before the House for consideration.

SB 132 - An Act to Amend Title 11 of the Delaware Code Relating to Hate Crimes. (2/3)(F/N)

Representatives Roy & Schroeder made comments.

The roll call on SB 132 w/SA 1 was taken and revealed:

YES: 39.

NOT VOTING: Representatives Brady, Smith - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 132 w/SA 1 was returned to the Senate.

Representative Roy was granted personal privilege of the floor for a comment.

Representative Roy moved to rescind the roll call on SB 131. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Roy brought SB 131, sponsored by Senators Sharp & Sokola & Representative Spence & Senator Vaughn & Representative Oberle, before the House for consideration.

SB 131 - An Act to Amend Title 11 of the Delaware Code Relating to Hate Crimes.

The roll call on SB 131 was taken and revealed:

YES: 38.

NO: Representative Plant - 1.

NOT VOTING: Representatives Scott, Smith - 2.

Therefore, having received a constitutional majority, SB 131 was returned to the Senate.

Representative Ewing brought SB 113 w/SA 1, jointly sponsored by Senator Voshell, before the House for consideration.

SB 113 - An Act to Amend Title 21 of the Delaware Code Relating to Habitual Motor Vehicle Offenders. (2/3 bill)

Representative Ewing made a comment.

The roll call on SB 113 w/SA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives George, Petrilli, Smith - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 113 w/SA 1 was returned to the Senate.

Representative D. Ennis brought SB 189 w/SA 1, sponsored by Senator Sokola & Representative Wagner & Senator Blevins & Representatives Cloutier, DiPinto, Ewing, Maroney, Roy, Stone & Spence, before the House for consideration.

SB 189 - An Act to Amend Title 18 of the Delaware Code Relating to Arbitration of Homeowners' Insurance Claims. (F/N)

Representative D. Ennis brought HA 1 to SB 189 before the House for consideration.

Representative D. Ennis made a comment.

HA 1 was adopted by voice vote.

Representative D. Ennis introduced and brought HA 2 to SB 189 before the House for consideration.

Representative D. Ennis made a comment.

HA 2 was adopted by voice vote.

Representatives Bunting & D. Ennis made comments.

Representative D. Ennis moved to place SB 189 w/SA 1 & HA 1 & 2 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Smith brought HB 305, jointly sponsored by Senator Sharp, before the House for consideration.

HB 305 - An Act to Amend Chapter 9 of Title 10 Relating to Certain Crimes Committed by Juveniles.

Representative Smith made a comment.

The roll call on HB 305 was taken and revealed:

YES: 39.

ABSENT: Representatives George, Lofink - 2.

Therefore, having received a constitutional majority, HB 305 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HB 306, jointly sponsored by Senator Sharp, before the House for consideration.

HB 306 - An Act to Amend Title 10 of the Delaware Code Relating to the Prosecution in Superior Court of Certain Serious Crimes Committed by Juveniles.

Representative Smith made a comment.

The roll call on HB 306 was taken and revealed:

YES: 39.

ABSENT: Representatives Ewing, Roy - 2.

Therefore, having received a constitutional majority, HB 306 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HB 307, jointly sponsored by Senator Sharp, before the House for consideration.

HB 307 - An Act to Amend Title 10 of the Delaware Code Relating to Certain Crimes Committed by Juveniles.

Representative Smith made a comment.

The roll call on HB 307 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 307 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative D. Ennis.

Representative D. Ennis moved to lift SB 189 w/SA 1 & HA 1 & 2 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative D. Ennis brought SB 189 w/SA 1 & HA 1 & 2, sponsored by Senator Sokola & Representative Wagner & Senator Blevins & Representatives Cloutier, DiPinto, Ewing, Maroney, Roy, Stone & Spence, before the House for consideration.

SB 189 - An Act to Amend Title 18 of the Delaware Code Relating to Arbitration of Homeowners' Insurance Claims. (F/N)

Representative D. Ennis made a comment.

The roll call on SB 189 w/SA 1 & HA 1 & 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 189 w/SA 1 & HA 1 & 2 was returned to the Senate for concurrence on HA 1 & 2.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HB 309, jointly sponsored by Representatives Quillen, Capano, Cloutier, Davis, DiPinto, Lee, Maier, Smith & Stone, before the House for consideration.

HB 309 - An Act to Amend Title 10 of the Delaware Code Relating to the Family Court and Restitution.

Representatives Wagner, Bunting, Welch, Buckworth, Schroeder & West made comments.

Representative Wagner moved to place HB 309 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Mr. Speaker Spence resumed the Chair.

Representative Petrilli brought Consent Agenda Q, which requires a two-thirds vote, before the House for consideration.

HB 294 - LOFINK, OBERLE; SENATOR VOSHELL; REPRESENTATIVE SMITH; SENATOR CONNOR - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Trip Permit Registrations and the International Registration Plan. (2/3 bill)

HB 308 - LEE; SENATOR VENABLES - An Act to Amend Chapter 137, Volume 61, Laws of Delaware, as Amended, Being the Charter of the Town of Delmar. (2/3 bill)

SB 213 - CORDREY; REPRESENTATIVE SCHROEDER - An Act to Amend Chapter 197, Volume 54, Laws of Delaware, The Charter of the City of Rehoboth Beach as Amended, With Regard to Fines and Penalties for Violation of City Ordinances. (2/3 bill)

SB 220 - CORDREY; REPRESENTATIVE SCHROEDER - An Act to Amend Chapter 197, Volume 54 Laws of Delaware, the Charter of the City of Rehoboth Beach, as Amended, With Regard to Procedures and Limits for Authorizing General Obligation Bonds. (2/3 bill)

Representative Petrilli deferred to Representative Schroeder.

SB 172 - MARSHALL; REPRESENTATIVE SMITH - An Act to Amend Title 30 of the Delaware Code Relating to Delaware Taxes. (3/5 bill)

Representative Petrilli requested that SB 220 be removed from Consent Agenda Q.

The roll call on Consent Agenda Q was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 294 & HB 308 were sent to the Senate for concurrence & SB 213 & SB 172 were returned to the Senate.

Representative Petrilli brought SB 220, sponsored by Senator Cordrey & Representative Schroeder, before the House for consideration.

SB 220 - An Act to Amend Chapter 197, Volume 54 Laws of Delaware, the Charter of the City of Rehoboth Beach, as Amended, With Regard to Procedures and Limits for Authorizing General Obligation Bonds. (2/3 bill)

Representative Petrilli deferred to Representative Schroeder.

Representative Schroeder introduced and brought HA 1 to SB 220 before the House for consideration.

Representative Schroeder made a comment.

HA 1 was adopted by voice vote.

The roll call on SB 220 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 220 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli brought Consent Agenda P before the House for consideration.

SB 205 - ADAMS, BAIR, VAUGHN; REPRESENTATIVE EWING; SENATORS SHARP, VOSHELL; REPRESENTATIVE SPENCE - An Act to Amend Title 21 of the Delaware Code Relating to Voluntary Assessments.

HR 26 - WAGNER - Creating a House Task Force to Investigate the Criteria and Means for Creating and Allocating Vocational-Technical Units for Children in the Three Counties of Delaware, to Coordinate the Development of Policies Thereon, to Monitor the Implementation of Any Policies, and to Report to the House of Representatives Thereon.

SB 37 - SORENSON, BLEVINS; REPRESENTATIVES MARONEY, ROY, CAPANO; SENATOR VOSHELL; REPRESENTATIVE EWING - An Act to Amend Chapter 21, Title 13 of the Delaware Code Relating to the Domestic Violence Coordinating Council.

SB 38 - SORENSON, BLEVINS; REPRESENTATIVE MARONEY; SENATORS BAIR, MARSHALL; REPRESENTATIVES EWING, WAGNER, GILLIGAN, CAPANO; SENATORS VOSHELL, SOKOLA; REPRESENTATIVES ROY, DIPINTO, BRADY, JONKIERT - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Assault in the Second Degree.

SB 184 - MCBRIDE; REPRESENTATIVE HOUGHTON - An Act to Pay Certain Funds to Frank J. Carello, Jr. For His Services as a Member of the Unemployment Compensation Commission.

HB 319 - PETRILLI, DIPINTO; SENATOR SHARP - An Act to Amend Chapters 9 and 22, Title 5 of the Delaware Code Relating to Bank and Licensed Lenders' Revolving Credit.

SB 211 - MCBRIDE; REPRESENTATIVE MACK An Act to Amend Title 16 of the Delaware Code Relating to Radioactive Waste.

SB 212 - VAUGHN, SHARP; REPRESENTATIVES OBERLE, WELCH; SENATOR MCBRIDE; REPRESENTATIVE SPENCE - An Act to Amend Chapter 21, Title 19, Delaware Code Relating to Attorneys Fees.

HB 310 - WAGNER; SENATOR VAUGHN; REPRESENTATIVES CAPANO, DAVIS, WELCH, SPENCE, CAULK, MAIER - An Act to Amend Chapter 3, Title 18 of the Delaware Insurance Code, Relating to the Review and Arbitration of Disputes Involving Health Insurance Coverage.

SCR 7 - BLEVINS; REPRESENTATIVE ULBRICH; SENATORS VOSHELL, SOKOLA; REPRESENTATIVE MAIER - Requesting an Opinion of the Supreme Court Regarding Article XV, Section 5.

Representative Petrilli requested that SB 184 be removed from Consent Agenda P.

The roll call on Consent Agenda P was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 205, SB 37, SB 38, SB 211, SB 212 & SCR 7 were returned to the Senate and HB 319 & HB 310 were sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Davis.

Representative Davis brought SB 184, sponsored by Senator McBride & Representative Houghton, before the House for consideration.

SB 184 - An Act to Pay Certain Funds to Frank J. Carello, Jr. For His Services as a Member of the Unemployment Compensation Commission.

Representatives Davis, Oberle, Houghton, Davis, Oberle, Smith & Davis made comments.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

The roll call on SB 184 was taken and revealed:

Representatives Smith, Oberle, Spence, Petrilli, Plant, Oberle & Scott made comments.

YES: 25.

NOT VOTING: Representatives Boulden, Buckworth, Bunting, Capano, Caulk, Cloutier, Davis, DiPinto, Fallon, Lee, Maier, Maroney, Petrilli, Smith, Wagner, Mr. Acting Speaker Quillen - 16.

Therefore, having received a constitutional majority, SB 184 was returned to the Senate.

Representative Lofink was granted personal privilege of the floor for comments.

The Chief Clerk read the following committee reports into the record:

NAT RES: HB 331 - 5M; HB 335 - 5M.

TRANS & INFRA: HB 267 - 4M.

SM BUS: SB 241 - 8M.

H/ADM - HB 327 - 4M; HB 334 - 4M; HB 337 - 4M.

ECON DEV, B & I: HB 200 - 9M; HB 324 - 9M; HB 325 - 9M; HB 332 - 9M.

ED: SS 1 to SB 200 w/SA 5, 1 & 6 - 9M.

HOUSING & COM AFF: HB 212 - 7M; HB 213 - 7M; HS 1/HB 210 - 5M; HS 1/HB 211 - 5M.

P/S: SB 170 - 5M.

JUD: HB 238 - 7M; HB 338 - 6M; SB 224 - 7M; SB 225 - 7M; SB 231 w/SA 1 - 7M;

The Majority Leader moved to recess to the call of the Chair at 5:40 p.m.

46th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
First Session
June 27, 1995

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:20 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 240, HB 160, SB 230, SB 227 w/SA 1, HB 202, SB 70 w/SA 1, SB 181, SJR 13, HB 241 w/HA 1 & HB 208 w/HA 1.

June 22, 1995

LEGISLATIVE ADVISORY #20

Governor Thomas R. Carper signed the following legislation on the date indicated: 6/22/95 - SB 182.

The Majority Leader moved to adjourn at 2:21 p.m., thereby ending the current Legislative Day. The House reconvened at 2:22 p.m.

The Chief Clerk called the roll:

Members Present: 41.

Representative Maroney requested that she be marked present.

A prayer was offered by Representative Bruce C. Ennis, Twenty-Eighth Representative District.

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

The minutes of the previous Legislative Day were approved as posted.

Mr. Speaker Spence introduced guests.

The following prefiled legislation was introduced:

HB 339 - OBERLE & SPENCE; SENATORS MCBRIDE & SHARP - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Expert Witnesses.

HB 340 - MARONEY & SENATOR BLEVINS - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance.

HB 341 - EWING & SENATOR ADAMS - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicle Registrations.

HB 342 - DIPINTO - ECON DEV, B & I: An Act to Amend Chapter 73, Title 6, of the Delaware Code Relating to the Regulation of Securities, Broker-Dealers, Investment Advisers and Agents. (3/5 bill)

HCR 27 - MAIER, PETRILLI, BOULDEN, BUCKWORTH, CAULK, LEE, ULBRICH, CAPANO, EWING, OBERLE, BANNING, BRADY, B. ENNIS, PLANT, SCOTT, WEST; SENATORS BLEVINS, CONNOR, HENRY, REED, SORENSON, STILL - TRANS & INFRA: A Resolution Requesting the Delaware Turnpike Authority to Conduct a Study of the Wages and Working Conditions of Its Employees.

HA 1 to HB 191 - PETRILLI - READY LIST: Placed with the bill.

HA 1 to HB 212 - ROY - AGENDA XI: Placed with the bill.

HA 1 to HA 1 to HB 244 - OBERLE - AGENDA X: Placed with the bill.

HA 1 to HB 312 - B. ENNIS & BANNING - AGENDA VIII: Placed with the bill.

HA 2 to HB 317 - OBERLE - L.O.T.: Placed with the bill.

HA 3 to HB 317 - OBERLE - L.O.T.: Placed with the bill.

SB 70 w/SA 1 - BLEVINS & REPRESENTATIVE ULBRICH; SENATORS SOKOLA & VOSHELL; REPRESENTATIVES MAIER, HOUGHTON, SCOTT - HOUSING & COM AFF: An Act to Amend Chapter 29, Title 24, Delaware Code Relating to Real Estate Brokers, Salespersons and Appraisers.

SB 181 w/SA 2 - BLEVINS & REPRESENTATIVE ULBRICH; SENATORS SOKOLA, VOSHELL, BONINI, REED; REPRESENTATIVES CAPANO, MAIER, HOUGHTON, SCOTT - ECON DEV, B & I: An Act to Amend Chapter 3, Title 18, Delaware Code, Relating to the Office of the Insurance Commissioner.

SB 209 - SORENSON, BAIR, AMICK, REED, HENRY, BLEVINS, VAUGHN, SOKOLA; REPRESENTATIVES CAPANO, EWING, MAIER, ROY, DILIBERTO - CORR: An Act to Amend Title 11 of the Delaware Code Relating to Parole.

SB 227 w/SA 1 - SOKOLA & REPRESENTATIVE REYNOLDS - ED: An Act to Amend Title 14 of the Delaware Code Relating to Scholarships for Higher Education.

SB 230 - VENABLES; REPRESENTATIVE SMITH - LABOR: An Act to Amend Title 29 of the Delaware Code Relating to the Opening of Bids for Public Works Contracts.

SB 239 w/SA 1 & 2 - SHARP & ADAMS; REPRESENTATIVES SPENCE & DILIBERTO - JUD: An Act to Amend Title 29 of the Delaware Code Relating to the Employees' Pension Plan.

SJR 13 - MCBRIDE & REPRESENTATIVE MACK; SENATORS BAIR, SOKOLA, VENABLES, VOSHELL; REPRESENTATIVE DIPINTO - NAT RES: Relating to Extending the Reporting Date of the Blue Ribbon Task Force to Study and Make Recommendations for a Statewide, Comprehensive Policy on Recycling Efforts Throughout the State.

SCR 34 - BLEVINS & STILL; REPRESENTATIVE STONE - H/ADM: Urging the Board of Cosmetology and Barbering and the Director of the Division of Professional Regulation to Investigate Current Barriers to Licensing of Barbers and to Make Recommendations to the General Assembly to Insure That Practitioners of Traditional Barbering Can Continue to Secure Licensing in This State.

HA 1 to SB 170 - DIPINTO - READY LIST: Placed with the bill.

Representative Stone requested that she be marked present.

Mr. Speaker Spence introduced a guest.

Representative Brady requested that he be marked present.

Mr. Speaker Spence assigned **SB 23** to the Appropriations Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: **HB 125, HB 198 w/SA 1, HB 130 w/HA 1 & 2, HB 182, HB 38 w/HA 1 & SA 1, SB 209, HB 177 w/HA 1, 2 & 3 & SA 1, SB 239 w/SA 1 & 2, HB 9 w/HA 1 & SA 1 & 2, SCR 34 & SCR 35.**

Representative Capano requested that **HB 200** be stricken.

Representative Petrilli introduced a guest.

Representatives Carey & Oberle requested that they be marked present.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #35

DATE: June 27, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-569	Maier	6/17/95	T	Rev. Mary Lou Green/6 Yrs. /Ebenezer United Methodist
H138-570	Ulbrich	5/22/95	T	Mr. Thomas J. Pellegrine/23 Yrs. Ded. Service/Newark
H138-571	Ulbrich	6/19/95	T	David Skelly/Class Pres./Glasgow High/Class of '96
H138-572	Ulbrich	6/23/95	T	Noah Osner/Assistance to Brad. Ulbrich
H138-573	Ulbrich	6/23/95	T	Anna Palermo/Assistance to Brad Ulbrich
H138-574	Ulbrich	6/23/95	T	Nicole Manno/Assistance to Brad Ulbrich
H138-575	Ulbrich	6/23/95	T	Michael Over/Assistance to Brad Ulbrich
H138-576	Ulbrich	6/23/95	T	Julian Tulenko/Assistance to Brad Ulbrich
H138-577	Smith	7/07/95	T	Ellen & Gilbert Pyle/50th Wedding Anniversary
H138-578	Scott	6/15/95	T	Norman Oliver/Stormin's Basketball/15th Season
H138-579	Fallon	6/15/95	T	Barbara Henning/Seaford Teacher of Year/'95
H138-580	Fallon	6/15/95	T	Mary Ellen Taylor/Sussex Vo-Tech/Teacher of Year/'95
H138-581	Welch	6/17/95	T	Jennifer Joy West & Dennis Ray Waddell, Jr./ Marriage
H138-582	DiPinto	6/17/95	T	Aubrey B. Lank/70th Birthday
H138-583	Gilligan	6/22/95	T	Orlando J. George, Jr./Retire/21 Years/House
Cosponsor: All House Members				
H138-584	Lee	6/23/95	T	Keith A. Oney/Eagle Scout
H138-585	Lee	6/23/95	T	Dennis W. Thornton/Eagle Scout
H138-586	Lee	6/23/95	T	Bryan D. Willin/Eagle Scout
H138-587	Lee	6/23/95	T	George W. Bradley/Eagle Scout

T - Tribute

Representative Petrilli brought Consent Agenda Q, which requires a two-thirds vote, before the House for consideration.

SB 176 w/SA 2 - BLEVINS; REPRESENTATIVE MARONEY; SENATORS MCBRIDE, VOSHALL; REPRESENTATIVES CAPANO, ULBRICH, HOUGHTON, SCOTT; SENATORS MARSHALL, SOKOLA, AMICK; REPRESENTATIVES MAIER, BANNING, JONKIERT - An Act to Amend Title 24, Chapter 17 of the Delaware Code Relating to the Board of Medical Practice. (2/3 bill)

HB 323 - BUCKWORTH; SENATOR BONINI - An Act to Amend Chapter 189, Volume 43 of the Laws of Delaware, As Amended, Relating to the Town of Wyoming. (2/3 bill)

HB 337 - BANNING; SENATOR VAUGHN - An Act to Amend Chapter 174, Volume 23, Laws of Delaware, as Amended, Entitled "An Act to Re-Incorporate the Town of Townsend", Relating to Real Estate Transfer Tax. (2/3 bill)

HB 334 - BUNTING, SENATOR CORDREY - An Act to Amend Chapter 64, Volume 63, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Ocean View in Sussex County, Delaware". (2/3 bill)

SS 1/SB 9 - MCBRIDE; REPRESENTATIVE OBERLE - An Act to Amend Chapter 21, Title 21, Delaware Code Relating to Special Animal Welfare License Plates. (2/3 bill)

Representative Ewing requested that SS 1 to SB 9 be removed from Consent Agenda Q.

The roll call on Consent Agenda Q was taken and revealed:

YES: 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 176 w/SA 2 was returned to the Senate & HB 323, HB 337 & HB 334 were sent to the Senate for concurrence.

Representatives D. Ennis, Smith & George requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Jonkiert.

Representative Jonkiert moved to lift HB 194 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote

Representative Jonkiert brought HB 194, jointly sponsored by Senator Marshall & Representatives Bunting, Buckworth, Carey, Cloutier, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, George, Lee, Smith & Ulbrich, before the House for consideration.

HB 194 - An Act to Amend Chapter 41 of Title 21 of the Delaware Code Relating to Traffic Laws. (F/N)

Representatives Jonkiert, Wagner, Caulk, VanSant, B. Ennis, Houghton, Jonkiert & VanSant made comments.

Representative Jonkiert requested and was granted the privilege of the floor for Frank Pileggi, House Attorney.

Representatives Jonkiert, Houghton, Wagner, Brady, Maier, Bunting, Plant & Jonkiert made comments.

The roll call on HB 194 was taken and revealed:

YES: 20.

NO: Representatives Boulden, Brady, Houghton, Mack, Maier, Oberle, Quillen, Scott, Smith, Ulbrich, Welch - 11.

NOT VOTING: Representatives Buckworth, Capano, Carey, Caulk, Fallon, Petrilli, Plant, Stone, Wagner, Mr. Speaker Spence - 10.

Therefore, not having received a constitutional majority, HB 194 was declared defeated.

Representative George was granted personal privilege of the floor for comments.

Representative Petrilli deferred to Representative Caulk.

Representative Caulk moved to lift HB 188 w/SA 1 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Caulk brought HB 188 w/SA 1, jointly sponsored by Senator Adams & Representatives Carey, Mack, Bunting & Schroeder & Senators Cook, Vaughn, Venables, Bonini & Still, before the House for consideration.

HB 188 - An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to the Valuation of Land Devoted to Agricultural, Horticultural or Forest Use.

Representative Caulk made a comment.

Representative Caulk brought HA 1 to HB 188 before the House for consideration.

Representative Caulk made a comment.

HA 1 was adopted by voice vote.

Representative Banning brought HA 2 to HB 188 before the House for consideration.

Representative Banning made a comment.

Representative Caulk requested that HA 1 to HA 2 be stricken.

Representative Banning moved to place HA 2 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

The roll call on HB 188 w/SA 1 & HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 188 w/SA 1 & HA 1 was sent to the Senate for concurrence on HA 1.

Representative Caulk made a comment.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought SB 104, sponsored by Senators Amick, Bair, Reed & Sorenson & Representatives Welch & Ulbrich & cosponsored by Senator Sokola, before the House for consideration.

SB 104 - An Act to Amend Title 13 of the Delaware Code Relating to Custody Disputes Between a Natural Parent and a Stepparent Upon the Death or Disability of the Custodial or Primary Placement Parent.

Representative Roy deferred to Representative Welch.

Representatives Welch & Wagner made comments.

The roll call on SB 104 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 104 was returned to the Senate.

Representative George was granted personal privilege of the floor for the introduction of a guest.

Representatives George, Oberle & Fallon made comments.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought SB 210 w/SA 1, jointly sponsored by Senator Blevins, before the House for consideration.

SB 210 - An Act to Amend Title 29 of the Delaware Code Relating to Family Preservation Services.

Representative Maroney made comments.

The roll call on SB 210 w/SA 1 was taken and revealed:

YES: 40.

NOT VOTING: Representative Caulk - 1.

Therefore, having received a constitutional majority, SB 210 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HB 312, jointly sponsored by Representative B. Ennis & Senators Vaughn & Voshell, before the House for consideration.

HB 312 - An Act to Amend Chapter 4, Title 17, Delaware Code, Relating to the Power of the Department of Transportation or Its Agents to Impose Tolls. (F/N)

Representative Banning deferred to Representative B. Ennis.

Representative B. Ennis brought HA 1 to HB 312, jointly sponsored by Representative Banning, before the House for consideration.

Representative B. Ennis made a comment.

HA 1 was adopted by voice vote.

The roll call on HB 312 w/HA 1 was taken and revealed:

YES: 40.

NO: Representative Roy - 1.

Therefore, having received a constitutional majority, HB 312 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought SB 155 w/SA 1, jointly sponsored by Senators Blevins, Voshell, Bonini & Reed & Representatives Capano, Maier, Ulbrich, Houghton & Scott, before the House for consideration.

SB 155 - An Act to Amend Chapter 90, Title 29 of the Delaware Code Relating to the Advisory Council for Children, Youth and Their Families.

Representative Maroney made a comment.

The roll call on SB 155 w/SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 155 w/SA 1 was returned to the Senate.

Representative Petrilli brought HB 9 w/HA 1 & SA 1 & 2, sponsored by Representative Quillen & cosponsored by Representatives Caulk & Ewing, before the House for concurrence on SA 1 & 2.

HB 9 - An Act to Amend Title 10, Delaware Code Relating to Civil Liability and Equine Activities.

Representatives Petrilli & DiLiberto made comments.

The roll call on HB 9 w/HA 1 & SA 1 & 2 was taken and revealed:

YES: 27.

NO: Representatives Cloutier, DiLiberto, George, Gilligan, Houghton, Jonkiert, Lofink, Mack, Oberle, Reynolds, Roy, Scott, VanSant, Mr. Speaker - 14.

Therefore, having received a constitutional majority, HB 9 w/HA 1 & SA 1 & 2 was sent to the Governor.

Representative Petrilli brought HB 38 w/HA 1 & SA 1, sponsored by Representatives Davis, Ulbrich, Maier, Capano, Ewing, Maroney, Stone, Welch, Lee, Smith, Buckworth, Lofink, Reynolds, Spence, DiPinto, B. Ennis, Carey & Quillen, before the House for concurrence on SA 1.

HB 38 - An Act to Amend Title 18 of the Delaware Code Relating to Insurance and Creating the HIV Testing for Insurance Act.

Representative Petrilli made a comment.

The roll call on HB 38 w/HA 1 & SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 38 w/HA 1 & SA 1 was sent to the Governor.

Representative Petrilli brought HB 87 w/HA 1 & SA 1, sponsored by Representatives Scott, Banning, Brady, Bunting, Capano, DiLiberto, DiPinto, B. Ennis, Ewing, George, Gilligan, Houghton, Jonkiert, Plant, Quillen, Schroeder, Ulbrich, VanSant & West & Senators Adams, Henry, Sorenson, Vaughn & Voshell, before the House for concurrence on SA 1.

HB 87 - An Act to Amend Title 11, Delaware Code Relating to Enhanced Penalties for Offenses of Theft Committed Against Senior Citizens. (F/N)

Representative Petrilli made a comment.

The roll call on HB 87 w/HA 1 & SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 87 w/HA 1 & SA 1 was sent to the Governor.

Representative Petrilli brought HB 177 w/HA 1,2 & 3 & SA 1, sponsored by Representatives Roy & Lofink & Schroeder & Senators Venables & Voshell & Cook & Amick, before the House for concurrence on SA 1.

HB 177 - An Act to Amend Title 2, Delaware Code, by Adding Thereto a New Chapter Authorizing a Public-Private Initiatives Program in Transportation and Establishing a Revolving Loan Fund to Finance Such Program. (F/N)(3/5 bill)

Representatives Petrilli, Wagner & Davis made comments.

The roll call on HB 177 w/HA 1,2 & 3 & SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 177 w/HA 1,2 & 3 & SA 1 was sent to the Governor.

Representative Petrilli deferred to Representative Davis.

Representative Petrilli brought HB 198 w/SA 1, sponsored by Representative Roy & Senator Voshell, before the House for concurrence on SA 1.

HB 198 - An Act to Amend Title 21 of the Delaware Code Relating to Size and Weight of Vehicles and Loads.

Representative Petrilli made a comment.

The roll call on HB 198 w/SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 198 w/SA 1 was sent to the Governor.

Representative Petrilli deferred to Representative Davis.

Representative Davis introduced HB 350, jointly sponsored by Representatives Buckworth, DiPinto, Maroney, VanSant & West & Senators Cook, McBride, McDowell, Sorenson, Still & Vaughn.

HB 350 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1996; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Mr. Speaker Spence assigned HB 350 to the Appropriations Committee.

The Majority Leader moved to recess for caucus at 3:48 p.m.

The House reconvened at 5:12 p.m.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought SS 1 to SB 9, sponsored by Senator McBride & Representative Oberle, before the House for consideration.

SB 9 - An Act to Amend Chapter 21, Title 21, of the Delaware Code Relating to Special Animal Welfare License Plates. (3/5 bill)(F/N)

Representative Ewing introduced and brought HA 1 to SS 1 to SB 9 before the House for consideration.

Representative Ewing made a comment.

HA 1 was adopted by voice vote.

Representative Ewing made a comment.

The roll call on SS 1 to SB 9 w/HA 1 was taken and revealed:

YES: 39.

NO: Representatives Davis, Maroney - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SS 1 to SB 9 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto brought HB 124, jointly sponsored by Representatives Petrilli, Quillen, Spence, Boulden, Brady, Buckworth, Capano, Carey, Cloutier, Davis, Ewing, Roy, Smith, Ulbrich, Banning, B. Ennis, Gilligan, Houghton, Plant & VanSant & Senators Cordrey, McBride & Sokola, before the House for consideration.

HB 124 - An Act to Amend Chapter 81 of Title 10 of the Delaware Code Relating to Limitations of Civil Liability for Certain Volunteers.

Representative DiPinto moved to place HB 124 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Spence introduced a guest.

Representative Petrilli brought Consent Agenda R before the House for consideration.

HB 331 - CAREY - An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Commercial Food Fishing Licenses.

SB 241 - ADAMS; REPRESENTATIVE CLOUTIER; SENATOR CORDREY; REPRESENTATIVE D. ENNIS; SENATOR SOKOLA - An Act to Amend Title 26 of the Delaware Code Relating to the Status of Certain Utility Services Provided to Non-Profit Entities.

HB 327 - PETRILLI, ROY; SENATORS COOK, VOSHALL, BAIR; REPRESENTATIVE DAVIS; SENATORS BLEVINS, AMICK - An Act to Amend Titles 15, 17 and 29 of the Delaware Code Relating to the Office of Information Services.

HB 213 - ROY; SENATOR VAUGHN - An Act to Amend Chapter 21, Title 25, Delaware Code Relating to Satisfaction of Mortgages on Real Estate.

HB 324 - CAPANO; SENATOR VAUGHN - An Act to Amend Title 18 Relating to the Rehabilitation and Liquidation of Insurers.

HB 332 - CAPANO, BUNTING - An Act to Amend Chapter 17, Title 18, Delaware Code Relating to Insurance Agents, Brokers, and Other Licensees of the Insurance Department.

HB 315 - DAVIS - An Act to Amend Chapter 27, Title 29, Delaware Code, Relating to the State Treasurer.

HB 335 - SCHROEDER, BUNTING - An Act to Amend Chapter 76, Title 7 of the Delaware Code Relating to the Inland Bays' Watershed Enhancement Act.

Representative Petrilli requested that HB 332, SB 241 & HB 331 be removed from Consent Agenda R.

Representative Roy requested that HB 213 be stricken.

The roll call on Consent Agenda R was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 327, HB 324, HB 315 & HB 335 were sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Carey.

Representative Carey brought HB 331 before the House for consideration.

HB 331 - An Act to Amend Chapter 9 of Title 7 of the Delaware Code Relating to Commercial Food Fishing Licenses.

Representatives Carey, Schroeder, West, Carey & Schroeder made comments.

The roll call on HB 331 was taken and revealed:

YES: 28.

NO: Representatives Brady, DiLiberto, Houghton, Jonkiert, Schroeder, Scott, VanSant - 7.

NOT VOTING: Representatives Bunting, Davis, George, Gilligan, Plant - 5.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority, HB 331 was sent to the Senate for concurrence.

Representative Wagner brought SB 241, sponsored by Senator Adams & Representative Cloutier, before the House for consideration.

SB 241 - An Act to Amend Title 26 of the Delaware Code Relating to the Status of Certain Utility Services Provided to Non-Profit Entities.

Representative Wagner made a comment.

Representative D. Ennis introduced and brought HA 1 to SB 241 before the House for consideration.

Representative D. Ennis made a comment.

Representative D. Ennis moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

The roll call on SB 241 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 241 was returned to the Senate.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought SB 97, sponsored by Senator Blevins & Representative Ulbrich & Senators Sokola & Voshell & Representatives Maier, Houghton & Scott, before the House for consideration.

SB 97 - An Act to Amend Chapter 7, Title 24 of the Delaware Code Relating to the Board of Chiropractic.

Representative Maroney made a comment.

The roll call on SB 97 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 97 was returned to the Senate.

Representative Maroney brought SB 190 w/SA 1, sponsored by Senator Blevins & Representative Ulbrich & Senators Sokola, Voshell, Bonini & Reed & Representatives Capano, Maier, Houghton & Scott, before the House for consideration.

SB 190 - An Act to Amend Chapter 39, Title 24 of the Delaware Code and Chapters 88 and 101, Title 29 of the Delaware Code Relating to the Board of Clinical Social Work Examiners. (2/3 bill)

Representative Maroney made a comment.

The roll call on SB 190 w/SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 190 w/SA 1 was returned to the Senate.

Representative Maroney brought SB 203, sponsored by Senator Blevins & Representative Ulbrich & Senators Sokola, Voshell, Bonini & Reed & Representatives Capano, Maier, Houghton & Scott, before the House for consideration.

SB 203 - An Act to Amend Chapter 17, Title 24 of the Delaware Code Relating to the Board of Medical Practice.

Representatives Maroney & Wagner made comments.

The roll call on SB 203 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 203 was returned to the Senate.

Representative Quillen deferred to Representative Ewing.

Representative Ewing brought SB 33 w/SA 1, jointly sponsored by Senators Blevins & Voshell & Representative Capano, before the House for consideration.

SB 33 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicle Registration.

Representative Ewing brought HA 1 to SB 33 before the House for consideration.

Representative Ewing made a comment.

HA 1 was adopted by voice vote.

Representative Ewing made a comment.

The roll call on SB 33 w/SA 1 & HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 33 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Quillen deferred to Representative Carey.

Representative Carey brought SB 101, jointly sponsored by Senators Bair & McBride & Representatives D. Ennis, Caulk, Brady & Schroeder, before the House for consideration.

SB 101 - An Act to Amend Title 21 of the Delaware Code Relating to the Issuance of Special Registration Plates. (3/5 bill)(F/N)

Representative Carey brought HA 1 to SB 101 before the House for consideration.

Representative Carey made a comment.

HA 1 was adopted by voice vote.

Representative Carey made a comment.

The roll call on SB 101 w/HA 1 was taken and revealed:

YES: 39.

NO: Representative Davis - 1.

NOT VOTING: Representative Maroney - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, SB 101 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Carey brought SB 187, jointly sponsored by Senator McBride, before the House for consideration.

SB 187 - An Act to Amend Title 7 of the Delaware Code Updating the Wildlife Laws of the State and Establishing a Fine Schedule. (2/3 bill)

Representative Carey brought HA 1 to SB 187 before the House for consideration.

Representative Carey made a comment.

HA 1 was adopted by voice vote.

Representative George made a comment.

Representative Carey moved to rescind the vote on HA 1.

The motion was properly seconded and adopted by voice vote.

Representative Carey brought HA 1 to SB 187 before the House for consideration.

Representative Jonkiert rose on a point of order. Mr. Speaker did not concur.

Representative Carey introduced and brought HA 1 to HA 1 to SB 187 before the House for consideration.

Representative Carey made a comment.

HA 1 to HA 1 was adopted by voice vote. HA 1 w/HA 1 was adopted by voice vote.

Representative Carey made a comment.

The roll call on SB 187 w/HA 1 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 187 w/HA 1 w/HA 1 was returned to the Senate for concurrence on HA 1 w/HA 1.

Representative Petrilli deferred to Representative West.

Representative West moved to suspend the rules which interfere with introduction of and action on HJR 13. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative West introduced and brought HJR 13, jointly sponsored by Senator Cordrey & Representatives Banning, Lee, B. Ennis, D. Ennis, Quillen, Spence, Davis, Fallon, Buckworth, DiLiberto, Reynolds, Smith, Mack, Wagner, Lofink, George, Petrilli, DiPinto, Houghton, Plant, Oberle, Caulk, Carey, Jonkiert, Brady, VanSant, Bunting & Gilligan & Senators Adams, Amick, Cook, Still, Sorenson, Vaughn, Venables & Voshell, before the House for consideration.

HJR 13 - Urging the Governor of the State of Delaware and the Secretary of Agriculture, Forestry Service to Seriously Consider the Purchase of the Great Cypress Swamp, Located in Sussex County and Owned by Delaware Wildlands, Inc.

The roll call on HJR 13 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HJR 13 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Boulden.

Representative Boulden brought HB 203 before the House for consideration.

HB 203 - An Act to Amend Title 11 of the Delaware Code Relating to Classification of Offenses; Sentences. (F/N)

Representatives Boulden, VanSant, Houghton, Gilligan, George, Boulden, Oberle, DiLiberto, B. Ennis, Plant, Scott & Davis made comments.

The roll call on HB 203 was taken and revealed:

YES: 36.

NO: Representatives Banning, Bunting, B. Ennis, Jonkiert - 4.

NOT VOTING: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 203 was sent to the Senate for concurrence.

Representative D. Ennis was granted personal privilege of the floor for a comment.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 150, jointly sponsored by Senator Blevins & Representatives Petrilli, Quillen, Boulden, Buckworth, Carey, Capano, Ewing, Lee, Lofink, Maier, Smith, Ulbrich, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott & VanSant & Senators Marshall, McDowell, McBride, Sharp, Sokola, Vaughn, Voshell, Amick, Bair, Cook, Hauge, Reed & Still, before the House for consideration.

HB 150 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Offenses of Stalking, Aggravated Harassment and Harassment. (F/N)

Representative Oberle brought HA 1 to HB 150 before the House for consideration.

Representative Oberle made a comment.

HA 1 was adopted by voice vote.

Representative Oberle made a comment.

The roll call on HB 150 w/HA 1 was taken and revealed:

YES: 40.

NO: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, HB 150 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle was granted personal privilege of the floor for a comment.

Mr. Speaker Spence introduced guests.

Representative Petrilli brought SB 140, jointly sponsored by Senator Vaughn, before the House for consideration.

SB 140 - An Act to Amend Chapter 50A, Title 15, of the Delaware Code Relating to Electronic Voting Systems.

Representative Petrilli made a comment.

The roll call on SB 140 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 140 was returned to the Senate.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought SB 147, jointly sponsored by Senator Vaughn, before the House for consideration.

SB 147 - An Act to Amend Chapter 23, Title 12, Delaware Code, Relating to the Effect of Manslaughter or Murder on Intestate Succession, Wills, Joint Assets, Life Insurance and Beneficiary Designations.

Representative Roy made a comment.

The roll call on SB 147 was taken and revealed:

YES: 39.

ABSENT: Representatives Banning, Petrilli - 2.

Therefore, having received a constitutional majority, SB 147 was returned to the Senate.

Representative Quillen deferred to Representative Lee.

Representative Lee brought SB 88, jointly sponsored by Senator Vaughn, before the House for consideration.

SB 88 - An Act to Amend Chapter 65, Title 11, Delaware Code Relating to the Duties and Responsibilities of the Commissioner.

Representatives Lee, Welch, Quillen, Lee, Welch, VanSant, Lee & Davis made comments.

The roll call on SB 88 was taken and revealed:

YES: Representatives Boulden, Capano, DiPinto, Ewing, Fallon, Jonkiert, Lee, Lofink, Mack, Maier, Oberle, Plant, Reynolds, Roy, Stone - 15.

NO: Representatives Houghton, Quillen, Scott, Ulbrich, Welch, West - 6.

NOT VOTING: 20.

Therefore, not have received a constitutional majority, SB 88 was declared defeated.

Representative Petrilli moved to suspend the rules which interfere with action on SS 1 to SB 200 w/SA 5.1 & 6. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought SS 1 to SB 200 w/SA 5.1 & 6, jointly sponsored by Senators Sokola & Reed & Representatives DiPinto & Gilligan & Senators Cordrey, Sharp, Marshall, Blevins, Amick, Bair, Bonini, Connor, Hauge, Henry, Sorenson & Still & Representatives Boulden, Capano, Carey, Caulk, Cloutier, Lofink, Maier, Maroney, Quillen, Roy, Smith, Stone & Ulbrich, before the House for consideration.

SB 200 - An Act to Amend Title 14 of the Delaware Code Relating to Charter Schools. (F/N)

Representative Petrilli deferred to Representative DiPinto.

Representatives DiPinto & Davis made comments.

Representative Davis introduced and brought HA 1 to SS 1 to SB 200 before the House for consideration.

Representatives Davis & DiPinto made comments.

HA 1 was defeated by voice vote.

Representatives DiPinto & Schroeder made comments.

Representative DiPinto requested and was granted the privilege of the floor for Leo Strine, Legal Counsel to the Governor.

Representatives Schroeder & Davis made comments.

Representative Davis requested and was granted the privilege of the floor for Jeannette Crouse representing Delaware PTA.

Representatives Bunting, DiPinto & Wagner made comments.

Representative DiPinto requested and was granted the privilege of the floor for Leo Strine, Legal Counsel to the Governor.

Representatives Wagner, Davis, Fallon, Wagner, Reynolds, Lee, Banning, West & Plant made comments.

Representative Fallon introduced a guest.

Representatives Scott & DiPinto made comments.

Representative Plant introduced a guest.

Representative Mack made a comment.

The roll call on SS 1 to SB 200 w/SA 5.1 & 6 was taken and revealed:

YES: 34.

NO: Representatives Banning, Bunting, Carey, B. Ennis, Lee - 5.

NOT VOTING: Representatives Fallon, Oberle - 2.

Therefore, having received a constitutional majority, SS 1 to SB 200 w/SA 5.1 & 6 was returned to the Senate.

Mr. Speaker Spence assigned SB 170 to the Labor Committee.

The Chief Clerk read the following committee reports into the record:

P/S: HB 341 - 7M; SB 214 - 6M.

LABOR: HB 328 - 4M; SB 230 - 4M.

R & F: SB 153 - 1F, 5M.

CORR: HB 304 - 8M; HB 313 - 8M; HB 333 - 7M; SB 209 - 7M.

JUD: SB 239 w/SA 1 & 2 - 9M.

ED: SB 146 w/SA 1 & 3 - 6M, 1U; SB 227 w/SA 1 - 7M.

The Majority Leader moved to recess to the call of the Chair at 7:52 p.m.

47th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
First Session
June 28, 1995

Mr. Acting Speaker Oberle called the House to order at 2:08 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 226, HB 187 w/HA 1 & SA 1 & 2, HJR 10, HB 171 w/HA 1 & SA 1 & SA 2, HB 227 w/HA 1 & SA 2, SB 215, HB 264, HB 195 w/HA 1 & SA 1, SB 218, HB 184, HB 183 w/HA 1, HB 117, HB 299, HB 318, HB 179 w/HA 1, 8, 10, 11 & SA 2 & HB 245 w/HA 1.

June 26, 1995

LEGISLATIVE ADVISORY #21

Governor Thomas R. Carper signed the following legislation on the dates indicated: 6/23/95 - HB 176, SB 7, SB 8 aab SA 1, SB 83, SB 90, SB 98, SB 109, SB 111, SB 112 aab SA 1, SB 114, SB 175, HB 5 aab HA 1, HB 14, HB 53, HB 151, SB 66 aab SA 1, HB 11 aab HA 1, SB 39, SB 47 aab SA 1, SB 48 aab SA 1, SB 87 aab SA 1, SB 125, SB 198 & HB 126 aab HA 1, SJR 6 & SJR 11. 6/26/95 - SB 117, SB 123, SB 157, SB 158, SB 159, SB 161, SB 163, SB 165, HB 208 aab HA 1, SB 174, SB 166, HB 240, HB 241 aab HA 1, HB 10, SB 208 & SB 180.

The Majority Leader moved to adjourn at 2:10 p.m., thereby ending the current Legislative Day. The House reconvened at 2:11 p.m.

Mr. Speaker Spence resumed the Chair.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Gerald A. Buckworth, Thirty-Fourth Representative District.

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

The minutes of the previous Legislative Day were approved as posted.

The following prefiled legislation was introduced:

HS 2 for HB 132 - SPENCE & SENATOR SHARP; REPRESENTATIVES PETRILLI, BOULDEN, BUCKWORTH, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, WELCH, BANNING, BRADY, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, VANSANT & WEST; SENATORS ADAMS, BONINI & CONNOR - HEALTH & HUM DEV: An Act to Amend Title 11 and Title 16 of the Delaware Code Relating to the State Bureau of Identification and Background Checks by Sanatoria, Rest Homes, Nursing Homes, Boarding Homes and Related Institutions.

HB 343 - DAVIS, SPENCE, PETRILLI, QUILLEN, BOULDEN, BUCKWORTH, CAREY, CAULK, CLOUTIER, DIPINTO, EWING, LEE, LOFINK, MACK, MAIER, OBERLE, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WAGNER, WELCH, BANNING, BRADY, BUNTING, GILLIGAN, HOUGHTON, JONKIERT, PLANT, VANSANT, WEST; SENATORS COOK, VAUGHN, SORENSON, STILL - ECON DEV, B & I: An Act to Amend Title 18, Delaware Code, to Permit the Establishment and Maintenance of Medical Accounts; to Provide Penalties and Remedies; to Exempt Contributions From Taxation; and to Prescribe the Requirements of and Restrictions on Medical Health Accounts.

HB 344 - ROY, QUILLEN, BUCKWORTH, LOFINK, MACK, MAIER, BANNING, BRADY, B. ENNIS, HOUGHTON, PLANT, SCOTT; SENATORS COOK, MARSHALL, MCDOWELL, VOSHELL, CONNOR - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance.

HB 345 - EWING - P/S: An Act to Amend Title 21, Delaware Code, Directing the Division of Motor Vehicles to Implement a Replacement Program for the Issuance of Two Fully Reflective Number Plates. (2/3 bill)

HB 346 - DIPINTO & SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Regarding Uninsured and Underinsured Insurance Coverage.

HB 347 - DIPINTO - HOUSING & COM AFF: An Act to Amend Title 25 of the Delaware Code Relating to Rent Control by Local Government.

HB 348 - B. ENNIS, BANNING, CAREY, OBERLE & QUILLEN - P/S: An Act to Change the Reclassification Date of Three Positions in the Department of Public Safety.

HB 349 - WEST - ED: An Act to Amend Title 14, Delaware Code Relating to Education. (3/4 bill)

HB 351 - OBERLE, SPENCE, WAGNER & MAIER - HOUSING & COM AFF: An Act to Amend Title 6 of the Delaware Code Relating to Construction Contracts; and to Amend Title 11 of the Delaware Code Relating to Specific Offenses.

HB 352 - OBERLE, SPENCE, WAGNER, MAIER; SENATORS MCBRIDE, REED - HOUSING & COM AFF: An Act to Amend Title 6 of the Delaware Code Relating to Home Construction Warranties.

HB 353 - WAGNER - HOUSING & COM AFF: An Act to Amend Titles 24 and 29 of the Delaware Code Relative to Professional and Associate Home Inspectors.

HB 354 - WEST - JUD: An Act to Amend Chapter 47, Title 10 of the Delaware Code Relating to Judgments.

HB 355 - ULBRICH & SCHROEDER, SPENCE, PETRILLI, CAPANO, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, FALLON, LOFINK, MAIER, MARONEY, REYNOLDS, STONE, WAGNER, WELCH, BUNTING, GILLIGAN, HOUGHTON, PLANT; SENATORS BLEVINS, AMICK, HAUGE, HENRY, REED - P/S: An Act to Amend Subchapter III of Chapter 43 of Title 21 of the Delaware Code Relating to School Buses.

HB 356 - PETRILLI, BANNING, B. ENNIS, GILLIGAN, PLANT, SCOTT; SENATORS BAIR, CONNOR, SORENSON - H/ADM: An Act to Amend Title 29 of the Delaware Code to Add a New Chapter Relating to the Establishment of the First State Quality Improvement Fund.

HCR 28 - SPENCE & OBERLE, BUCKWORTH, CAPANO, MARONEY, MAIER, SMITH, ULBRICH, WAGNER, WELCH; SENATORS SHARP, MCBRIDE, BAIR, CONNOR - HOUSING & COM AFF: Establishing a Joint Task Force to Review Home Builder Practices and Regulation in Delaware.

HA 3 to HB 85 - BUCKWORTH - L.O.T.: Placed with the bill.

HA 1 to HB 137 - OBERLE - ED: Placed with the bill.

HA 2 TO HB 244 - OBERLE - AGENDA XI: Placed with the bill.

SB 215 - MARSHALL & REPRESENTATIVE JONKIERT; SENATORS MCDOWELL, HENRY; REPRESENTATIVES GEORGE, PLANT, SCOTT - HOUSING & COM AFF: An Act to Amend Title 25 of the Delaware Code Relating to Lien of Taxes and Other Charges.

SB 218 - HENRY, MARSHALL; REPRESENTATIVES GEORGE, MARONEY - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Braille Literacy. (F/N)

SB 226 - MARSHALL & REPRESENTATIVES JONKIERT & SPENCE - H/ADM: An Act to Amend to Waive the Statutory Provisions of Chapter 1, Title 13 of the Delaware Code Relating to the Marriage of Kelle Alexis Doherty and Christopher George Sanchez.

HA 3 to SB 167 - OBERLE - READY LIST: Placed with the bill.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HS 1 for HB 144 w/HA 1.

Representatives Stone, Davis & Brady requested that they be marked present.

Representative Maier was granted personal privilege of the floor for the introduction of guests.

Representative Spence made comments.

Representative DiPinto requested that he be marked present.

Representative Capano brought HB 255, jointly sponsored by Senator Bair & All Representatives, before the House for consideration.

HB 255 - An Act to Amend Chapter 41, Title 11 of the Delaware Code Relating to the Imposition of Fines, Costs and Restitution Upon Conviction for a Criminal Offense.

Representative Capano introduced and brought HA 1 to HB 255 before the House for consideration.

Representative Capano made a comment.

HA 1 was adopted by voice vote.

Representative Capano made a comment.

The roll call on HB 255 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 255 w/HA 1 was sent to the Senate for concurrence.

Representatives D. Ennis, George, Gilligan, Smith & Jonkiert requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Stone.

Representative Stone brought HB 325, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 325 - An Act to Amend Chapter 7, Title 18 of the Delaware Code to Change the Dates on Which Quarterly Tax Payments Are Due and How Underpayments Are Determined.

Representatives Stone, George, Jonkiert, VanSant & Stone made comments.

The roll call on HB 325 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 325 was sent to the Senate for concurrence.

Representative Smith moved to lift HB 114 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Smith brought HB 114, jointly sponsored by Senator Venables & Representatives Davis, Brady & Senators Cordrey, Hauge & Bonini, before the House for consideration.

HB 114 - An Act Proposing an Amendment to Article XV of the Delaware Constitution of 1897, as Amended, Relating to Prohibiting the Use of Discrimination Against or Preferential Treatment to Persons in Public Employment, Public Contracting, or Public Education, to be Known as the Delaware Civil Rights Initiative. (2/3 bill)

Representative Smith made a comment.

Representative Scott brought HA 2 to HB 114, jointly sponsored by Representative Plant, before the House for consideration.

Representatives Scott, Plant & Smith made comments.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Scott made a comment.

Representative Smith rose on a point of order. Mr. Acting Speaker concurred.

Representatives Scott & Plant made comments.

HA 2 to HB 114 was defeated by voice vote.

Representatives Scott, Smith, Davis, Plant, Maroney, Smith, Plant, Boulden, Fallon, Scott, George, Smith, Ulbrich, Plant, Maroney, Gilligan & Bunting made comments.

The roll call on HB 114 was taken and revealed:

YES: 29.

NO: Representatives Bunting, George, Gilligan, Jonkiert, Maroney, Plant, Scott, VanSant - 8.

NOT VOTING: Representatives Fallon, Schroeder, Stone, Wagner - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 114 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought SB 224, jointly sponsored by Senators Sharp, Bair & Sorenson & Representatives Banning, Brady, Bunting, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, Spence, VanSant, West, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Stone, Ulbrich, Wagner & Welch, before the House for consideration.

SB 224 - An Act to Amend Title 11 of the Delaware Code Relating to the Crime of Menacing. (F/N)

Representative Roy made a comment.

The roll call on SB 224 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 224 was returned to the Senate.

Representative Roy brought SB 225, jointly sponsored by Senators Sharp, Blevins, Cook, McBride, Sokola, Vaughn, Bair, Connor, Hauge & Sorenson & Representatives Spence, Oberle, Banning, Brady, Bunting, DiLiberto, B. Ennis, Gilligan, Houghton, Plant, Schroeder, Scott, VanSant, West, Davis, Caulk, Buckworth, Maier, Ulbrich, Reynolds, Maroney, DiPinto, Lee, Wagner, Lofink, Carey, Boulden, Stone, Cloutier, Petrilli, Fallon, Mack, Welch, D. Ennis, Quillen, Ewing, Capano, Smith & George, before the House for consideration.

SB 225 - An Act to Amend Title 11 of the Delaware Code Relating to Homicides of Children Which Occur Through Abuse or Neglect. (F/N)

Representative Roy introduced and brought HA 1 to SB 225 before the House for consideration.

Representative Roy made a comment.

HA 1 was adopted by voice vote.

Representative Roy made a comment.

The roll call on SB 225 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 225 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HB 267, jointly sponsored by Senator Vaughn & Representatives Brady, Buckworth, Capano, Caulk, B. Ennis, Ewing, Houghton, Jonkiert, Lofink, Oberle, Plant, Reynolds, Scott & VanSant & Senators Adams, Blevins, Cook, Henry, Sokola & Voshell, before the House for consideration.

HB 267 - An Act to Amend Chapters 30, 48 and 68, Title 9 of the Delaware Code Relating to Subdivisions and Roads.

Representative Banning brought HA 1 to HB 267 before the House for consideration.

Representatives Banning, Davis, Fallon, Banning, Wagner, Cloutier, Banning, Fallon & Caulk made comments.

HA 1 was adopted by voice vote.

Representative Davis requested and was granted the privilege of the floor for Ron Smith, House Attorney.

Representatives Davis, DiPinto & Bunting made comments.

Representative Banning moved to place HB 267 w/HA 1 on the Speaker's table. The motion was seconded by Representative Bunting and adopted by voice vote.

Representative Petrilli deferred to Representative D. Ennis.

Representative D. Ennis brought SB 128 w/SA 1, sponsored by Senators Blevins & Sorenson & Representative Capano & Senators Marshall, McBride, McDowell, Sokola, Voshell, Bair, Henry, Hauge & Reed & Representatives Ewing, DiLiberto, George, Gilligan, VanSant, Scott, Plant, Houghton, B. Ennis, Brady, Davis, DiPinto, Lofink, Maier, Stone, Smith, Spence & Wagner, before the House for consideration.

SB 128 - An Act to Amend Title 18 of the Delaware Code Relating to the Unfair Insurance Practice of Discrimination by Insurance Companies Based on an Individual's Status as a Victim of Domestic Violence.

Representative D. Ennis deferred to Representative Capano.

Representative Capano brought HA 1 to SB 128, jointly sponsored by Senator Blevins, before the House for consideration. Representative Capano moved to place HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Capano introduced and brought HA 2 to SB 128, jointly sponsored by Senator Blevins, before the House for consideration.

Representative Capano made a comment.

HA 2 was adopted by voice vote.

Representatives Capano & Fallon made comments.

The roll call on SB 128 w/SA 1 & HA 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 128 w/SA 1 & HA 2 was returned to the Senate for concurrence on HA 2.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought HB 212, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 212 - An Act to Amend Chapter 21, Title 25, Delaware Code, Relating to Mortgages.

Representative Roy brought HA 1 to HB 212 before the House for consideration.

Representative Roy made a comment.

HA 1 was adopted by voice vote.

Representative Roy made a comment.

The roll call on HB 212 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, HB 212 w/HA 1 was sent to the Senate for concurrence.

Representative Spence was granted personal privilege of the floor for the introduction of guests.

Representative Petrilli deferred to Representative Smith.

Representative Smith introduced HB 357, jointly sponsored by Representatives Welch & Spence & cosponsored by Representative Boulden.

HB 357 - An Act to Amend Title 10 of the Delaware Code Relating to Health Insurance.

Mr. Acting Speaker Quillen assigned HB 357 to the Revenue & Finance Committee.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto introduced HB 358, jointly sponsored by Representatives Capano, D. Ennis & Stone & Senators Adams, Amick & Hauge.

HB 358 - Amend Chapter 57, Part III, Title 25 of the Delaware Code Relating to the Landlord-Tenant Code and Summary Possession.

Mr. Acting Speaker Quillen assigned HB 358 to the Housing & Community Affairs Committee.

Representative DiPinto introduced HB 359, jointly sponsored by Representatives Quillen, Oberle & VanSant & Senator Connor.

HB 359 - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

Mr. Acting Speaker Quillen assigned HB 359 to the Small Business Committee.

Representative Oberle introduced HJR 14.

HJR 14 - Directing the Director of the Division of Motor Vehicles to Institute a Policy Regarding Issuance of Special License Plates and Further Declaring a Moratorium on the Issuance of Special Plates Until a Policy is Adopted.

Mr. Acting Speaker Quillen assigned HJR 14 to the Labor Committee.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 244, jointly sponsored by Representatives Spence, Jonkiert, Boulden, Buckworth, Cloutier, Davis, Lee, Lofink, Mack, Reynolds, Roy, Smith, Stone, Wagner, Welch, Banning, Brady, DiLiberto, Gilligan, Houghton, Plant, Scott, VanSant & West & Senator Sharp, before the House for consideration.

HB 244 - An Act to Amend Section 2118, Title 21 of the Delaware Code, Relating to Registration of Vehicles and Uninsured Motorists. (F/N)

Representative Oberle requested that HA 1 to HB 244 be stricken.

Representative Oberle brought HA 2 to HB 244 before the House for consideration.

Representative Oberle made a comment.

HA 2 was adopted by voice vote.

Representatives Oberle, Bunting & Brady made comments.

The roll call on HB 244 w/HA 2 was taken and revealed:

YES: 40.

ABSENT: Representative George - 1.

Therefore, having received a constitutional majority, HB 244 w/HA 2 was sent to the Senate for concurrence.

Representative Petrilli brought HB 171 w/HA 1 & SA 1 & 2, sponsored by Representative Spence & Senators Sharp & Sokola & Representatives Boulden, Buckworth, Carey, Cloutier, Davis, DiPinto, Ewing, Mack, Stone, Wagner, Brady, Bunting, Jonkiert, Plant & VanSant & Senators Adams, Vaughn, Voshell, Connor, Hauge & Still, before the House for concurrence on SA 1 & 2.

HB 171 - An Act to Amend Title 11, Delaware Code, Relating to Crimes and Criminal Procedure. (2/3 bill)(F/N)

Representative Petrilli made a comment.

Mr. Speaker Spence resumed the Chair.

The roll call on **HB 171 w/HA 1 & SA 1 & 2** was taken and revealed:

YES: 39.

ABSENT: Representatives George, Scott - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 171 w/HA 1 & SA 1 & 2** was sent to the Governor.

Representative Petrilli brought **HB 179 w/HA 1.8.10 & 11 & SA 2**, sponsored by Representatives Buckworth & Caulk & Senator Bonini & Representatives Carey, DiPinto, Ewing, Maier & Brady & Senators Marshall & Still & Representatives Jonkiert, Spence, Davis, D. Ennis, Lofink, Welch & Bunting & Senator Connor, before the House for concurrence on **SA 2**.

HB 179 - An Act to Amend Chapter 17, Title 24, and Chapter 9, Title 10 of the Delaware Code Relating to Notice of Abortions Performed on Minors. (F/N)

Representative Petrilli moved to place **HB 179 w/HA 1.8.10 & 11 & SA 2** on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought **HB 187 w/HA 1 & SA 1 & 2**, sponsored by Representatives Bunting, Banning, Brady, Boulden, Buckworth, Carey, DiPinto, B. Ennis, Ewing, Fallon, Gilligan, Lee, Maier, Plant, Quillen, Schroeder, Scott, Smith, Stone, Ulbrich, VanSant & Wagner & Senator Amick, before the House for concurrence on **SA 1 & 2**.

HB 187 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (3/5 bill)

Representative Petrilli made a comment.

The roll call on **HB 187 w/HA 1 & SA 1 & 2** was taken and revealed:

YES: 40.

NO: Representative Davis - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, **HB 187 w/HA 1 & SA 1 & 2** was sent to the Governor.

Representative Petrilli brought **HB 195 w/HA 1 & SA 1**, sponsored by Representative Maroney, before the House for concurrence on **SA 1**.

HB 195 - An Act to Amend Titles 7, 9, 11, 13, 16, 18, 21, 24, 26, 29, and 31 of the Delaware Code to Provide That Certain Powers and Duties Vested in the Board of Health Shall Now be Vested in the Department of Health and Social Services, Its Secretary or His Designee.

Representative Petrilli made a comment.

The roll call on **HB 195 w/HA 1 & SA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 195 w/HA 1 & SA 1** was sent to the Governor.

Representative Petrilli brought **HB 227 w/HA 1 & SA 2**, jointly sponsored by Representatives Ulbrich, Spence, Boulden, Buckworth, Capano, Carey, Cloutier, Ewing, Lee, Lofink, Maier, Oberle, Reynolds, Roy, Smith, Stone, Welch, Bunting & Houghton & Senator Blevins, before the House for concurrence on **SA 2**.

HB 227 - An Act to Amend Title 11 of the Delaware Code Relating to the Department of Correction.

Representative Petrilli made a comment.

The roll call on **HB 227 w/HA 1 & SA 2** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 227 w/HA 1 & SA 2** was sent to the Governor.

Representative Petrilli brought **Consent Agenda S** before the House for consideration.

SB 214 - COOK, VAUGHN; REPRESENTATIVES OBERLE, HOUGHTON - An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicle Registration.

HB 341 - EWING; SENATOR ADAMS - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicle Registrations.

HB 292 - DIPINTO, HOUGHTON; SENATORS MCBRIDE, ADAMS - An Act to Amend Section 4302(a) of Title 30 of the Delaware Code Relating to the Use Tax on Leases of Tangible Personal Property.

SB 230 - VENABLES; REPRESENTATIVE SMITH - An Act to Amend Title 29 of the Delaware Code Relating to the Opening of Bids for Public Works Contracts.

HB 311 - LOFINK, OBERLE; SENATOR VOSHELL; REPRESENTATIVE SMITH; SENATOR CONNOR - An Act to Amend Chapter 51, Title 30 of the Delaware Code Relating to Motor Carrier Fuel Tax Surety Bonds.

SB 153 - SHARP; REPRESENTATIVE OBERLE - An Act to Amend Title 29 of the Delaware Code Relating to the Powers of the Lottery Director.

HS 1/HB 210 - BUCKWORTH; SENATOR VAUGHN - An Act to Amend Chapter 1, Title 25, Delaware Code Relating to the Enforceability of Certain Leases and Documents Pertaining to Lands and Tenements.

HS 1/HB 211 - BUCKWORTH; SENATOR VAUGHN - An Act to Amend Chapter 21, Title 25, Delaware Code Relating to Perfection of Security Interests in the Lessor's Interest in Leases or Rents Arising From Real Property.

SB 209 - SORENSON, BAIR, REED, BLEVINS, SOKOLA; REPRESENTATIVES EWING, ROY, AMICK; SENATORS HENRY, VAUGHN; REPRESENTATIVES CAPANO, MAIER, DILIBERTO - An Act to Amend Title 11 of the Delaware Code Relating to Parole.

Representative Petrilli requested that **HB 292** be removed from Consent Agenda S.

The roll call on Consent Agenda S was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **SB 214**, **SB 230**, **SB 153** & **SB 209** were returned to the Senate & **HB 341**, **HB 311**, **HS 1/HB 210** & **HS 1/HB 211** were sent to the Senate for concurrence.

Representative Petrilli made an announcement.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto brought **HB 338**, jointly sponsored by Representative George & Senator Marshall & Representatives Spence, Petrilli, Quillen, Buckworth, Cloutier, Davis, D. Ennis, Maier, Maroney, Roy, Banning, Houghton, Jonkiert, Plant, Scott & VanSant & Senators McDowell, Hauge, Sorenson & Still, before the House for consideration.

HB 338 - An Act Relating to Consolidating the Municipal Court for the City of Wilmington With the Court of Common Pleas by Abolishing the Municipal Court and Transferring Current Full-Time Municipal Court Judges to the Court of Common Pleas, Redefining the Jurisdiction of the Court of Common Pleas and the Justice of the Peace Courts, Increasing the Number of Common Pleas Judges and Justices of the Peace; Addressing the Powers and Duties of the City Solicitor of the City of Wilmington; Making Provisions for Employees of the Municipal Court and the Criminal Division of the City Solicitor's Office of the City of Wilmington; Addressing Certain Property, Personnel and Payment Matters; and Amending Titles 3,10, 11, 16, 17, 21, 24, 25, and 29 of the Delaware Code. (2/3 bill)(F/N)

Representative DiPinto made comments.

Representative DiPinto moved to suspend the rules which interfere with action on **HB 388**. The motion was seconded by Representative George and adopted by voice vote.

Representative DiPinto introduced and brought **HA 1 to HB 338** before the House for consideration.

Representatives DiPinto & Davis made comments.

HA 1 was adopted by voice vote.

Representative Houghton introduced and brought **HA 2 to HB 338** before the House for consideration.

Representatives Houghton, Ewing, VanSant, Welch, Davis & Houghton made comments.

Mr. Speaker Spence ruled that **HA 2 to HB 338** is broader than the title of the bill and therefore out of order.

Representatives DiPinto, Houghton & DiPinto made comments.

Representative DiPinto requested and was granted the privilege of the floor for O. Francis Biondi, representing the Commission on Courts 2000.

Representative Houghton made comments.

The roll call on **HB 338 w/HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 338 w/HA 1** was sent to the Senate for concurrence.

The Chief Clerk read the following committee reports into the record:

H/ADM: **HB 356** - 5M; **HB 336** - 5M; **SB 226** - 5M; **SB 242** - 5M.

LABOR: **HB 96** - 4M.

ED: **SS 1 for SB 34 w/SA 1 & 2** - 8M; **SB 148** - 6M; **SB 199** - 9M; **SB 218** - 8M.

APPRO: **HB 350** - 4F,2M.

The Majority Leader moved to recess to the call of the Chair at 5:17 p.m.

48th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
First Session
June 29, 1995

Mr. Acting Speaker Quillen called the House to order at 2:03 p.m.

The Chief Clerk read the following committee reports into the record:

P/S: **HB 348** - 6M.

R & F: **HB 357** - 1F,7M.

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 & 2, SB 245 w/SA 1, SB 221 w/SA 1, HB 271, SB 254, SB 248, SB 252 & SB 244 w/SA 1,2 & 3.

Representative Petrilli requested that HB 56 & HB 235 be stricken.

The Majority Leader moved to adjourn at 2:05 p.m., thereby ending the current Legislative Day. The House reconvened at 2:06 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Pamela S. Maier, Twenty-First Representative District.

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

The minutes of the previous Legislative Day were approved as posted.

Representative Ewing was granted personal privilege of the floor for a comment.

The following prefiled legislation was introduced:

HB 360 - (Reserved)

HB 361 - OBERLE - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Lighted Lamps on Motor Vehicles. (2/3 bill)

HB 362 - MARONEY & QUILLEN, DAVIS, DILIBERTO; SENATOR BLEVINS - P/S: An Act to Amend Titles 13, 18, and 21 of the Delaware Code Relating to Denial, Suspension, or Revocation of Driver Licenses.

HB 363 - MARONEY, PETRILLI, QUILLEN, SPENCE, BUCKWORTH, CAPANO, CAREY, DAVIS, LOFINK, MACK, MAIER, REYNOLDS, BUNTING, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCOTT, VANSANT, WEST; SENATORS BONINI, REED - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Offenses by and Against Children and Incompetents.

HB 364 - D. ENNIS & SCHROEDER & QUILLEN - NAT RES: An Act to Amend Chapter 45, Title 7, of the Delaware Code Relating to Notice and Public Comment Findings for Proposed Improvements to State Land.

HB 365 - DAVIS & OBERLE, BUCKWORTH, CAULK, LEE, WELCH, B. ENNIS - CORR: An Act to Increase the Hazardous Duty Pay of Employees of the Department of Correction.

HB 366 - CLOUTIER - TRANS & INFRA: An Act to Amend Chapter 1, Title 17, Delaware Code, Relating to Transportation Projects and Public Utilities. (3/5 bill)

HB 367 - WEST - JUD: An Act to Amend Chapter 47, Title 10 of the Delaware Code Relating to Judgments.

HR 35 - MAIER & OBERLE - CORR: A Resolution Creating a House Probation and Parole Task Force.

HCR 29 - MAIER & SENATOR SOKOLA; REPRESENTATIVES BOULDEN, FALLON, REYNOLDS, ULBRICH; SENATORS BLEVINS, BAIR, REED - ED: Creating a Truancy Task Force to Study the Current System for Dealing With Truant Children and to Recommend Changes to Improve the State's Response to the Problem of Truancy.

HA 2 to HB 221 - MACK: Ready List: Placed with the bill.

HA 1 to HA 3 to HB 317 - MARONEY - AGENDA XIII: Placed with the bill.

SB 221 w/SA 1 - BAIR & SHARP, CONNOR, REED, HENRY, AMICK, MCBRIDE, SORENSON, BLEVINS, COOK, MCDOWELL; REPRESENTATIVES MARONEY, OBERLE, FALLON, QUILLEN, STONE, WELCH, SMITH, ULBRICH, CAREY, CAPANO, LEE, WAGNER - H/ADM: An Act to Amend Title 1 of the Delaware Code Relating to the Duties and Powers of the Code Revisors.

SB 244 w/SA 1,2 & 3 - VAUGHN & REPRESENTATIVE PETRILLI - H/ADM: An Act to Amend Title 15 of the Delaware Code Relating to Elections.

SB 245 w/SA 1 - VENABLES & REPRESENTATIVE FALLON - H/ADM: An Act to Amend Chapter 34, Volume 58, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Blades", Granting the Town Council of the Town of Blades the Power and the Authority to Anticipate Revenue by Borrowing Upon the Full Faith and Credit of the Town of Blades the Sum or Sums Not to Exceed \$150,000 When in the Opinion of the Majority of the Said Town Council, the Needs of the Town of Blades Demand It. (2/3 bill)

SB 248 - AMICK; REPRESENTATIVE BOULDEN - H/ADM: An Act to Waive Certain Statutory Provisions of Title 13 of the Delaware Code Relating to the Solemnization of Certain Marriages.

SB 251 w/SA 1 & 2 - CORDREY - HEALTH & HUM DEV: An Act to Amend Title 16 of the Delaware Code Relating to Public Swimming and Bathing Places.

SB 252 - ADAMS; REPRESENTATIVE SPENCE - P/S: An Act to Amend Title 11 of the Delaware Code Relating to Law-Enforcement Officers' Bill of Rights.

SB 254 - VAUGHN; REPRESENTATIVE CAREY - NAT RES: An Act to Amend Chapter 41, Title 7, Delaware Code Relating to Drainage of Lands; Tax Ditches.

Representatives Buckworth, D. Ennis, DiLiberto, Smith, Gilligan & Ulbrich requested that they be marked present.

Representative Maier introduced guests and presented a House Tribute to Raymond Gordon, a Lieutenant Colonel in the Civil Air Patrol.

Representatives Maier presented a House Tribute to Representative Stephanie Ulbrich.

Representative Fallon made a comment.

Representative Davis requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:15 p.m.

The House reconvened at 3:46 p.m.

Representatives Mack, Lofink, Roy, Carey, George, Stone, Wagner & Reynolds requested that they be marked present.

Representative Plant introduced HB 368, jointly sponsored by Representative Scott.

HB 368 - An Act to Amend Title 19 of the Delaware Code Regarding the Right of Employees of the Delaware River and Bay Authority to Organize.

Mr. Acting Speaker Quillen assigned HB 368 to the Labor Committee.

Representative Jonkiert requested that he be marked present.

The Chief Clerk read the following committee reports into the record:

HOUSING & COM AFF: HB 353 - 5M; HB 358 - 5M.

TRANS & INFRA: HCR 27 - 4M.

The Majority Leader moved to recess at 3:55 p.m for repairs to the sound system.

The House reconvened at 4:03 p.m.

Representative Maroney requested that she be marked present.

Representative Roy was granted personal privilege of the floor for the introduction of a guest.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 119, HB 154 w/HA 1 & 2 & SA 1, HJR 13 w/SA 1, SB 250 & HB 319.

WITHDRAWAL OF SPONSORSHIP

I, Representative Richard DiLiberto, Do Hereby Request That My Name be Removed as Co-Sponsor of HB 261.

DATE: 6/29/95

SIGNED: Richard DiLiberto.

I, John VanSant, Do Hereby Request That My Name be Removed as Co-Sponsor of HB 261.

DATE: 6/29/95

SIGNED: John VanSant.

Representative Buckworth moved to suspend the rules which interfere with action on Consent Calendar #11. The motion was properly seconded and adopted by voice vote.

The following prefilled Consent Calendar #11 was introduced:

HCR 27 - MAIER, PETRILLI, BOULDEN, BUCKWORTH, CAULK, LEE, ULBRICH, CAPANO, EWING, OBERLE, BANNING, BRADY, B. ENNIS, PLANT, SCOTT, WEST; SENATORS BLEVINS, CONNOR, HENRY, REED, SORENSON, STILL - A Resolution Requesting the Delaware Turnpike Authority to Conduct a Study of the Wages and Working Conditions of Its Employees.

HCR 28 - SPENCE & OBERLE & SENATORS SHARP & MCBRIDE; REPRESENTATIVES BUCKWORTH, CAPANO, MARONEY, MAIER, SMITH, ULBRICH, WAGNER, WELCH; SENATORS BAIR, CONNOR - Establishing a Joint Task Force to Review Home Builder Practices and Regulation in Delaware.

SCR 35 - VOSHELL; REPRESENTATIVE FALLON - Commending the 1995 Girls State Participants, Held Under the Auspices of the Ladies Auxiliary of the American Legion, for Their Dedication and Deep Interest in State Government and Their Outstanding Discussion and Debate of the Salient Issues That Face State Government, and Further Extending to the Ladies Auxiliary of the American Legion Congratulations on a Very Successful Program.

Representative Spence requested that he be marked present.

Representative Maroney introduced HCR 30, jointly sponsored by Senator Blevins & Representatives Spence, Smith & Welch & cosponsored by Representative Brady.

HCR 30 - Creating a Health Care Task Force to Study and Recommend to the General Assembly a Policy on Perinatal Care Hospital Stays.

Mr. Speaker Spence resumed the Chair.

HCR 30 was placed on Consent Calendar #11.

Consent Calendar #11 was adopted by voice vote and HCR 27, HCR 28 & HCR 30 were sent to the Senate for concurrence & SCR 35 was returned to the Senate.

Representative Maroney made comments on HCR 30.

Representative Oberle requested that he be marked present.

Representative Petrilli moved to suspend the rules which interfere with action on Consent Agenda T.

Representative Petrilli brought Consent Agenda T before the House for consideration.

SB 252 - ADAMS; REPRESENTATIVE SPENCE - An Act to Amend Title 11 of the Delaware Code Relating to Law-Enforcement Officers Bill of Rights.

HB 356 - PETRILLI, BANNING, GILLIGAN, SCOTT; SENATOR CONNOR; REPRESENTATIVES B. ENNIS, PLANT; SENATORS BAIR, SORENSON - An Act to Amend Title 29 of the Delaware Code to Add a New Chapter Relating to the Establishment of the First State Quality Improvement Fund.

SB 194 - BLEVINS; REPRESENTATIVE STONE - An Act to Amend Title 18 of the Delaware Insurance Code Relating to Medicare Supplement Insurance Minimum Standards.

SB 226 - MARSHALL; REPRESENTATIVES JONKIERT, SPENCE - An Act to Amend to Waive the Statutory Provisions of Chapter 1, Title 13 of the Delaware Code Relating to the Marriage of Kelle Alexis Doherty and Christopher George Sanchez.

HB 336 - VANSANT, OBERLE, SPENCE, BRADY, GILLIGAN, JONKIERT, WEST; SENATOR MCBRIDE; REPRESENTATIVES BANNING, B. ENNIS, HOUGHTON, PLANT; SENATOR VAUGHN & COSPONSORED BY REPRESENTATIVE EWING - Act Awarding Special Pension Benefits to LeRoy O'Neal, Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware; and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act As If the Award Were Made Pursuant to Chapter 55, Title 29, Delaware Code.

SB 199 - CORDREY - An Act to Amend Title 14 of the Delaware Code Relating to the Sale of Timber and the Disposition of the Proceeds.

Representative Petrilli requested that HB 336 & SB 199 be removed from Consent Agenda T.

Representative Petrilli requested that SB 227 w/SA 1 be added to Consent Agenda T.

SB 227 w/SA 1 - SOKOLA; REPRESENTATIVE REYNOLDS - An Act to Amend Title 14 of the Delaware Code Relating to Scholarships for Higher Education.

Representative Petrilli moved to suspend the rules which interfere with action on Consent Agenda T. The motion was properly seconded and adopted by voice vote.

The roll call on Consent Agenda T was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 252, SB 194, SB 226 & SB 227 w/SA 1 were returned to the Senate and HB 356 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative VanSant.

Representative VanSant brought HB 336, jointly sponsored by Representative Oberle & Senator McBride & Representatives Spence, Banning, Brady, B. Ennis, Gilligan, Houghton, Jonkiert, Plant & West & Senator Vaughn & cosponsored by Representative Ewing, before the House for consideration.

HB 336 - Act Awarding Special Pension Benefits to LeRoy O'Neal, Appropriating Monies Into the Special Pension Fund Created by Volume 61, Chapter 455, Laws of Delaware; and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by This Act As If the Award Were Made Pursuant to Chapter 55, Title 29, Delaware Code.

Representative VanSant made a comment.

Representative VanSant introduced and brought HA 1 to HB 336 before the House for consideration. HA 1 was adopted by voice vote.

Representative VanSant moved to place HB 336 w/HA 1 on the Speaker's table. The motion was seconded by Representative DiLiberto and adopted by voice vote.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on HB 369. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle introduced and brought HB 369, jointly sponsored by Senator Cook, before the House for consideration.

HB 369 - An Act to Amend Title 18 of the Delaware Code Relating to Workmen's Compensation Rating, Experience Rating Plans, and Employer Classifications.

Representative Oberle moved to place HB 369 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli made a comment.

Representative Petrilli deferred to Representative Reynolds.

Representative Reynolds brought SB 199, sponsored by Senator Cordrey & Representatives Bunting & West, before the House for consideration.

SB 199 - An Act to Amend Title 14 of the Delaware Code Relating to the Sale of Timber and the Disposition of the Proceeds.

Representative Reynolds deferred to Representative Bunting.

Representative Bunting introduced and brought HA 1 to SB 199 before the House for consideration.

Representative Bunting made a comment.

HA 1 was adopted by voice vote.

Representatives Reynolds, Houghton, Ewing, Bunting & West made comments.

The roll call on SB 199 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 199 w/HA 1 was returned to the Senate for concurrence on HA 1.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #36

DATE: June 29, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-588	Roy	6/23/95	T	Peter Parlett/Red Clay Teacher of Yr./'95-'96
H138-589	B. Ennis	6/16/95	M	J ames E. Turner, Sr.
H138-590	B. Ennis	6/13/95	M	William Linwood Bullock
H138-591	B. Ennis	6/18/95	M	William H. Minner, Jr.
H138-592	Fallon	6/17/95	T	Mary Antoinette Schiesler/Ordination/
H138-593	Capano	6/26/95	T	Robert Klosewicz/Manager of Yr./'95/Family Court
H138-594	Quillen	6/26/95	T	Nancy V. Green/President/K.C. Ladies Auxiliary
H138-595	Brady	6/21/95	M	Joan Raughley McKinley
H138-596	Maroney	6/25/95	T	Rev. Doctor Marlene L. Walters, Pastor/'83-'95
H138-597	Brady	6/26/95	T	Julie H. Shenk/Serv./Brandywine Schools
H138-598	Brady	6/26/95	T	Kathleen M. DiCamilla/Serv./Brandywine Sch.
H138-599	Lee	7/01/95	T	Jason W. Church/Eagle Scout
H138-600	Maier	6/29/95	T	Vice Com. Ray L. Gordon/Lt. Col./DE Wing, CAP
H138-601	Reynolds	9/01/95	T	Wilmington Manor Vol. Fire Co./50th Anniversary
H138-602	Fallon		T	Nanticoke Rotary Club/Seaford/House/Homeless
H138-603	Fallon	6/23/95	T	Mr. & Mrs. Marshall Nesbitt/50th Wedding Anniv.
H138-604	Quillen	6/26/95	T	Charles Michels/'95 Teacher of Yr./Lake Forest Schools

T - Tribute

M - Memoriam

Representative Quillen brought HB 280 before the House for consideration.

HB 280 - An Act to Amend Title 5 of the Delaware Code Relating to Irrevocable Trust Accounts.

Representatives Quillen & Fallon made comments.

The roll call on HB 280 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 280 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Capano.

Representative Capano brought HB 332, jointly sponsored by Representative Bunting, before the House for consideration.

HB 332 -An Act to Amend Chapter 17, Title 18, Delaware Code Relating to Insurance Agents, Brokers, and Other Licensees of the Insurance Department.

Representative Capano introduced and brought HA 1 to HB 332, jointly sponsored by Representative Bunting, before the House for consideration.

Representative Capano was granted personal privilege of the floor for the introduction of a guest.

Representative Capano made a comment.

HA 1 was adopted by voice vote.

Representative Capano made a comment.

The roll call on HB 332 w/HA 1 was taken and revealed:

YES: 40.

NO: Representative Oberle - 1.

Therefore, having received a constitutional majority, HB 332 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Banning.

Representative Banning moved to lift HB 267 w/HA 1 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Banning brought HB 267 w/HA 1, jointly sponsored by Senator Vaughn & Representatives Brady, Buckworth, Capano, Caulk, B. Ennis, Ewing, Houghton, Jonkiert, Lofink, Oberle, Plant, Reynolds, Scott & VanSant & Senators Adams, Blevins, Cook, Henry, Sokola & Voshell, before the House for consideration.

HB 267 - An Act to Amend Chapters 30, 48 and 68, Title 9 of the Delaware Code Relating to Subdivisions and Roads.

Representative Banning introduced and brought HA 2 to HB 267 before the House for consideration.

Representatives Banning & Schroeder made comment.

Representative Banning requested and was granted the privilege of the floor for Frank Pileggi, House Attorney.

Representatives Schroeder, Oberle, DiPinto, Cloutier, Banning, Ewing, Stone, Wagner & Welch made comments.

Representative Banning moved to place HA 2 to HB 267 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Banning moved to place HB 267 w/HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Plant was granted personal privilege of the floor for comments.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney moved to lift HB 317 w/HA 1 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Maroney brought HB 317 w/HA 1, jointly sponsored by Senator Blevins & Representatives DiPinto & VanSant & Senators Sorenson & McDowell, before the House for consideration.

HB 317 - An Act to Amend Chapter 3, Title 31 of the Delaware Code Relating to Child Welfare.

Representative Maroney deferred to Representative Oberle.

Representative Oberle requested that HA 2 to HB 317 be stricken.

Representative Oberle brought HA 3 to HB 317 before the House for consideration.

Representatives Oberle made a comment.

Representative Oberle deferred to Representative Maroney.

Representative Maroney brought HA 1 to HA 3 before the House for consideration.

Representative Maroney made a comment.

HA 1 to HA 3 was adopted by voice vote.

Representative Oberle made a comment.

HA 3 w/HA 1 was adopted by voice vote.

The roll call on HB 317 w/HA 1 & HA 3 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 317 w/HA 1 & HA 3 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Lee.

Representative Lee brought HB 328, jointly sponsored by Representative B. Ennis & Senator Voshell & Representatives Carey, Caulk, Wagner, Banning, Brady, Houghton & VanSant & Senators Blevins, McBride & Still, before the House for consideration.

HB 328 - An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation. (F/N)

Representative Lee made a comment.

The roll call on HB 328 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 328 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Buckworth.

Representative Buckworth moved to lift HB 85 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Buckworth brought HB 85, jointly sponsored by Senator Cook & Representative Wagner & Senators Still & Bonini, before the House for consideration.

HB 85 - An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to Biting Dogs. (2/3 bill)

Representative Buckworth requested that HA 2 to HB 85 be stricken.

Representative Buckworth brought HA 3 to HB 85 before the House for consideration.

Representatives Buckworth, Davis & Welch made comments.

HA 3 was adopted by voice vote.

Representative Buckworth made comments.

The roll call on HB 85 w/HA 3 was taken and revealed:

YES: 38.

NO: Representatives Cloutier, Welch - 2.

ABSENT: Representative Banning - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 85 w/HA 3 was sent to the Senate for concurrence.

Representative Petrilli brought HB 191, jointly sponsored by Representatives Spence, Lee, Jonkiert & VanSant & Senator Vaughn, before the House for consideration.

HB 191 - An Act to Amend Chapter 5, Title 4 of the Delaware Code Relating to Taxes on Alcoholic Liquors. (F/N)

Representative Petrilli requested that HA 1 to HB 191 be stricken.

Representative Petrilli introduced and brought HA 2 to HB 191 before the House for consideration.

Representative Petrilli made a comment.

HA 2 was adopted by voice vote.

Representatives Petrilli, Davis, Gilligan, George & Cloutier made comments.

The roll call on HB 191 w/HA 2 was taken and revealed:

YES: 37.

NO: Representatives Davis, George, Maier - 3.

NOT VOTING: Representative Cloutier - 1.

Therefore, having received a constitutional majority, HB 191 w/HA 2 was sent to the Senate for concurrence.

Mr. Speaker Spence introduced a guest.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HB 96, jointly sponsored by Senator Cordrey & Representatives Spence, Buckworth, Boulden, Capano, Carey, Caulk, Cloutier, DiPinto, D. Ennis, Ewing, Fallon, Maier, Maroney, Petrilli, Quillen, Reynolds, Stone, Ulbrich, Banning, B. Ennis, Houghton, Jonkiert, Lee, Plant, Scott & West, before the House for consideration.

HB 96 - An Act to Amend Chapter 59, Title 29, Delaware Code, to Allow Vacant Positions In Paygrade 4 to Be Filled by Agency Recruitment Efforts.

Representatives Wagner & Davis made comments.

Representative Wagner requested and was granted the privilege of the floor for John McDowell representing the State Personnel Office.

Representatives Davis & Oberle made comments.

The roll call on HB 96 was taken and revealed:

YES: 30.

NO: Representatives Davis, DiLiberto, Jonkiert, Mack, Oberle, Smith, Welch - 7.

NOT VOTING: Representatives DiPinto, Maroney, Reynolds, VanSant - 4.

Therefore, having received a constitutional majority, HB 96 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Davis.

Representative Davis introduced HB 360, jointly sponsored by Representatives Buckworth, DiPinto, Maroney, VanSant & West & Senators Cook, McBride, McDowell, Sorenson, Still & Vaughn.

HB 360 - An Act Making Appropriations for Certain Grants-In-Aid for the Fiscal Year Ending June 30, 1996, Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions. (3/4 bill)

Mr. Speaker assigned HB 360 to the Appropriations Committee.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle moved to lift HB 369 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle brought HB 369, jointly sponsored by Senator Cook, before the House for consideration.

HB 369 - An Act to Amend Title 18 of the Delaware Code Relating to Workmen's Compensation Rating, Experience Rating Plans, and Employer Classifications.

Representative Oberle made comments.

The roll call on HB 369 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 369 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Scott.

Representative Scott moved to restore HB 194. The motion was seconded by Representative Petrilli and adopted by voice vote.

HB 194 - An Act to Amend Chapter 41 of Title 21 of the Delaware Code Relating to Traffic Laws. (F/N)

Representative Jonkiert moved to place HB 194 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

The Chief Clerk read the following committee reports into the record:

CORR: HR 35 - 7M.

ED: HCR 29 - 7M.

NAT RES: HB 364 - 4M.

LABOR: SB 28 - 4M.

P/S: HB 362 - 6M.

HEALTH & HUM DEV: SB 251 w/SA 1 & 2 - 6M.

R & F: HB 15 - 2F, 4M.

H/ADM: SB 221 w/SA 1 - 5M; SB 244 w/SA 1, 2 & 3 - 5M; SB 245 w/SA 1 - 5M; SB 248 - 5M.

Representative Petrilli made an announcement.

The Majority Leader moved to recess to the call of the Chair at 5:50 p.m.

49th LEGISLATIVE DAY
138th GENERAL ASSEMBLY

First Session

June 30, 1995

Mr. Speaker Spence called the House to order at 4:20 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 89 w/SA 1, SB 233, HB 268 w/HA 1, HB 281 w/HA 1 & 2 & SA 1, SB 202, HB 284, HB 277 w/SA 1, HB 274, SB 253 w/SA 1, HB 298 w/SA 1 & HB 249.

The Chief Clerk read the following committee reports into the record:

APPRO: HB 302 - 6M; HB 360 - 6F.

Mr. Speaker Spence assigned HB 15 to the Appropriations Committee.

The Majority Leader moved to adjourn at 4:21 p.m., thereby ending the current Legislative Day. The House reconvened at 4:22 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Richard F. Davis, Twenty-Sixth Representative District.

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

The minutes of the previous Legislative Day were approved as posted.

Representatives Maroney & Fallon were granted personal privilege of the floor for the introduction of guests.

The following prefiled legislation was introduced:

HB 370 - SPENCE & SENATORS SHARP & MCBRIDE; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, FALLON, LEE, LOFINK, MACK, MAIER, OBERLE, REYNOLDS, SMITH, STONE, ULBRICH, WAGNER, WELCH, BRADY, B. ENNIS, HOUGHTON, JONKIERT, PLANT, VANSANT, WEST; SENATOR CONNOR & COSPONSORED BY REPRESENTATIVE EWING - ED: An Act to Amend Title 14 of the Delaware Code Relating to General Regulatory Provisions for Free Public Schools.

HB 371 - SPENCE & SENATOR SHARP; REPRESENTATIVES PETRILLI, QUILLEN, BUCKWORTH, CAPANO, CAULK, CLOUTIER, DAVIS, DIPINTO, EWING, FALLON, LEE, MACK, MAIER, OBERLE, REYNOLDS, ROY, SMITH, STONE, ULBRICH, WELCH, BANNING, BRADY, B. ENNIS, HOUGHTON, JONKIERT, GILLIGAN, PLANT, SCHROEDER, SCOTT, VANSANT; SENATORS MCBRIDE, CONNOR - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Use of Video Cameras for Surveillance on Public School Property.

HB 372 - SPENCE - SUBS ABUSE: An Act to Amend Chapter 41, Title 14, of the Delaware Code Relating to Testing for Controlled Substances and Alcohol.

HB 373 - SPENCE & SENATOR SHARP - H/ADM: An Act to Waive Certain Statutory Provisions of Chapter 1, Title 13 of the Delaware Code Relating to the Marriage of Rose Arline Schiavelli and John Frederick Fulmer.

HB 374 - DAVIS & OBERLE, BUCKWORTH, CAULK, LEE, WELCH, B. ENNIS - CORR: An Act to Amend Title 11 of the Delaware Code Relating to Longevity Pay for Officers, Corporals and Sergeants Employed by the Department of Correction.

HB 375 - SMITH & ROY - ED: An Act to Amend Chapter 75, Title 29 of the Delaware Code Relating to School Building Maintenance.

HB 376 - DIPINTO & VANSANT - H/ADM: An Act to Amend Chapter 1, Title 4, Delaware Code, Relating to the Definition of Cider and Its Alcohol Content.

HA 1 to HB 164 - SMITH - READY LIST: Placed with the bill.

SB 89 w/SA 1 - BONINI, CONNOR, AMICK, HAUGE, BLEVINS, COOK, SOKOLA, VAUGHN, VENABLES, VOSHELL; REPRESENTATIVES WAGNER, D. ENNIS, DIPINTO, BOULDEN, SMITH, BUCKWORTH, REYNOLDS, LOFINK, CAREY - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Bicycling.

SB 202 - VENABLES, ADAMS, COOK, VAUGHN, MARSHALL & VOSHELL; REPRESENTATIVES DAVIS, EWING, WEST, SCHROEDER, BUNTING, LEE, CAREY & OBERLE - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to the Industrial Accident Board. (F/N)

SB 233 - MCDOWELL - H/ADM: An Act to Amend the Statutory Provisions of §106(a), Title 13, of the Delaware Code Relating to the Marriage of Laurie Patton and Allen J. Lipstein.

SB 250 - SHARP, ADAMS, BLEVINS, COOK, CORDREY, MARSHALL, MCBRIDE, MCDOWELL, SOKOLA, VAUGHN, VENABLES & VOSHELL - APPRO: An Act Making an Appropriation for School Districts for the Purchase of Books and Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds. (F/N)

SB 253 w/SA 1 - MARSHALL & REPRESENTATIVE EWING; SENATORS CORDREY, MCDOWELL; REPRESENTATIVES JONKIERT, PLANT, SCOTT - NAT RES: An Act to Amend Title 7 of the Delaware Code Relating to Penalties for Failure to License Dogs; Dogs Running Large; Female Dogs at Large, in Heat, Stealing of Dogs and Generally Relating to Dogs. (2/3 bill)

Representative Stone requested that she be marked present.

Representatives Ewing & Houghton were granted personal privilege of the floor for comments.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on

HB 377. The motion was properly seconded and adopted by voice vote.

Mr. Speaker Spence introduced a guest.

Representative Petrilli introduced & brought **HB 377**, jointly sponsored by Representatives Smith, Quillen, Spence, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Reynolds, Roy, Stone, Ulbrich, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant & West & All Senators, before the House for consideration.

HB 377 - An Act to Amend Title 30 of the Delaware Code With Regard to Personal Income Tax.

Representative Petrilli moved to place **HB 377** on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on **HB 377**. The motion was properly seconded and adopted by voice vote.

Representative Petrilli introduced & brought **HJR 17**, jointly sponsored by Representatives Smith, Quillen, Spence, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Reynolds, Roy, Stone, Ulbrich, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant & West & All Senators, before the House for consideration.

HJR 17 - Relating to Reducing the Personal Income Tax Rate.

Representative Petrilli moved to place **HJR 17** on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representatives VanSant & Schroeder requested that they be marked present.

The Majority Leader moved to recess for caucus at 4:33 p.m.

The House reconvened at 5:40 p.m.

Representative Petrilli brought **HJR 13 w/SA 1**, jointly sponsored by Representative West & Senator Cordrey & Representatives Banning, Lee, B. Ennis, D. Ennis, Quillen, Spence, Davis, Fallon, Buckworth, DiLiberto, Reynolds, Smith, Mack, Wagner, Lofink, George, DiPinto, Houghton, Plant, Oberle, Caulk, Carey, Jonkiert, Brady, VanSant, Bunting & Gilligan & Senators Adams, Amick, Cook, Still, Sorenson, Vaughn, Venables & Voshell, before the House for concurrence on **SA 1**.

HJR 13 - Urging the Governor of the State of Delaware and the Secretary of Agriculture, Forestry Service to Seriously Consider the Purchase of the Great Cypress Swamp, Located in Sussex County and Owned by Delaware Wildlands, Inc.

Representative Petrilli made a comment.

Representative Cloutier requested that he be marked present

The roll call on **HJR 13 w/SA 1** was taken and revealed:

YES: 34.

ABSENT: Representatives Carey, B. Ennis, Jonkiert, Lofink, Mack, Oberle, Roy - 7.

Therefore, having received a constitutional majority, **HJR 13 w/SA 1** was sent to the Governor.

Representative Smith requested that he be marked present during the roll call.

Representative Petrilli brought **HB 154 w/HA 1 & 2 & SA 1**, sponsored by Representatives Oberle & Banning & Senator Vaughn & cosponsored by Senator Reed, before the House for concurrence on **SA 1**.

HB 154 - An Act to Amend Title 21 of the Delaware Code Relating to Drivers Licenses. (2/3 bill)

Representative Petrilli made a comment.

The roll call on HB 154 w/HA 1 & 2 & SA 1 was taken and revealed:

YES: 33.

NOT VOTING: Representative Brady - 1.

ABSENT: Representatives Carey, B. Ennis, Jonkiert, Lofink, Mack, Oberle, Roy - 7.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 154 w/HA 1 & 2 & SA 2 was sent to the Governor.

Representative Petrilli brought HB 277 w/SA 1, sponsored by Representative B. Ennis & Senator Blevins & Representatives Banning, Boulden, Brady, Buckworth, Bunting, Capano, Carey, Cloutier, DiLiberto, DiPinto, D. Ennis, Fallon, Gilligan, Houghton, Jonkiert, Lofink, Mack, Maier, Oberle, Plant, Quillen, Reynolds, Schroeder, Scott, Smith, Stone, Ulbrich, VanSant, Wagner, Welch & West & Senators Bonini, Connor, McBride, McDowell, Reed, Sokola, Still, Vaughn & Voshell & cosponsored by Representative Ewing, before the House for concurrence on SA 1.

HB 277 - An Act to Amend Chapters 97 and 98, Title 16, Delaware Code Relating to Emergency Medical Services and Paramedic Services.

Representative Petrilli made a comment.

The roll call on HB 277w/SA 1 was taken and revealed:

YES: 33.

ABSENT: Representatives Carey, B. Ennis, Jonkiert, Lofink, Mack, Oberle, Roy, Schroeder - 8.

Therefore, having received a constitutional majority, HB 277 w/SA 1 was sent to the Governor.

Representative Petrilli brought HB 281 w/HA 1 & 2 & SA 1, jointly sponsored by Representative Reynolds & Senator Sokola & Representatives Quillen, Spence, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Roy, Smith, Stone, Ulbrich, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, VanSant & West & Senators McBride & Connor, before the House for concurrence on SA 1.

HB 281 - An Act to Amend Title 14 of the Delaware Code Relating to the Comprehensive School Discipline Program. (F/N)

Representative Petrilli made a comment.

The roll call on HB 281 w/HA 1 & 2 & SA 1 was taken and revealed:

YES: 34.

ABSENT: Representatives Carey, B. Ennis, Jonkiert, Lofink, Mack, Oberle, Roy - 7.

Therefore, having received a constitutional majority, HB 281 w/HA 1 & 2 & SA 1 was sent to the Governor.

Mr. Speaker Spence introduced a guest.

Representative Petrilli brought HB 298 w/SA 1, sponsored by Representative Welch & Senator Vaughn, before the House for concurrence on SA 1.

HB 298 - An Act to Amend Title 18 of the Delaware Code Relating to Risk-Based Capital Standards for Life and Health and Property and Casualty Insurers.

Representative Petrilli made a comment.

The roll call on HB 298 w/SA 1 was taken and revealed:

YES: 34.

ABSENT: Representatives Carey, B. Ennis, Jonkiert, Lofink, Mack, Oberle, Roy - 7.

Therefore, having received a constitutional majority, HB 298 w/SA 1 was sent to the Governor.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought SB 145 w/SA 1, sponsored by Senator Blevins & Representative Capano, before the House for consideration.

SB 145 - An Act to Amend Title 4 of the Delaware Code Relating to the Determination of Liquor Licensing.

Representative Wagner deferred to Representative Capano.

Representatives Capano, Davis, VanSant, Capano, Wagner, Ulbrich & Capano made comments.

Representative Capano requested and was granted the privilege of the floor for George Coyle, Member, Delaware Alcoholic Beverage Control Commission.

Representatives Ulbrich, VanSant, Ewing, Houghton, Capano & Ulbrich made comments.

Representative Roy requested that he be marked present.

Representatives Ewing & Capano made comments.

Representatives Mack, Lofink & Jonkiert requested that they be marked present.

Representative VanSant requested and was granted the privilege of the floor for Joseph Walling, former ABCC Chairman.

Representative Capano made a comment.

Representative Capano requested and was granted the privilege of the floor for Attorney Donna Schoenbeck, representing the liquor store owners.

Representatives Capano, Wagner, VanSant & Capano made comments.

The roll call on SB 145 w/SA 1 was taken and revealed:

YES: Representatives Boulden, Capano, DiPinto, D. Ennis, Lofink, Maier - 6.

NO: 22.

NOT VOTING: Representatives Buckworth, Davis, DiLiberto, George, Maroney, Petrilli, Plant, Scott, Smith, Stone, Mr. Speaker Spence - 11.

ABSENT: Representatives B. Ennis, Roy - 2.

Therefore, not having received a constitutional majority, SB 145 w/SA 1 was declared defeated.

Representative Oberle requested that he be marked present during the roll call.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney introduced and brought HCR 31, jointly sponsored by Senator Cook & Representatives Wagner, Maier & Ulbrich & Senators Sorenson & Reed & Representatives Fallon, Capano & Stone & Senators Bair & Henry & cosponsored by Representatives DiPinto & Spence, before the House for consideration

HCR 31 - Celebrating the 100th Year of Women Serving in a State Legislature.

Representatives Maroney, DiPinto, Cloutier & Plant made comments.

HCR 31 was adopted by voice vote and sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Gilligan.

Representative Gilligan introduced and brought HR 36, jointly sponsored by All Representatives, before the House for consideration.

HR 36 - Expressing the Farewell Wishes of the House of Representatives as Minority Leader, Orlando "Lonnie" George, Moves From the House to the Campus.

WHEREAS, Orlando J. George, Jr., better known to the world at-large as "Lonnie", has announced his retirement from this august body after two proud decades of service; and

WHEREAS, Senor George is a Wilmington native who graduated from Salesianum High School and later attained three degrees, B.A., M.Ed-Math and D.Ed. from the University of Delaware; and

WHEREAS, the Honorable Mr. George was an energetic Wilmington City Councilman from 1972 to 1974; and

WHEREAS, the departing Rep. George first became Rep. George after the November election of 1974 and has held that title for 21 fruitful years; and

WHEREAS, Rep. and math wizard George served as Vice Chairman of the all-powerful Joint Finance Committee from 1974 to 1976 and Chairman from 1976 to 1980, during both tenures displaying great expertise in budget analysis and fiscal know-how and responsibility; and

WHEREAS, "Our man, Lonnie" served with distinction as Speaker of the House from 1982 to 1984 and as a strong, but conciliatory, House Minority Leader from 1984 to the present; and

WHEREAS, Orlando (not Tony) has served with pride and honor on neighborhood associations, Christ Our King Parish committees, national teachers councils, the Council of State Governments Governing Board, DEFAC, and other important boards and committees; and

WHEREAS, Rep. George and Senate Pro Tempore Richard Cordrey initiated the successful Democrat '82 (through '95) fund-raisers designed to elect Democratic candidates old and new; and

WHEREAS, Rep. George moved through the chairs at Delaware Technical and Community College to the position of President, which duties he will officially assume on July 1, 1995; and

WHEREAS, Rep. George has had a warm relationship with his Minority Whip and friend, Rep. Bob Gilligan, and, has had a rewarding and cooperative association with Republican House Speaker Terry Spence and Majority Leader Joe Petrilli; and

WHEREAS, Rep. George, through the years, has had the love and support of his dear wife, Linda, and wonderful offspring, Melanie, Leana, Natalie, and Olivia.

NOW THEREFORE:

BE IT RESOLVED by the members of the House of Representatives of the 138th General Assembly of the State of Delaware, that the retiring House Minority Leader, Orlando "Lonnie" George, be accorded a fond farewell and best wishes for the future; and

BE IT POETICALLY RESOLVED AND KNOWN THAT

Lonnie George, a House Leader for 21 years,

Will be sorely missed by his Dover peers.

As he departs the Hall with inimitable smile,

Salutations come forth from both sides of the aisle.

He's wished success in the post which to him did beck;

All hope he'll have a good term as "Prez" of Del Tech.

Forty House members, including Gilly and VanSant,

And Wilmington colleague, Mr. Al O. Plant,

Plus Spence and Petrilli and Bobby Q, too,

Hope the future will be a veritable ball for you.

Now, as his final legislative act is unfurled,

Will Orlando head to Orlando and Disney World?

For that answer we'll have to wait and see,

But now, please stand and applaud for our LON-NEEEE!

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered to Rep.

George post haste.

Representatives Gilligan, VanSant, Petrilli, D. Ennis, Jonkiert, Plant, Scott, DiLiberto, Spence, Bunting, Reynolds & Spence made comments.

Mr. Speaker Spence and the House Leaders presented a gift to Representative George from all House Members and staff.

Mr. Speaker Spence granted the privilege of the floor to Governor Thomas R. Carper.

Representative Gilligan made comments.

HR 36 was adopted by voice vote.

Mr. Speaker Spence introduced a guest.

Mr. Speaker Spence granted the privilege of the floor to Representative George who read his letter of resignation and made comments.

Representative Maier was granted personal privilege of the floor for the introduction of a guest.

The Majority Leader moved to recess for dinner at 7:39 p.m.

The House reconvened at 10:28 p.m. with Representative Quillen as Acting Speaker.

The Chief Clerk read the following committee report into the record:

ECON. DEV., B & I: SB 181 w/SA 2 - 9M.

The Reading Clerk read the following communications into the record

The Senate wishes to inform the House that it has passed: HB 327, HB 301, HB 95 w/HA 1, HB 270 w/SA 1, HB 234 w/HA 1, HB 231 w/HA 1, HB 107 w/HA 1, SB 255, HB 331, HB 291 w/HA 1, HCR 30 w/SA 1, SB 249 w/SA 1, SCR 36 & HB 140.

Representative Houghton was granted personal privilege of the floor for the introduction of guests.

Representative Quillen introduced guests.

Representative Petrilli deferred to Representative Banning.

Representative Banning moved to lift HB 267 w/HA 1 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Banning brought HB 267 w/HA 1, jointly sponsored by Senator Vaughn & Representatives Brady, Buckworth, Capano, Caulk, B. Ennis, Ewing, Houghton, Jonkiert, Lofink, Oberle, Plant, Reynolds, Scott & VanSant & Senators Adams, Blevins, Cook, Henry, Sokola & Voshell, before the House for consideration.

HB 267 - An Act to Amend Chapters 30, 48 and 68, Title 9 of the Delaware Code Relating to Subdivisions and Roads.

Representative B. Ennis requested that he be marked present.

Representative Banning introduced and brought HA 3 to HB 267 before the House for consideration.

Representative Banning made comments.

HA 3 was adopted by voice vote.

Representatives Cloutier, Banning, Schroeder, Cloutier & Ewing made comments.

The roll call on HB 267 w/HA 1 & 3 was taken and revealed:

YES: 31.

NO: Representatives Boulden, Cloutier, DiPinto, Lee, Maier - 5.

NOT VOTING: Representatives Capano, Maroney, Roy, Stone, Wagner - 5.

Therefore, having received a constitutional majority, HB 267 w/HA 1 & 3 was sent to the Senate for concurrence.

Representative Petrilli moved to suspend the rules which interfere with action on Consent Agenda U. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought Consent Agenda U before the House for consideration.

HB 357 - SMITH, WELCH, BOULDEN, SPENCE - An Act to Amend Title 10 of the Delaware Code Relating to Health Insurance.

HCR 29 - MAIER; SENATOR SOKOLA; REPRESENTATIVES FALLON, ULBRICH; SENATOR BAIR; REPRESENTATIVES BOULDEN, REYNOLDS; SENATORS BLEVINS, REED - Creating a Truancy Task Force to Study the Current System for Dealing With Truant Children and to Recommend Changes to Improve the State's Response to the Problem of Truancy.

SB 221 w/SA 1 - BAIR, SHARP, REED, AMICK, SORENSON, COOK; REPRESENTATIVES MARONEY, FALLON, STONE, SMITH, CAREY, LEE; SENATORS CONNOR, HENRY, MCBRIDE, BLEVINS, MCDOWELL; REPRESENTATIVES OBERLE, QUILLEN, WELCH, ULBRICH, CAPANO, WAGNER - An Act to Amend Title 1 of the Delaware Code Relating to the Duties and Powers of the Code Revisors.

HB 238 - SCHROEDER, BANNING, BUNTING, GEORGE, HOUGHTON, VANSANT; SENATOR BLEVINS; REPRESENTATIVES BRADY, DAVIS, GILLIGAN, STONE; SENATORS ADAMS, MARSHALL - An Act to Amend Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

SB 251 w/SA 1 - CORDREY - An Act to Amend Title 16 of the Delaware Code Relating to Public Swimming and Bathing Places.

HB 285 - STONE, WAGNER, QUILLEN; SENATOR STILL; REPRESENTATIVES BUCKWORTH, B. ENNIS - An Act to Amend Chapter 41, Title 9 of the Delaware Code Relating to the Government of Kent County.

HB 348 - B. ENNIS, BANNING, OBERLE, CAREY, QUILLEN - An Act to Change the Reclassification Date of Three Positions in the Department of Public Safety.

HR 35 - MAIER, OBERLE - A Resolution Creating a House Probation and Parole Task Force.

SCR 34 - BLEVINS; SENATOR STILL; REPRESENTATIVE STONE - Urging the Board of Cosmetology and Barbering and the Director of the Division of Professional Regulation to Investigate Current Barriers to Licensing of Barbers and to Make Recommendations to the General Assembly to Insure That Practitioners of Traditional Barbering Can Continue to Secure Licensing in This State.

Representative Petrilli requested that HB 357, SB 251 w/SA 1 & 2, HB 285 & HB 348 be removed from Consent Agenda U.

The roll call on Consent Agenda U was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HCR 29 & HB 238 were sent to the Senate for concurrence and SB 221 w/SA 1 & SCR 34 were returned to the Senate.

Representative Oberle introduced guests.

Representative Wagner & Smith were granted personal privilege of the floor for the introduction of guests.

Representative Roy made an announcement.

Representative Petrilli requested and was granted the privilege of the floor for Pamela Price, Legislative Assistant and House committee chairs who made Tribute presentations to the Legislative Fellows.

Mr. Speaker Spence resumed the Chair.

Representatives DiLiberto & Banning introduced guests.

Representative Petrilli deferred to Representative Smith.

Representative Smith made comments.

Representative Smith moved to suspend the rules which interfere with lifting HB 377 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Smith brought HB 377, jointly sponsored by Representatives Petrilli, Quillen, Spence, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Reynolds, Roy, Stone, Ulbrich, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant & West & All Senators, before the House for consideration.

HB 377 - An Act to Amend Title 30 of the Delaware Code With Regard to Personal Income Tax. (F/N)

Representative Smith introduced and brought HA 1 to HB 377 before the House for consideration. HA 1 was adopted by voice vote.

Representatives Smith & Oberle made comments.

The roll call on HB 377 w/HA 1 was taken and revealed:

YES: 40.

NOT VOTING: Representative Oberle - 1.

Therefore, having received a constitutional majority, HB 377 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Spence made comments.

Representative Smith moved to suspend the rules which interfere with lifting HJR 17 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Smith brought HJR 17, jointly sponsored by Representatives Petrilli, Quillen, Spence, Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Reynolds, Roy, Stone, Ulbrich, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant & West & All Senators, before the House for consideration.

HJR 17 - Relating to Reducing the Personal Income Tax Rate.

Representatives Smith & Oberle made comments.

The roll call on HJR 17 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HJR 17 was sent to the Senate for concurrence.

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

Petrilli introduced and brought HJR 15, sponsored by Representative Davis & Senators Cordrey & Amick & Representative George & Senator Cook, before the House for consideration.

HJR 15 - The Official Estimate of General Fund Revenues for Fiscal Year 1995.

Representative Petrilli made comments.

The roll call on HJR 15 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HJR 15 was sent to the Senate for concurrence.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on HJR 16. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli introduced and brought HJR 16, jointly sponsored by Representatives Davis & George & Senators Cordrey, Cook & Amick, before the House for consideration.

HJR 16 - The Official Estimate of General Fund Revenues for Fiscal Year 1996.

Representative Petrilli made a comment.

The roll call on HJR 16 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HJR 16 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Davis.

Representative Davis brought HB 350, jointly sponsored by Senator Cook & Representatives DiPinto & VanSant & Senators McBride, Sorenson & Vaughn & Representatives Buckworth, Maroney & West & Senators McDowell & Still, before the House for consideration.

HB 350 - An Act Making Appropriations for the Expense of the State Government for the Fiscal Year Ending June 30, 1996; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions.

Representatives Davis, George, DiPinto, Maroney, Roy, Fallon, Davis, Oberle, Buckworth, Gilligan, West, VanSant, Ewing, Davis & DiPinto made comments.

The roll call on HB 350 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 350 was sent to the Senate for concurrence.

Representative Davis brought HB 360, jointly sponsored by Senators Cook, McBride, McDowell, Sorenson, Still & Vaughn & Representatives Buckworth, DiPinto, Maroney, VanSant & West, before the House for consideration.

HB 360 - An Act Making Appropriations for Certain Grants-In-Aid for the Fiscal Year Ending June 30, 1996; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions. (3/4 bill)

Representative Davis deferred to Representative Schroeder.

Representative Schroeder introduced and brought HA 1 to HB 360, jointly sponsored by Representative Bunting, before the House for consideration.

Representative Schroeder deferred to Representative Davis.

Representatives Davis & Mack made comments.

HA 1 was adopted by voice vote.

Representative Davis made comments.

The roll call on HB 360 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 360 w/HA 1 was sent to the Senate for concurrence.

The Majority Leader moved to adjourn the First Session of the 138th General Assembly at 12:00 midnight.

138th GENERAL ASSEMBLY
FIRST SPECIAL SESSION
July 1, 1995

The Reading Clerk read the following communication into the record:

TO: Members of the 138th General Assembly.
FROM: Terry R. Spence, Speaker of the House of Representatives
Ruth Ann Minner, Lt. Governor, State of Delaware
SUBJECT: Special Session
DATE: June 30, 1995

Pursuant to the provisions of Article II, Section 4 of the Constitution of the State of Delaware of 1897, as amended, we hereby declare the 138th General Assembly of the State of Delaware in Special Session.

Terry R. Spence
Speaker of the House
Ruth Ann Minner, Lt. Governor and
President of the Senate

Mr. Speaker convened the Special Session at 12:01 a.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative David H. Ennis, Sixth Representative District.

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

Mr. Speaker announced that the Journal of the previous legislative day is available in the Chief Clerk's office.

Representative Fallon introduced guests.

Representative Davis requested that he be marked present.

Mr. Speaker Spence introduced a guest.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought SB 251 w/SA 1 & 2, sponsored by Senator Cordrey, before the House for consideration.

SB 251 - An Act to Amend Title 16 of the Delaware Code Relating to Public Swimming and Bathing Places.

Representative Maroney made comments.

Representative Maroney deferred to Representative Davis.

Representative Davis introduced and brought HA 1 to SB 251 before the House for consideration.

Representative Davis made a comment.

HA 1 was adopted by voice vote.

The roll call on SB 251 w/SA 1 & 2 & HA 1 was taken and revealed:

YES: 33.

NO: Representatives DiLiberto, Gilligan, Houghton, Jonkiert, Mack, Ulbrich, VanSant - 7.

NOT VOTING: Representative George - 1.

Therefore, having received a constitutional majority, SB 251 w/SA 1 & 2 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative Caulk requested that he be marked present during the roll call.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle introduced and brought HR 37, sponsored On Behalf of All Representatives, before the House for consideration.

Representative Plant made comments.

HR 37 - Bidding a Fond Farewell to Channel 2 Newshound, Alex Cameron.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

HR 37 was adopted by voice vote.

Representative Oberle made comments.

Mr. Acting Speaker granted the privilege of the floor to Alex Cameron.

Representative Maier made comments.

Representative Petrilli deferred to Representative Stone.

Representative Stone brought HB 285, jointly sponsored by Representatives Wagner, Buckworth, Quillen & B. Ennis & Senator Still, before the House for consideration.

HB 285 - An Act to Amend Chapter 41, Title 9 of the Delaware Code Relating to the Government of Kent County.

Representative Stone made comments.

The roll call on HB 285 was taken and revealed:

YES: 38.

NO: Representatives Caulk, Welch - 2.

ABSENT: Representative Spence - 1.

Therefore, having received a constitutional majority, HB 285 was sent to the Senate for concurrence.

Representative Petrilli brought Consent Agenda V, which requires a two-thirds vote, before the House for consideration.

SB 245 w/SA 1 - VENABLES; REPRESENTATIVE FALLON - An Act to Amend Chapter 34, Volume 58, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Blades" Granting the Town Council of the Town of Blades the Powers and the Authority to Anticipate Revenue by Borrowing Upon the Full Faith and Credit of the Town of Blades the Sum or Sums Not to Exceed \$150,000 When in the Opinion of the Majority of the Said Town Council, the Needs of the Town of Blades Demand It. (2/3 bill)

SB 244 w/SA 1.2.3 - VAUGHN; REPRESENTATIVE PETRILLI - An Act to Amend Title 15 of the Delaware Code Relating to Elections.

SB 248 - AMICK; REPRESENTATIVE BOULDEN - An Act to Waive Certain Statutory Provisions of Title 13 of the Delaware Code Relating to the Solemnization of Certain Marriages.

SB 233 - MCDOWELL - An Act to Amend the Statutory Provisions of Section 106(A), Title 13, of the Delaware Code Relating to the Marriage of Laurie Patton and Allen J. Lipstein.

Representative Petrilli requested that **SB 233** be removed from Consent Agenda V.

Representative Petrilli requested that **SB 75** be placed on Consent Agenda V.

SB 75 - HENRY, SOKOLA, BAIR, REED, SORENSON, MCDOWELL; REPRESENTATIVE SCOTT; SENATORS BONINI, MARSHALL, STILL, HAUGE, BLEVINS; REPRESENTATIVES PLANT, MARONEY - An Act Concurring in a Proposed Amendment to Section 2, Article X of the Delaware Constitution Relating to Eliminating the Unconstitutional Requirement of Racially Segregated Schools. (2/3 bill)

The roll call on Consent Agenda V was taken and revealed:

YES: 39.

NOT VOTING: Representative Ulbrich - 1.

ABSENT: Representative Spence - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 245 w/SA 1, SB 244 w/SA 1.2 & 3, SB 248 & SB 75** were returned to the Senate.

Representative Petrilli brought **SB 233**, sponsored by Senator McDowell, before the House for consideration.

SB 233 - An Act to Amend the Statutory Provisions of §106(a), Title 13, of the Delaware Code Relating to the Marriage of Laurie Patton and Allen J. Lipstein.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto introduced and brought **HA 1** before the House for consideration. **HA 1** was adopted by voice vote.

The roll call on **SB 233 w/HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **SB 233 w/HA 1** was returned to the Senate for concurrence on **HA 1**.

Representative Petrilli moved to suspend the rules which interfere with action on Consent Agenda W. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought Consent Agenda W before the House for consideration.

HB 373 - SPENCE; SENATOR SHARP - An Act to Waive Certain Statutory Provisions of Chapter 1, Title 13 of the Delaware Code Relating to the Marriage of Rose Arline Schiavelli and John Frederick Fulmer.

HB 362 - MARONEY, QUILLEN, DILIBERTO, DAVIS; SENATOR BLEVINS - An Act to Amend Title 13, 18, and 21 of the Delaware Code Relating to Denial, Suspension, or Revocation of Driver Licenses.

HB 302 - SPENCE; SENATOR SHARP; REPRESENTATIVES BUCKWORTH, CAREY, CLOUTIER, D. ENNIS, LOFINK, MAIER, OBERLE, ROY, STONE, WAGNER, BANNING, DILIBERTO, GEORGE, JONKIERT, WEST; SENATORS VAUGHN, BAIR, CONNOR, HENRY, SOKOLA, STILL; REPRESENTATIVES BOULDEN, CAPANO, CAULK, DAVIS, EWING, MACK, MARONEY, REYNOLDS, SMITH, ULBRICH, WELCH, BRADY, B. ENNIS, GILLIGAN, VANSANT; SENATORS MCBRIDE, AMICK, BONINI, HAUGE, REED, SORENSON - An Act to Amend Volume 69, Chapter 291 of the Laws of Delaware Relating to Appropriations and to Amend Title 14 of the Delaware Code Relating to General Regulatory Provisions in Education.

SB 148 - SOKOLA; REPRESENTATIVE DAVIS; SENATORS REED, VOSHALL, HAUGE, BLEVINS; REPRESENTATIVE REYNOLDS - An Act to Amend Title 14 of the Delaware Code Relating to Education Science Vans.

SB 255 - SENATORS MARSHALL, VAUGHN; REPRESENTATIVE QUILLEN - An Act to Amend Title 15 of the Delaware Code Relating to Elections.

SB 181 w/SA 2 - BLEVINS; REPRESENTATIVE ULBRICH; SENATORS VOSHALL, REED; REPRESENTATIVES MAIER, SCOTT; SENATORS SOKOLA, BONINI; REPRESENTATIVES CAPANO, HOUGHTON - An Act to Amend Chapter 3, Title 18, Delaware Code, Relating to the Office of the Insurance Commissioner.

The roll call on Consent Agenda W was taken and revealed:

YES: 40.

ABSENT: Representative Boulden - 1.

Therefore, having received a constitutional majority, **HB 373, HB 362 & HB 302** were sent to the Senate for concurrence and **SB 148, SB 255 & SB 181 w/SA 2** were returned to the Senate.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought SB 168 w/SA 1, jointly sponsored by Senator Marshall, before the House for consideration.

SB 168 - An Act to Amend Title 19 of the Delaware Code Relating to Workers' Compensation Benefits. Representatives Oberle & Jonkiert made comments.

The roll call on SB 168 w/SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 168 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative Reynolds.

Representative Reynolds brought SB 146 w/SA 1 & 3, sponsored by Senator Bair & Representative Maroney & Senators Sorenson, Sharp & Blevins & Representatives Capano & Brady, before the House for consideration.

SB 146 - An Act to Amend Title 11 of the Delaware Code Relating to Child Safe School Zones.

Representative Reynolds deferred to Representative Maroney.

Representatives Maroney & Smith made comments.

Representative Smith introduced and brought HA 1 to SB 146 before the House for consideration.

Representative Smith made a comment.

HA 1 was adopted by voice vote.

Representative Ewing made comments.

Representative Maroney requested and was granted the privilege of the floor for Keith Brady, Deputy Attorney General.

Representatives Ewing, Stone, Schroeder, Ewing & Welch made comments.

The roll call on SB 146 w/SA 1 & 3 & HA 1 was taken and revealed:

YES: 31.

NOT VOTING: Representatives Banning, B. Ennis, D. Ennis, Fallon, Mack, Reynolds, Scott, Welch, Mr. Acting Speaker Quillen - 9.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, SB 146 w/SA 1 & 3 & HA 1 was returned to the Senate for concurrence on HA 1.

Representative DiLiberto brought SB 231 w/SA 1, sponsored by Senator Sharp & Representative Roy, before the House for consideration.

Representative Petrilli deferred to Representative DiLiberto.

SB 231 - An Act to Amend Title 10 of the Delaware Code Relating to Justice of the Peace Constables and Procedure in Justice of the Peace Courts.

Representative DiLiberto made comments.

The roll call on SB 231 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, SB 231 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative DiLiberto.

Representative DiLiberto brought SB 239 w/SA 1 & 2, jointly sponsored by Senators Sharp & Adams & Representative Spence, before the House for consideration.

SB 239 - An Act to Amend Title 29 of the Delaware Code Relating to the Employees' Pension Plan.

Representatives DiLiberto & Davis made comments.

Mr. Acting Speaker Quillen declared a recess for the purpose of changing the recording tape at 1:10 a.m.

The House reconvened at 1:20 a.m.

Representative DiLiberto made a comment.

The roll call on SB 239 w/SA 1 & 2 was taken and revealed:

YES: 34.

NO: Representatives Davis, Maier, Mr. Acting Speaker Quillen - 3.

ABSENT: Representatives Banning, Caulk, George, Jonkiert - 4.

Therefore, having received a constitutional majority, SB 239 w/SA 1 & 2 was returned to the Senate.

Representative Petrilli deferred to Representative Reynolds.

Representative Reynolds brought SB 218, sponsored by Senators Henry & Marshall & Representatives George & Maroney, before the House for consideration.

SB 218 - An Act to Amend Title 14 of the Delaware Code Relating to Braille Literacy. (F/N)

The roll call on SB 218 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, DiPinto, Jonkiert - 3.

Therefore, having received a constitutional majority, SB 218 was returned to the Senate.

Representative Petrilli deferred to Representative Carey.

Representative Carey moved to suspend the rules which interfere with action on SB 254. The motion was properly seconded and adopted by voice vote.

Representative Carey brought SB 254, jointly sponsored by Senator Vaughn, before the House for consideration.

SB 254 - An Act to Amend Chapter 41, Title 7, Delaware Code Relating to Drainage of Lands; Tax Ditches.

Representative Carey made a comment.

The roll call on SB 254 was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk, DiPinto - 2.

Therefore, having received a constitutional majority SB 254 was returned to the Senate.

Representative Maroney moved to suspend the rules which interfere with action on SB 68. The motion was properly seconded and adopted by voice vote.

Representative Maroney brought SB 68, jointly sponsored by Senator McBride, before the House for consideration.

SB 68 - An Act to Amend Chapter 88, Title 29 of the Delaware Code Relating to the Office of Handicapped Services.

Representative Maroney made a comment.

The roll call on SB 68 was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk, DiPinto - 2.

Therefore, having received a constitutional majority, SB 68 was returned to the Senate.

Representative Petrilli deferred to Representative Buckworth.

Representative Buckworth moved to lift HB 179 w/HA 1.8,10 & 11 & SA 2 from the Speaker's table. The motion was seconded by Representative Maroney and adopted by voice vote.

Representative Buckworth brought HB 179 w/HA 1.8,10 & 11 & SA 2, jointly sponsored by Representatives Caulk & Jonkiert & Senator Bonini & Representatives Spence, Carey, Davis, DiPinto, D. Ennis, Ewing, Lofink, Maier, Welch, Brady & Bunting & Senators Marshall, Connor & Still, before the House for concurrence on SA 2.

HB 179 - An Act to Amend Chapter 17, Title 24, and Chapter 9, Title 10 of the Delaware Code Relating to Notice of Abortions Performed on Minors. (F/N)

Representatives Buckworth, Davis, Banning, Buckworth, Maroney & George made comments.

The roll call on HB 179 w/HA 1.8,10 & 11 & SA 2 was taken and revealed:

YES: 25.

NO: Representatives Banning, Boulden, Davis, George, Maier, Reynolds, Scott, Ulbrich, VanSant - 9.

NOT VOTING: Representatives B. Ennis, Plant - 2.

ABSENT: Representatives Caulk, DiPinto, Lee, Mack, Spence - 5.

Therefore, having received a constitutional majority, HB 179 w/HA 1.8,10 & 11 & SA 2 was sent to the Governor.

Representative Petrilli brought HCR 30 w/SA 1, sponsored by Representative Maroney & Senator Blevins & Representatives Spence, Smith & Welch & cosponsored by Representative Brady, before the House for concurrence on SA 1.

HCR 30 - Creating a Health Care Task Force to Study and Recommend to the General Assembly a Policy on Perinatal Care Hospital Stays.

Representative Petrilli made a comment.

HCR 30 w/SA 1 was adopted by voice vote.

Representative Petrilli brought HB 270 w/SA 1, sponsored by Representatives Lofink, Oberle & Smith & Senators Voshell & Connor, before the House for concurrence on SA 1.

HB 270 - An Act to Amend Chapters 30, 48 and 68, Title 9, Delaware Code, Providing for Rules and Regulations Governing Plan Approval and Maintenance of Public Streets in Subdivisions.

Representative Petrilli made a comment.

The roll call on HB 270 w/SA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk, DiPinto - 2

Therefore, having received a constitutional majority, HB 270 w/SA 1 was sent to the Governor.

Representative Petrilli brought HB 19 w/HA 6 & 8 & SA 1 & 2, sponsored by Representative Oberle & Senators McBride & Reed, before the House for concurrence on SA 1 & 2.

HB 19 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Specific Offenses; and Providing for Prohibitions Against Ticket Scalping.

Representative Petrilli made a comment.

The roll call on HB 19 w/HA 6 & 8 & SA 1 & 2 was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk, DiPinto - 2.

Therefore, having received a constitutional majority, HB 19 w/HA 6 & 8 & SA 1 & 2 was sent to the Governor.

Representative Petrilli brought HB 141 w/SA 1, sponsored by Representative Plant, before the House for concurrence on SA 1.

HB 141 - An Act to Amend Chapter 27 of Title 14 of the Delaware Code Relating to School Attendance.

Representative Petrilli made a comment.

The roll call on HB 141 w/SA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representative Brady - 1.

ABSENT: Representatives Caulk, DiPinto - 2.

Therefore, having received a constitutional majority, HB 141 w/SA 1 was sent to the Governor.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SB 267. The motion was seconded by Representative George and adopted by voice vote.

Representative Petrilli introduced and brought SB 267, jointly sponsored by Senators Cordrey, Sharp, Marshall, Bair & Connor & Representatives Spence, Quillen, George & Gilligan & Senators Adams, Blevins, Cook, McBride, McDowell, Sokola, Vaughn, Venables, Voshell, Amick, Bonini, Hauge, Henry, Reed & Sorenson & Representatives Banning, Brady, Bunting, DiLiberto, B. Ennis, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant, West Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Reynolds, Roy, Smith, Stone, Ulbrich, Wagner & Welch, before the House for consideration.

SB 267 - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax. (F/N)

Representative Petrilli made comments.

The roll call on SB 267 was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk, DiPinto - 2.

Therefore, having received a constitutional majority, SB 267 was returned to the Senate.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SB 266. The motion was seconded by Representative George and adopted by voice vote.

Representative Petrilli introduced and brought SB 266, jointly sponsored by All Senators & All Representatives, before the House for consideration.

SB 266 - An Act to Make a Supplemental Appropriation to the State Treasurer for the Fiscal Year Ending June 30, 1996 to Defeas and/or Deauthorize General Obligation Bonds at the Direction of the Secretary of Finance. (F/N)

Representatives Petrilli, Davis, Smith & George made comments.

Representative George requested and was granted the privilege of the floor for Sarah Jackson, Secretary of Finance.

Representatives Davis, Smith & Davis made comments.

The roll call on SB 266 was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk, DiPinto - 2.

Therefore, having received a constitutional majority, SB 266 was returned to the Senate.

Mr. Acting Speaker declared a recess at 2:20 a.m.

The House reconvened at 4:09 a.m.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SJR 10. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli introduced and brought SJR 10, sponsored by Senators Connor, Sokola & Sorenson & Representatives Spence & Mack & Senators Blevins & Reed & Representatives Reynolds & Lofink, before the House for consideration.

SJR 10 - Requesting the Joint Finance Committee to Fund the Establishment of ADHD and Add Parent Focus Groups In Each School District, Directing the Department of Public Instruction to Include Teacher Training in ADHD and Add In Its Proposed 1997 Budget, and to fund the Implementation of Accommodation Plans for Each School District as Soon As They Are Adopted.

Representative Petrilli made a comment.

The roll call on SJR 10 was taken and revealed:

YES: 35.

NOT VOTING: Representative Smith - 1.

ABSENT: Representatives Caulk, DiPinto, B. Ennis, Fallon, Spence - 5.

Therefore, having received a constitutional majority, SJR 10 was returned to the Senate.

Representative Petrilli introduced and brought HR 38, jointly sponsored by Representatives Spence, Quillen, George & Gilligan, before the House for consideration.

HR 38 - Thanking the Hardworking House Staff for Their Good Deeds Done During the Legislative Year.

Representatives Spence & Gilligan made comments.

HR 38 was adopted by voice vote.

The Reading Clerk read the following communications into the record:

July 1, 1995

TO: JoAnn Hedrick

Chief Clerk, House of Representatives

FROM: Bernard J. Brady

Secretary of the Senate

I hereby request the return of SB 253 from the House. It has been replaced by SB 268.

July 1, 1995

Bernard J. Brady

Secretary of the Senate

Delaware State Senate

Dover, DE 19903

Dear Mr. Brady:

Please find attached SB 253 per your request.

Very truly yours,

JoAnn M. Hedrick

Chief Clerk of the House

Enclosure

JMH/gmr

The Senate wishes to inform the House that it has passed: HB 308, HB 317 w/HA 1 & HA 3 w/HA 1, HB 218, HB 310, HB 324, HB 212 w/HA 1, HB 168, HB 247, HB 243, HB 239 w/HA 2, HB 96, HB 215, HS 1 for HB 210, HB 360 w/HA 1, HB 377 w/HA 1, HB 350, HB 290, HB 323, HJR 15, HJR 16, HJR 17, SB 266, SB 191, HB 84 w/HA 1, HB 156, HB 315, SB 268 w/SA 1, HB 188 w/SA 1 & HA 1, HB 312 w/HA 1, HB 141 w/SA 1, HB 256, HB 226, SJR 10, SB 267, HB 19 w/HA 6 & 8 & SA 1 & 2, HS 1 to HB 83, HB 244 w/HA 2, HB 201 w/HA 1, HB 172 w/HA 1 & HB 219 w/HA 1.

Representative Petrilli moved to suspend the rules which interfere with action on SB 268 w/SA 1. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought SB 268 w/SA 1, sponsored by Senator Marshall & Representative Ewing & Senators Cordrey, McDowell, Henry, Reed & Still & Representatives Jonkiert, Plant & Scott, before the House for consideration.

SB 268 - An Act to Amend Title 7 of the Delaware Code Relating to Penalties for Failure to License Dogs; Dogs Running At Large; Female Dogs At Large, in Heat; Stealing of Dogs and Generally Relating to Dogs.

Representatives West, Oberle, Davis, Reynolds & West made comments.

The roll call on SB 268 w/SA 1 was taken and revealed:

YES: 36.

NOT VOTING: Representatives Brady, West - 2.

ABSENT: Representatives Caulk, DiPinto, Fallon - 3.

Therefore, having received a constitutional majority, SB 268 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative Ewing.

Mr. Speaker Spence resumed the Chair.

Representative Ewing moved to suspend the rules which interfere with action on SB 89.

The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Ewing brought SB 89, jointly sponsored by Senators Bonini, Connor, Hauge, Cook, Vaughn & Voshell & Representatives D. Ennis, Boulden, Buckworth & Lofink & Senators Amick, Blevins, Sokola & Venables & Representatives Wagner, DiPinto, Smith, Reynolds & Carey, before the House for consideration.

SB 89 - An Act to Amend Title 21 of the Delaware Code Relating to Bicycling.

Representative Ewing made comments.

The roll call on SB 89 w/SA 1 was taken and revealed:

YES: 37.

ABSENT: Representatives Caulk, DiPinto, Fallon, Wagner - 4.

Therefore, having received a constitutional majority, SB 89 w/SA 1 was returned to the Senate.

Mr. Speaker Spence appointed Representative George as Acting Speaker.

Representative Quillen was granted personal privilege of the floor for the introduction of guests.

Representatives D. Ennis & Capano made comments.

Representative Oberle was granted personal privilege of the floor for comments.

Mr. Acting Speaker George made comments.

Representative Petrilli deferred to Representative Reynolds.

Representative Reynolds brought SS 1 for SB 34 w/SA 1 & 2, jointly sponsored by Senators Venables, Adams, Bair, Connor, Cordrey, Henry, Marshall, Sharp, Sokola & Vaughn & Representatives Spence, Maroney, Ewing & Jonkiert, before the House for consideration.

SB 34 - An Act to Amend Title 14 of the Delaware Code Relating to the Exercise of First Amendment Rights by Public School Students.

Representatives Reynolds & Wagner made comments.

The roll call on SS 1 to SB 34 w/SA 1 & 2 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, DiPinto, Fallon - 3.

Therefore, having received a constitutional majority, SS 1 to SB 34 w/SA 1 & 2 was returned to the Senate.

The Majority Leader moved to recess at 4:45 a.m.

The House reconvened at 5:25 a.m.

Representative Roy moved to suspend the rules which interfere with introduction of and action on SB 260. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Roy introduced and brought SB 260, jointly sponsored by Senators Venables, Blevins, Cook, Henry, Hauge, McBride, McDowell & Marshall & Representatives Carey, DiPinto, B. Ennis, Jonkiert, Lofink, Mack, Oberle & Scott, before the House for consideration.

SB 260 - A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities for the Fiscal Year Ending June 30, 1996; Deauthorizing State Guaranteed Bond Authorizations and Authorizing the Issuance of General Obligation Bonds of the State, Authorizing the Issuance of Revenue Bonds of the Delaware Transportation Authority; Appropriating Funds From the Transportation Trust Fund; Deauthorizing and Reauthorizing of Certain Funds of the Transportation Trust Fund; Appropriating Special Funds of the Delaware Transportation Authority, Reverting and Reprogramming Certain Funds of the State; Appropriating General Funds and Special Funds of the State; Appropriating Monies From the Twenty-First Century Fund; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Debt Limit Statement Amending Certain Pertinent Statutory Provisions. (3/4 bill)

Representative Roy made comments.

The Reading Clerk read the following communication into the record:

Office of Secretary of Finance

Debt Limit Statement Dates June 30, 1995

This Debt Limit Statement to be attached

as required by Section 7422, Title 29, Delaware Code

- | | | |
|-----|---|----------------------|
| (1) | Estimated Net General Fund revenue for the fiscal year ending June 30, 1996 as per the joint resolution of the House and Senate and signed by the Governor in connection with the adoption of the annual Budget Appropriation Bill for that fiscal year | \$1,622,200,000 |
| (2) | Multiply by 5% | x _____ .05 |
| (3) | Maximum aggregate principal amount of tax-supported obligations which may be authorized by the State in the fiscal year ending June 30, 1996 | \$ <u>81,110,000</u> |
| (4) | Less: Aggregate principal amount of previously authorized tax-supported obligations subject to debt limit | \$ _____ 0 |
| (5) | AVAILABLE DEBT LIMIT prior to appended legislation (3-4) | \$ <u>81,110,000</u> |
| (6) | Less: Aggregate princple amount of new tax-supported obligations subject to debt limit to be authorized pursuant to appended legislation | \$ <u>81,110,000</u> |
| (7) | REMAINING DEBT LIMIT (5-6) | \$ _____ 0 |

Sarah Jackson
Secretary of Finance
June 30, 1995

The roll call on SB 260 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, DiPinto, Fallon - 3.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 260 was returned to the Senate.

Representatives Roy, George & Petrilli made comments.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 260 & HB 288 w/HA 1.

Representative George made comments.

The Majority Leader moved to recess to the call of the Chair at 5:33 a.m.

138th GENERAL ASSEMBLY

FIRST SPECIAL SESSION

First Legislative Day

August 29, 1995

The House reconvened at 2:16 p.m on August 29, 1995.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 238 w/SA 1.

The Senate wishes to inform the House that it has defeated: HB 203.

The Senate wishes to inform the House that it has passed: HB 185, HCR 28 & HCR 31.

June 30, 1995

LEGISLATIVE ADVISORY #22

Governor Thomas R. Carper signed the following legislation on the dates indicated: 6/27/95 - SB 122, SB 142, HS 1 for HB 79 aab HA 1, 2, 3, 4 & SA 1, 6/28/95 - SB 207, 6/29/95 - HB 143 aab HA 1 & SB 56.

July 3, 1995

LEGISLATIVE ADVISORY #23

Governor Thomas R. Carper signed the following legislation on the date indicated: 7/01/95 - SB 267, HB 377 aab HA 1, HJR 17, HJR 15, HJR 16, HB 350, HB 360 aab HA 1 & HB 234 aab HA 1.

LEGISLATIVE ADVISORY #24

Governor Thomas R. Carper signed the following legislation on the date indicated: 7/03/95 - HB 202, HB 160, HB 152 & SB 130 aab SA 1.

July 10, 1995

LEGISLATIVE ADVISORY #25

Governor Thomas R. Carper signed the following legislation on the date indicated: 7/06/95 - SB 219, SB 37, SB 213, SB 38, SB 212, HJR 10, HB 117, HB 299, HB 316, SB 241, SB 51 aab SA 2 & 4, SB 97, SB 113 aab SA 1, SB 131, SB 132 aab SA 1, SB 147, SB 155 aab SA 1, SB 156, SB 172, SB 190 aab SA 1, SB 203, SB 211 & SB 104.

July 11, 1995

LEGISLATIVE ADVISORY #26

Governor Thomas R. Carper signed the following legislation on the dates indicated: 7/07/95 - HB 183 aab HA 1, HB 184, HB 195 aab HA 1 & SA 1, HB 318, SB 151 aab HA 1, SB 184, SS 1 for SB 4 aab HA 1, SB 140, SB 186 aab HA 1, SB 194, SB 205, SB 214, SB 224, SB 226, SB 227 aab SA 1, SB 230, HB 119, HB 245 aab HA 1, HB 264, HB 271, SB 153, SB 209, HB 198 aab SA 1, SB 77 aab SA 1 & HA 1, SB 126 aab SA 1 & HA 1, SB 164 aab HA 1, SB 189 aab SA 1, HA 1 & HA 2, SB 220 aab HA 1, SB 252, HB 38 aab HA 1 & SA 1 & HB 268 aab HA 1, 7/09/95 - HB 274.

July 12, 1995

LEGISLATIVE ADVISORY #27

Governor Thomas R. Carper signed the following legislation on the dates indicated: 7/10/95 - SS 1 to SB 200 aab SA 1, 5 & 6, HS 1 to HB 144 aab HA 1, HB 227 aab HA 1 & SA 2, HB 290, SB 68, SB 148, SB 181 aab SA 2, SB 221 aab SA 1, SB 239 aab SA 1 & 2, SB 244 aab SA 1, 2 & SA 3, SB 248, HB 215, HB 256, HB 277 aab SA 1, HB 308, HB 310, HB 324, HB 168, HB 315, SB 210 aab SA 1, HB 249, HB 187 aab HA 1 & SA 1 & 2, SB 168 aab SA 1, HB 294, SB 176 aab SA 2, HB 156, HB 201 aab HA 1, HB 323, SB 245 aab SA 1 & HB 172 aab HA 1, 7/11/95 - HB 87 aab HA 1 & SA 1, SB 260, SB 92 aab SA 1 & HA 1 & HB 9 aab HA 1 & SA 1 & 2.

July 13, 1995

LEGISLATIVE ADVISORY #28

Governor Thomas R. Carper signed the following legislation on the date indicated: 7/12/95 - HB 171 aab HA 1 & SA 1 & 2, HB 281 aab HA 1 & 2 & SA 1, HB 284, SB 204 & HB 319.

July 14, 1995

LEGISLATIVE ADVISORY #29

Governor Thomas R. Carper signed the following legislation on the date indicated: 7/13/95 - SB 40 aab SA 1 & SB 41 aab SA 1 & HA 1.

July 19, 1995

LEGISLATIVE ADVISORY #30

Governor Thomas R. Carper signed the following legislation on the date indicated: 7/14/95 - HB 219 aab HA 1, HB 291 aab HA 1, HB 263, HS 1 for HB 83, HB 337, HB 334, SB 233 aab HA 1, SB 199 aab HA 1, HB 166, HB 84 aab HA 1, HB 231 aab HA 1, HB 141 aab SA 1, SB 231 aab SA 1, HB 19 aab HA 6 & 8 & SA 1 & 2, HB 298 aab SA 1, HB 247, HB 154 aab HA 1 & 2 & SA 1 & SA 218.

July 19, 1995

LEGISLATIVE ADVISORY #31

Governor Thomas R. Carper signed the following legislation on the dates indicated: 7/17/95 - HB 179 aab HA 1,8,10,11 & SA 2, SB 99 aab HA 1, SB 106, HB 130 aab HA 1 & 2, HB 107 aab HA 1 & HB 125. 7/18/95 HB 288 aab HA 1, SB 255, SB 254, HB 244 aab HA 2.

The following legislation was vetoed by the Governor on the dates indicated: 7/14/95 - HB 226. 7/17/95 - HB 218, HB 331 & HB 243.

July 14, 1995

TO THE MEMBERS OF THE HOUSE OF THE 138TH GENERAL ASSEMBLY

On July 6, 1995, I received House Bill No. 226 entitled:

"AN ACT TO AMEND TITLE 42 OF TITLE 11 RELATING TO HABITUAL CRIMINALS."

I am today returning House Bill 226 to the House without my signature. This legislation does not adequately target the incarceration of Delaware's most dangerous criminals so as to justify its multi-million dollar cost to the taxpayers of our state.

No functions of state government are more important than protecting the safety of Delawareans and getting dangerous criminals off our streets. Over the years, our state has invested heavily in its criminal justice system. As a result of these efforts, Delaware ranks as one of the leading states in incarceration rates. In fact, Delaware has the highest incarceration rate in the region and the second highest rate in the nation. Delaware's law enforcement officers, judiciary, prosecutors, and existing tough sentencing laws are an important factor in contributing to our state's high rate of incarceration.

Maintaining such an exceptional rate of incarceration requires tremendous expenditures. Delaware currently spends, per capita, more on its prison system than any other state in the region and ranks fifth nationally. Further, in terms of the percentage of Delawareans' income spent on prisons, the citizens of our state spend by far the highest in the region and rank fourth in the nation. Despite these investments, Delaware's prison system is stretched beyond capacity.

In an effort to remedy this situation and to further protect the health and safety of our citizens, this past May I recommended the largest prison expansion investment in Delaware's history. My recommendation of a 1,353 bed system-wide expansion by the year 2005, at a cost of \$113.7 million in capital and \$30 million in operating costs, will likely push Delaware higher in the rankings of investment in state criminal justice systems. Importantly, this recommended expansion is based on existing substantive crimes and current prison sentencing laws. Thus, it is important for us all, as elected officials, to carefully consider any legislation that alters these assumptions.

House Bill 226 significantly alters these assumptions. House Bill 226 will likely require at least 90 beds by the year 2005, above and beyond the 1,353 beds recommended in my current proposal. Thus, House Bill 226 will likely cost the State of Delaware an additional \$9,000,000 in capital costs and \$1,881,000 in annual operating costs by the year 2005, assuming such additional capacity is not otherwise offset. These costs have not been properly considered by either house of the General Assembly. The fiscal note attached to House Bill 226 only considers costs for the three years subsequent to the Bill's enactment. It is unacceptable for us to ignore or otherwise not consider the actual costs to the State of such legislation.

This is not to say that additional crime legislation is not needed, but to the extent it is necessary, real consideration must be paid not only to the associated costs but to the precision with which the legislation is drafted and the problem such legislation seeks to address. I see no evidence of such deliberate and precise consideration with respect to House Bill 226.

It ought to be the top priority of our criminal justice system to incarcerate those individuals who are most dangerous to the public. I have considered the purported purposes of House Bill 226 -- "[t]his Bill add teeth" to Delaware's existing Habitual Offender statute -- and have analyzed whether the Bill effectively accomplishes that objective. Presently, Delaware's habitual offender provisions provide a specific list of crimes for which certain repeat offenders will receive mandatory life sentences. 11 Del. C. § 4214. In cases of a fourth felony conviction for a crime not specified in the list, the Attorney General may seek, and the court may impose a sentence of up to life imprisonment. The list of these unenumerated felonies is vast, including not only violent crimes such as Assault in the Second Degree, but also encompassing non-violent such as Issuing a Bad Check or Theft of Rental Services.

Despite the broad scope of our current Habitual Offender Statute, House Bill 226 requires all such offenders convicted of any unenumerated felony to serve a mandatory sentence of not less than the statutory

maximum. If enacted, the Attorney General and our courts will be required to impose the statutory maximum for any such felony, violent or non-violent. Statutory maximums, as a general matter, are rarely sought and rarely imposed as both the court and the Attorney General's Office follow sentencing guidelines which generally call for significantly lesser sentences. However, these maximums provide an important discretionary tool in that they allow prosecutors and judges to seek and/or impose long sentences, if appropriate in a particular case. Importantly, there is nothing in the present law to prevent the Attorney General from seeking, or the court from imposing, the statutory maximum. Thus, contrary to the Bill's synopsis, House Bill 226 does not "add teeth" as it purports to do; the law already has "teeth" by providing for up to a life sentence for such offenders. House Bill 226 simply takes such decisions out of the hands of our prosecutors and the judges of our Superior Court, the very people we've entrusted to deal with such issues on a daily basis.

The legislative record on House Bill 226 provides no indication whatsoever of specific instances where the Attorney General's Office and/or the judges of our Superior Court have failed to properly exercise their discretion in these cases. Absent specific facts presented to me by the criminal justice community to the contrary, especially in light of the tremendous costs of this particular legislation, I see no need to abrogate their discretion.

Any legislation which proposes to mandate longer sentences must take into account all the public policy ramifications of such action. This is important to the State, both from a fiscal and public safety point of view. Increasing penalties for certain crimes without providing for additional prison capacity may result in the release of other more serious offenders which would be counterproductive to our goal of making our communities safe. The reality of House Bill 226 is that, without additional expenditures to further increase prison capacity, more serious offenders may remain on our streets longer in order to make room for persons sentenced to the maximum penalty for less serious felonies, such as Issuing a Bad Check. Surely, it is not the intent of the Legislature to release more serious offenders by enhancing the punishments imposed upon less serious offenders.

Keeping dangerous and violent criminals off our streets is a top priority. But, on balance House Bill 226 fails to further this goal. Due to financial realities any legislation we consider in the area of criminal justice must maximize our resources by ensuring the most dangerous offenders remain incarcerated. While some legislation to increase the sentence for specific crime should be encouraged, it is time that we faced up to our obligation to make wise, not reflexive, decisions about these issues and to analyze whether the benefits of a particular piece of legislation justify its additional burden on taxpayers. In that effort, we must all begin addressing each particular piece of crime legislation as it relates to its impact on our criminal justice system as a whole. We owe that to the children in our schools, the working people whose taxes fund prisons, and all citizens who are entitled to efficient and effective government services -- for they are the ones who foot the bill for increased prison spending.

For these reasons, I am returning House Bill 226 to the House without my signature.

Sincerely,
Thomas R. Carper
July 17, 1995

TO THE MEMBERS OF THE HOUSE OF THE 138TH GENERAL ASSEMBLY

On July 6, 1995, I received House Bill No. 218 entitled:
"AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE
RELATING TO CRIMES AND CRIMINAL PROCEDURE."

I am today returning House Bill No. 218 to the House of Representatives without my signature. House Bill No. 218 requires a super-majority vote in both houses and failed to receive the required votes in the Senate and thus is unconstitutional.

House Bill No. 218 creates a new crime called "Criminal Abandonment of Real Property." This new crime is to be classified as a Class F Felony, Class A Misdemeanor, or Class B Misdemeanor, depending on the particular facts at issue. Putting aside the merits of House Bill No. 218, the bill is unconstitutional.

The Delaware Constitution of 1897, Art. IV, §28 requires the concurrence of two-thirds of the members of each chamber of the General Assembly when a bill expands the criminal jurisdiction of an inferior court.

House Bill No. 218 expands the jurisdiction of inferior courts by creating new misdemeanor offenses. As such, House Bill No. 218 requires the concurrence of two-thirds of all Members of each House. The bill received only eleven "yes" votes and ten "no" votes in the Senate. Accordingly, House Bill 218 is unconstitutional.

In terms of the merits of House Bill No. 218, I believe the problem of abandoned properties in our communities is one worthy of serious consideration. However, as reflected in my veto message to House Bill No. 226, I believe we must consider the impact of crime legislation on our criminal justice system as a whole. In that regard, criminalizing conduct that has heretofore been civil in nature may not be the appropriate manner in which to address this issue.

For these reasons, I am returning House Bill No. 218 to the House without my signature.

Sincerely,

Thomas R. Carper
July 17, 1995

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE 138TH GENERAL ASSEMBLY

On July 5, 1995, I received House Bill No. 331, entitled:
"AN ACT TO AMEND CHAPTER 9 OF TITLE 7 OF THE DELAWARE CODE
RELATING TO COMMERCIAL FOOD FISHING LICENSES."

I am returning House Bill No. 331 to the House of Representatives without my signature. House Bill No. 331 dilutes recently enacted legislation designed to protect Delaware's weakfish fishery thereby further endangering this important natural resource.

According to the Department of Natural Resources and Environmental Control ("DNREC"), weakfish landings in the commercial hook and line fishery accounted for less than 1 percent of the State's total landings in the 1980's. Today, the commercial weakfish catch accounts for more than 13 % as increasing numbers of commercial licenses are sought and obtained. In fact, the total number of commercial licenses increased nearly 40% in the past year alone. According DNREC's Division of Fish and Wildlife, these increases place the weakfish fishery at risk thereby endangering future recreational and commercial fishing activities.

In an effort to counter this threat, House Bill No. 129 was enacted into law on June 12, 1995. House Bill No. 129 limited the issuance of commercial food fishing licenses to those fishermen who reported landings of at least 100 pounds of food fish during any one month prior to April 1, 1995. Thus, with the enactment of House Bill No. 129, present law limits commercial licenses to those fishermen who have demonstrated true commercial usage.

House Bill No. 331 abrogates this effort by reducing the threshold number of pounds for which a person may obtain a commercial fishing license from 100 to 10. The bill also extends the reporting date to September 30, 1995. Although extending the deadline to September may be appropriate, reducing the weight limit to 10 pounds has the practical effect of rendering the conservation efforts of House Bill No. 331 void. In light of the importance of this natural resource to present and future Delawareans and the present state of the weakfish fishery, such reductions are not appropriate at this time.

In the long run, we all lose if this precious fishery is permitted to decline. By taking responsible actions now, we ensure that recreational fisherman can enjoy their sport long into the future and commercial fisherman can continue to earn their livelihood.

For these reasons I am returning House Bill No. 331 to the House of Representatives without my signature.

Sincerely,
Thomas R. Carper
July 17, 1995

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE 138TH GENERAL ASSEMBLY

On July 5, 1995, I received House Bill No. 243, entitled:
"AN ACT TO AMEND CHAPTER 81, TITLE 10 OF THE
DELAWARE CODE RELATING TO PERSONAL ACTIONS
AND ABOLISHING THE ECONOMIC LOSS DOCTRINE."

I am returning House Bill No. 243 to the House of Representatives without my signature.

House Bill No. 243's stated intent is to abolish the economic loss doctrine recently endorsed by the Delaware Supreme Court in Danforth v. Acorn Structures, Inc., Del. Supr., 608 A.2d 1194 (1992). The economic loss doctrine prohibits products liability actions in tort where the only losses suffered are to the product itself. Importantly, the doctrine does not restrict recovery in tort when a product has caused personal injury or damage to property other than the product itself.

The economic loss doctrine recognizes the distinct functions served by tort law and contract law. Generally, tort law protects individuals and their property from harm caused by dangerous products; contract-warranty law protects individuals from economic losses sustained when a product fails to meet expectations of value, durability, or utility. Such warranty protections are ordinarily limited in duration and are presumed to represent an allocation of the risk of nonperformance reached through the bargaining process.

By abolishing the economic loss doctrine, this Bill extends tort law into an area adequately governed by warranty law. Present warranty provisions provide appropriate remedies by allocating risk according to market forces, i.e., the manufacturer can limit its liability by disclaiming warranties while the purchaser can pay less for the product in exchange. House Bill No. 243, if enacted, would increase the potential liability of manufacturers and other suppliers of goods by allowing actions to be brought long after the warranty expires and allowing plaintiffs to recover in situations not contemplated by the warranty.

Although House Bill No. 243 was drafted in an effort to remedy the specific factual scenario that occurred in the Danforth case, the Bill indiscriminately covers all products without regard to any specific needs of consumers. To the extent a need for extended protections for consumers for certain products and/or services exists, I am happy to work with the sponsor and other members of the General Assembly to address such issues.

In closing, we live in an era fraught with expensive and time-consuming litigation and House Bill No. 243 unnecessarily exacerbates this situation.

For these reasons I am returning House Bill No. 243 to the House without my signature.

Sincerely,

Thomas R. Carper

July 20, 1995

LEGISLATIVE ADVISORY #32

Governor Thomas R. Carper signed the following legislation on the date indicated: 7/19/95 - HB 302, SB 128 aab SA 1 & HA 1, SS 1 for SB 34 aab SA 1 & 2, HS 1 for HB 210, HS 1 for HB 211, HB 212 aab HA 1, HB 270 aab SA 1, HB 317 aab HA 1 & HA 3 aab HA 1 to HA 3, HB 112 aab HA 1, HB 122, HB 185, HB 278 aab HA 1, HB 305, HB 306, HB 307, SB 33 aab SA 1 & HA 1, SB 89 aab SA 1, SB 225 aab HA 1, SB 251 aab SA 1, SA 2 & HA 1, HB 239 aab HA 2, HB 312 aab HA 1, HJR 13 aab SA 1, SB 116 aab SA 1, SA 2 & HA 1, HB 95 aab HA 1, HB 96, SJR 10, SB 266, HB 327, SB 187 aab HA 1 aab HA 1 to HA 1 & SS 1 for SB 9 aab HA 1.

July 26, 1995

LEGISLATIVE ADVISORY #33

Governor Thomas R. Carper signed the following legislation on the date indicated: 7/25/95 - SB 268 aab SA 1 & SB 146 aab SA 1 & 3 & HA 1.

LEGISLATIVE ADVISORY #34

Governor Thomas R. Carper signed the following legislation on the date indicated: 7/26/95 - HB 177 aab HA 1, HA 2, HA 3 & SA 1, SB 101 aab HA 1.

July 31, 1995

LEGISLATIVE ADVISORY #35

Governor Thomas R. Carper signed the following legislation on the dates indicated: 7/27/95 - SB 120, SB 121, SB 135, SB 143 aab SA 1, HB 188 aab SA 1 & HA 1 & HB 301. 7/28/95 - SB 124 aab SA 1, SA 2, HA 1 & HA 2.

The Chief Clerk called the roll.

Members Present: 40, 1 Vacancy.

A prayer was offered by Representative Richard F. Davis, Twenty-Sixth Representative District.

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

The minutes of the previous Calendar Day were approved as posted.

The Majority Leader moved that the Chief Clerk read the Writ of Election and the Certificate of Election as follows:

THE STATE OF DELAWARE

WRIT OF ELECTION

TO: THE DEPARTMENT OF ELECTIONS, NEW CASTLE COUNTY
CARVEL STATE OFFICE BUILDING
820 FRENCH STREET
WILMINGTON, DELAWARE 19801

GREETINGS:

WHEREAS, a vacancy exists in the House of Representatives of the 138th General Assembly of the State of Delaware by reason of the resignation of Orlando J. George, Jr., of the 1st Representative District of New Castle County, State of Delaware, on July 4, 1995; and

WHEREAS, such a vacancy has occurred and exists while said General Assembly is in session;

NOW, THEREFORE, I, TERRY R. SPENCE, Speaker of the House of Representatives of the State of Delaware, Presiding Officer of the Delaware House of Representatives, in accordance with the Constitution and the laws of the State of Delaware in such cases made and provided, do hereby issue this Writ of Election and declare that you shall cause a special election to be held in said 1st Representative District of New Castle County, State of Delaware, by the qualified electors thereof on a day to be assigned by you, such day not to be more than eleven nor less than ten days next after receipt of this Writ, exclusive of that day, for the purpose of filling the aforesaid vacancy, the person thereupon chosen to hold office for the residue of the term of the said ORLANDO J. GEORGE, JR.

IN WITNESS WHEREOF, I, TERRY R. SPENCE, Speaker of the House of Representatives of the 138th Delaware General Assembly have hereunto set my hand and seal this 2nd day of August in the year One Thousand Nine Hundred and Ninety-Five.

Speaker

Terry R. Spence,

House of Representatives

State of Delaware

THE STATE OF DELAWARE

New Castle County, ss

BE IT REMEMBERED, That at the Special Election held on Saturday, the 12th day of August, in the year of our Lord One Thousand Nine Hundred Ninety-Five for New Castle County, according to the Constitution and Laws of the State of Delaware,

DENNIS P. WILLIAMS

was duly elected

Representative -- 1st District

for said County in the General Assembly 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, HENRY DUPONT RIDGELY and VINCENT A. BIFFERATO constituting the Superior Court for 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 14th day of August, A.D. 1995.

Henry Dupont Ridgely

President Judge

Vincent A. Bifferato

Resident Judge

Mr. Speaker Spence announced that the oath of office of Representative will be administered to Dennis P. Williams by Judge Alex J. Smalls, Court of Common Pleas.

Judge Smalls then administered the following oath to Dennis P. Williams:

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

Dennis P. Williams
State Representative

Sworn and subscribed before me
this 29th day of August A.D. 1995
The Honorable Alex J. Smalls
Judge, Court of Common Pleas

The Majority Leader moved that the Chief Clerk call the roll call to include the new member of the House.

The roll call was taken and revealed:

YES: 41.

The Majority Leader moved that the roll as just called be adopted as the permanent roll call of the House of Representatives of the 138th General Assembly.

The Chief Clerk read the following committee report into the record:

JUD: SB 115 - 8M.

Representatives Petrilli, Gilligan, Scott, VanSant, DiPinto, Houghton, Ewing, Spence, Jonkiert & Wagner made comments.

Representative Roy moved to suspend the rules which interfere with introduction of and action on HB 384. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy introduced and brought HB 384, jointly sponsored by Representatives Carey, Lofink, Mack, Oberle, Schroeder & Scott & Senators Venables, Belvins, Cook, Hauge, Henry & McBride, before the House for consideration.

HB 384 - An Act to Amend Volume 70, Chapter 210, Laws of Delaware, Relating to the Fiscal Year 1996 Bond and Capital Improvement Act; and Amend Certain Pertinent Statutory Provisions. (3/4 bill)

Representative Roy moved to place HB 384 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Davis moved to suspend the rules which interfere with introduction of and action on HB 385. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Davis introduced and brought HB 385, jointly sponsored by Senator Cook, before the House for consideration.

HB 385 - An Act to Amend Volume 70, Chapter 119, Laws of Delaware Relating to the Fiscal Year 1996 Grant-In-Aid Act. (3/4 bill)

Representative Davis moved to place HB 385 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy requested that HB 100 be stricken.

The following out-of-session prefiled legislation was introduced:

HB 378 - MARONEY; SENATORS VAUGHN, SOKOLA; REPRESENTATIVE PETRILLI;
SENATOR CORDREY - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education.

HB 379 - DIPINTO, D. ENNIS - HOUSING & COM AFF: An Act to Amend Title 31 and Title 25 of the Delaware Code Relating to Receiverships.

HB 380 - MAIER, WELCH; SENATOR CONNOR; REPRESENTATIVE PLANT - ED: An Act to Amend Title 14 and Title 15 of the Delaware Code Relating to Local School Boards; and Providing for Certain Election Requirements.

HB 381 - STONE; SENATORS AMICK, HAUGE, BONINI - HOUSING & COM AFF: An Act to Amend Title 25 Relating to Contracts for the Sale of Real Estate.

HB 382 - B. ENNIS, BANNING, CAREY, JONKIERT, PLANT, SPENCE, VANSANT, WEST, BRADY, D. ENNIS, MAIER, QUILLEN, ULBRICH, WAGNER; SENATOR VAUGHN - HEALTH & HUM DEV: An Act to Amend Title 16 Delaware Code Relating to 'Do Not Resuscitate' Orders.

HB 383 - B. ENNIS, BANNING, BUCKWORTH, D. ENNIS, GILLIGAN, JONKIERT, LOFINK, QUILLEN, VANSANT, WEST, BRADY, CAREY, FALLON, HOUGHTON, LEE, PLANT, SPENCE, WAGNER; SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Title 18 and Title 24 of the Delaware Code Relating to Physical Therapists; and Providing for a Physical Therapy Access Act.

Representatives Roy & Gilligan made comments.

Representative Boulden was granted personal privilege of the floor for an announcement.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #37

DATE: August 29, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-605	Maier	6/29/95	T	Hon. Stephanie A. Ulbrich/ Nom. Outstanding Alumnus/U. of D.
	cosponsors: All House Members			
H138-606	Carey	7/16/95	T	John & Gladys Case/50th Wedding Anniversary
H138-607	Fallon	5/20/95	T	Susan L. Pegram/Widener Univ. Sch. Of Law/Graduation
H138-608	Reynolds	6/08/95	T	David P. Cloughley/60th Birthday
H138-609	Maroney	6/30/95	T	Israel L. Floyd/Bd. Of Dir./Wilm. Montessori Sch. '83-'95
H138-610	Bunting	6/30/95	T	Patrick C. Miller/Oak Orchard Riverdale Civic Assoc./Indian River Vol. Fire Co.
H138-611	Welch	7/01/95	T	Town of Kenton/Ded. Of Kenton Municipal Park
H138-612	Roy	6/30/95	T	James Montebell/Soc. Studies Teacher of Year
H138-613	Lofink	6/30/95	T	Carol Sirkowski/Outstanding Performance/Com Assistant
	cosponsors: Gilligan			
	cosponsors: Roy, Cloutier, Boulden, Ulbrich Brady, B. Ennis			
H138-614	Carey	6/30/95	T	Ann Marie Noone/Outstanding Performance/Com. Assistant
	cosponsors: Mack, Caulk, Bunting, Schroeder			
H138-615	Oberle	6/30/95	T	Surendran Balan/Outstanding Performance/Com. Assistant
	cosponsors: Mack, Welch, Reynolds, Scott, Plant			
H138-616	D. Ennis	6/30/95	T	Consuella Barbour/ Outstanding Performance/ /Com. Assistant
	cosponsors: Smith, DiPinto, Wagner, Capano, Stone, Houghton, Jonkiert, Scott, Brady			
H138-617	Maroney	6/30/95	T	Joyce Spears/Outstanding Performance/Com. Assistant
	cosponsors: Reynolds, Fallon, Boulden, Maier, Ulbrich, DiLiberto, Schroeder			

HOUSE TRIBUTE ANNOUNCEMENT #38

DATE: August 29, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-618	Roy	6/30/95	T	Candace Archer/ Outstanding Performance
	cosponsors: Ewing, Lee, Oberle, Buckworth, Buckworth, Welch, Plant, Banning, DiLiberto			
H138-619	George	6/30/95	T	Constantin Pirovolidis/ Outstanding Performance
	cosponsor: Gilligan			
H138-620	Petrilli	6/30/95	T	Crime Strike/Draft Leg./ Combat Crime & Aid Victims in DE
	cosponsors: Spence, Quillen			
H138-621	Petrilli	6/30/95	T	Jane Perkins Maroney/Hon. Doc./Humane Letters/Goldey Beacom
H138-622	Fallon	6/29/95	T	Bud Wagner/53rd Birthday
	cosponsor: Stone			
H138-623	Fallon	6/11/95	T	John & Mary Marino/60th Wedding Anniversary
H138-624	Fallon	6/04/95	T	Ned & Marion Hearn/50th Wedding Anniversary
H138-625	VanSant	7/27/95	T	Joe Zelano/Manager/Senior Div. Allstars Babe Ruth Softball
	cosponsor: Houghton			
H138-626	VanSant	7/27/95	T	Dee Gravell/Senior Div. Allstar/Babe Ruth Softball
	cosponsor: Houghton			

H138-627	VanSant	7/27/95	T	Lauren Mills/Senior Div.
	cosponsor:	Houghton		Allstar/Babe Ruth Softball
H138-628	VanSant	7/27/95	T	Alaina Norvell/Maj. Girls
	cosponsor:	Houghton		Allstar/Babe Ruth Softball
H138-629	VanSant	7/27/95	T	Kristen Haggerty/Maj. Girls
	cosponsor:	Houghton		Allstar/Babe Ruth Softball
H138-630	VanSant	7/27/95	T	Kerry Ann White/Maj. Girls
	cosponsor:	Houghton		Allstar Babe Ruth Softball
H138-631	VanSant	7/27/95	T	Nicole Slivinski/Sen. Div.
	cosponsor:	Houghton		Allstar/Babe Ruth Softball

HOUSE TRIBUTE ANNOUNCEMENT #39

DATE: August 29, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-632	VanSant	7/27/95	T	Sarah Ward/Sen. Div.
	cosponsor:	Houghton		Allstar/Babe Ruth Softball
H138-633	VanSant	7/27/95	T	Jennifer Zelano/Sen. Div.
	cosponsor:	Houghton		Allstar Babe Ruth Softball
H138-634	VanSant	7/27/95	T	Nikki Gravino/Sen. Div.
	cosponsor:	Houghton		Allstar/Babe Ruth Softball
H138-635	VanSant	7/27/95	T	Karli Marra/Maj. Girls
	cosponsor:	Houghton		Allstar/Babe Ruth Softball
H138-636	VanSant	7/27/95	T	Stephanie Sheib/Maj. Girls
	cosponsor:	Houghton		Allstar/Babe Ruth Softball
H138-637	Houghton	7/27/95	T	Cristin Miller/Maj. Girls
	cosponsor:	VanSant		Allstar/Babe Ruth Softball
H138-638	Houghton	7/27/95	T	Jayne Gravell/Maj. Girls
	cosponsor:	VanSant		Allstar/Babe Ruth Softball
H138-639	Houghton	7/27/95	T	Lynette Stearett/Maj. Girls
	cosponsor:	VanSant		Allstar/Babe Ruth Softball
H138-640	Houghton	7/27/95	T	Jessica Mullenix/Maj. Girls
	cosponsor:	VanSant		Allstar/Babe Ruth Softball
H138-641	Houghton	7/27/95	T	Jillian Brounce/Maj. Girls
	cosponsor:	VanSant		Allstar/Babe Ruth Softball
H138-642	Houghton	7/27/95	T	Melinda Endicott/Maj. Girls
	cosponsor:	VanSant		Allstar/Babe Ruth Softball
H138-643	Houghton	7/27/95	T	Ashley Krok/Maj. Girls
	cosponsor:	VanSant		Allstar/Babe Ruth Softball
H138-644	Houghton	7/27/95	T	Sherrill Mullenix/Manager/Maj.
	cosponsor:	VanSant		Girls Allstars/Babe Ruth Softball
H138-645	Houghton	7/27/95	T	Rachel Bose/Sen. Div.
	cosponsor:	VanSant		Allstar/Babe Ruth Softball
H138-646	Houghton	7/27/95	T	Amy Edwards/Sen. Division
	cosponsor:	VanSant		Allstar/Babe Ruth Softball

HOUSE TRIBUTE ANNOUNCEMENT #40

DATE: August 29, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-647	Houghton	7/27/95	T	Lindsey Jamison/Sen. Division
	cosponsor:	VanSant		All-star/Babe Ruth Softball
H138-648	Houghton	7/27/95	T	Mary Clark/Sen. Div.
	cosponsor:	VanSant		Allstar/Babe Ruth Softball
H138-649	Houghton	7/27/95	T	Brandy Emory/Sen. Division
	cosponsor:	VanSant		Allstar Babe Ruth Softball
H138-650	Houghton	7/27/95	T	Crystal Reese/Sen. Div.
	Cosponsor:	VanSant		Allstar/Babe Ruth Softball
H138-651	VanSant	7/27/95	T	Michelle Skipski/Sen. Div.
	cosponsor:	VanSant		Allstar/Babe Ruth Softball
H138-652	VanSant	7/27/95	T	Kristen Powell/Maj. Girls
	cosponsor:	VanSant		Allstar/Babe Ruth Softball

H138-653	VanSant	7/27/95	T	Jessica Cook/Maj. Girls
	cosponsor: Houghton			Allstar/Babe Ruth Softball
H138-654	D. Ennis	7/05/95	T	Adam Freccia/44th Annual
				Senior Amateur Golf Championship
H138-655	Fallon	6/23/95	M	Dwight R. Smith
H138-656	Fallon	7/04/95	T	Tony Windsor/County Voiture 40 et 8
				Americanism Award
H138-657	Brady	7/15/95	T	Mr. William T. Moser/Magistrate
				/State of Delaware
H138-658	Buckworth	7/29/95	T	Edwin & Hazel Englehart
				/50th Wedding Anniversary
H138-659	DiPinto	7/12/95	T	O. Francis Biondi, Esq./Herbert
				Harley Award/Amer. Jur. Soc.
H138-660	Roy	6/30/95	T	C. Edwin Lasbury/Pastor/Hockessin
				United Meth. Church/Retiree/
H138-661	Capano	8/01/95	T	Thomas Hounsell/Presidential Award
				/Science & Math Teaching

HOUSE TRIBUTE ANNOUNCEMENT #41

DATE: August 29, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-662	Roy	8/01/95	T	Doris R. Morris/Warner Elem.
				Sch./Pres. Award/Science & Math
H138-663	Wagner	6/28/95	M	Lillian S. Moore
H138-664	Wagner	7/05/95	M	W. John Layton
H138-665	B. Ennis	7/05/95	T	Florrie McNeal/89th Birthday
H138-666	Quillen	7/18/95	T	Allen & Janet Bayer/25th Wedding
				Anniversary
H138-667	B. Ennis	8/21/95	T	Josef A. Burger/60th Birthday
H138-668	Wagner	7/31/95	T	Nan Hagen/Dir./Dover Main
				St. Program
H138-669	Buckworth	8/15/95	T	Col. Ronald H. Love/Retiree /26 Yrs.
				Ded. Serv./U.S.A.F.
H138-670	Banning	1/29/95	T	Lewis Jerome Healy, III/Winning
				Award/Cub Pack #239
H138-671	Smith	9/14/95	T	James G. Talley/Eagle Scout
H138-672	Fallon	7/26/95	T	Michele Procino/Grad./Cum
				Laude/Widener Univ. Sch. Of Law
H138-673	Fallon	7/26/95	T	Carlyle Windley/Lions Clubs/Melvin
				Jones Fellowship
H138-674	Fallon	7/19/95	M	Margaret Reinsmith
H138-675	Fallon	7/18/95	M	Rev. Charles R. Nixon
H138-676	Oberle	7/15/95	T	Viola & James A. Lofink/Golden
				Wedding Anniversary
H138-677	Lofink	8/01/95	T	Constance S. Malin/Pres. Award for
				Excellence/Science & Math
H138-678	B. Ennis	7/31/95	T	J. Allen Metheny/Pres./DE
				Vol. Firemen's Assoc./94-95

HOUSE TRIBUTE ANNOUNCEMENT #42

DATE: August 29, 1995

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-679	B. Ennis	7/27/95	M	William J. Carson
H138-680	B. Ennis	8/12/95	T	Paulena & Clarence O'Neal/
				45th Wedding Anniversary
H138-681	B. Ennis	7/29/95	M	John D. McDonald
H138-682	Wagner	6/05/95	T	Addie Russum/90th Birthday
H138-683	Fallon	7/23/95	M	Jeffrey B. States
H138-684	Fallon	7/22/95	M	William P. Stewart, Sr.

H138-685 Fallon	7/04/95	M	William C. Gum, Jr.
H138-686 B. Ennis	8/07/95	T	Smyrna High Cheerleaders & Coaches/1st Place DE State Fair Competition
H138-687 B. Ennis	8/07/95	T	Smyrna/Clayton Major League All Stars Division I Championship
H138-688 Wagner	7/12/95	T	Rev. Rudolph DeSilva Games/Serv. /Whatcoat United Methodist Church
H138-689 VanSant	7/28/95	T	Ruth & George Rudloff/50th Wedding Anniversary
H138-690 Maier	9/15/95	T	Megan Iffland/15 and Over/Trophy /Suburban Swim League Championship
H138-691 VanSant	7/26/95	T	Laura M. & Russell H. Fernandez, Sr./50th Wedding Anniversary
H138-692 Brady	7/07/95	T	Ursula & William Comegys, Sr./50th Wedding Anniversary
H138-693 Brady	7/28/95	M	Charles E. Brady, Jr.
H138-694 Welch	9/10/95	T	Jason John Gorlich/Eagle Scout
Wagner			

T - Tribute

M - Memoriam

Representative Petrilli made an announcement.

The Majority Leader moved to recess for caucus at 2:45 p.m.

The House reconvened at 4:00 p.m.

Representative Petrilli deferred to Representative Roy.

Representative Roy moved to lift HB 384 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Roy brought HB 384, jointly sponsored by Representatives Carey, Lofink, Mack, Oberle, Schroeder & Scott & Senators Venables, Blevins, Cook, Hauge, Henry & McBride, before the House for consideration.

HB 384 - An Act to Amend Volume 70, Chapter 210, Laws of Delaware, Relating to the Fiscal Year 1996 Bond and Capital Improvement Act; and Amend Certain Pertinent Statutory Provisions. (3/4 bill)

Representative Roy made comments.

The roll call on HB 384 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 384 was sent to the Senate for concurrence.

Representatives Carey & Plant requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Davis.

Representative Davis moved to lift HB 385 from the Speaker's table. The motion was seconded by Buckworth and adopted by voice vote.

Representative Davis brought HB 385, jointly sponsored by Senator Cook, before the House for consideration.

HB 385 - An Act to Amend Volume 70, Chapter 119, Laws of Delaware Relating to the Fiscal Year 1996 Grant-In-Aid Act. (3/4 bill)

Representatives Davis & Plant made comments.

The roll call on HB 385 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 385 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maier.

Representative Plant was granted personal privilege of the floor for comments.

Representative Maier moved to suspend the rules which interfere with introduction of and action on HB 386. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Maier introduced and brought HB 386 before the House for consideration.

HB 386 - An Act to Waive Certain Statutory Provisions of Chapter 1, Title 13, of the Delaware Code Relating to the Marriage of Jeremy A. Rogers and Gloria V. Bartletta.

Representative Maier made comments.

The roll call on HB 386 was taken and revealed:

YES: 39.

ABSENT: Representatives Oberle, West - 2.

Therefore, having received a constitutional majority, HB 386 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative DiPinto.

Representative Jonkiert was granted personal privilege of the floor for the introduction of a guest and to make comments.

Representative DiPinto moved to suspend the rules which interfere with introduction of and action on HB 387. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative DiPinto introduced and brought HB 387, jointly sponsored by Senators Sharp & Bair, before the House for consideration.

HB 387 - An Act to Waive Certain Statutory Provisions of Chapter 1, Title 13, of the Delaware Code Relating to the Marriage of Nancy Truitt and Mark Monroe Loux.

Representative DiPinto made a comment.

The roll call on HB 387 was taken and revealed:

YES: 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, HB 387 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Capano.

Representative Capano moved to suspend the rules which interfere with introduction of and action on HB 388. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Capano introduced and brought HB 388, jointly sponsored by Representative DiPinto & Senator Blevins, before the House for consideration.

HB 388 - An Act to Waive Certain Statutory Provisions of Chapter 1, Title 13, of the Delaware Code Relating to the Marriage of Pamela Hastings and Michael F. McCall.

Representative Capano made a comment.

The roll call on HB 388 was taken and revealed:

YES: 40.

ABSENT: Representative West - 1.

Therefore, having received a constitutional majority, HB 388 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Stone.

Representative Stone moved to suspend the rules which interfere with introduction of and action on HB 389. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Stone introduced and brought HB 389, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 389 - An Act to Amend Title 9 of the Delaware Code Relating to the Government of Kent County.

Representatives Stone & Petrilli made comments.

The roll call on HB 389 was taken and revealed:

YES: 39.

NOT VOTING: Representative Caulk - 1.

ABSENT: Representative Scott - 1.

Therefore, having received a constitutional majority, HB 389 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing moved to suspend the rules which interfere with introduction of and action on HR 39. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Ewing introduced and brought HR 39 before the House for consideration.

HR 39 - Proclaiming That the United States of America Was Right and Just to Have Dropped the Atomic Bomb on Japan.

Representatives Ewing & Brady made comments.

HR 39 was adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 4:39 p.m.

1st LEGISLATIVE DAY
138th GENERAL ASSEMBLY
Second Session
January 10, 1996

Mr. Speaker Spence called the House to order at 2:10 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 373, HB 384, HB 385, HB 387, HB 388, HB 389, SCR 39 & SCR 40.

MEMORANDUM

TO: The Honorable Terry R. Spence, Speaker
Delaware House of Representatives
FROM: Representative Wally Caulk
DATE: January 4, 1996

RE: ABSENCE FROM SESSION

I will be absent from Session January 9, 1996 - January 11, 1996 due to an out-of-state business trip.

GWCjr/dlc

cc: JoAnn Hedrick
Chief Clerk

MEMORANDUM

TO: Speaker Terry Spence
FROM: Representative Wayne A. Smith
DATE: January 5, 1996
RE: Absence from Session January 9-11, 1996

Please excuse my absence from Session the week of January 9-11, 1996. I will be attending the birth of my second child. I know you understand the importance of this moment in our lives. I wish the House well with this opening of the second session and look forward to rejoining my friends and colleagues on Tuesday, January 16, 1996.

WAS/dlc

To: JoAnn Hedrick, Chief Clerk
Fr: Wayne Smith
Date: January 9, 1996
Subject: Update on Reason for My Absence From Session This Week

I've already contacted the Speaker via memo asking for leave this week to attend the birth of our second child. I would like to send you this update for distribution as you see fit:

We had a boy!

Bradford Lincoln Smith

Born January 9, 1996 at 7:30 am

7 pounds, 3 ounces

20 inches in length.

Both mother and son are doing fine and expect to be released from Christiana Medical Center this Friday morning. By the way, DelDot did a great job -- all the roads we needed cleared to reach I-95 had been plowed by 8:00 am the morning of the eighth.

See you next week.

The Majority Leader moved to adjourn at 2:12 p.m., thereby ending the current Legislative Day. The House reconvened at 2:13 p.m.

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives Caulk, Smith - 2.

A prayer was offered by Reverend Brooks Reynolds.

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

Representative Ewing made comments.

Representative West requested that HB 354 be stricken.

Representative Quillen was granted personal privilege of the floor for comments.

The Majority Leader moved to recess for committee meetings at 2:22 p.m.

The House reconvened at 4:25 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 274 w/SA 1.

Representative Jonkiert requested that he be marked present.

Representative DiLiberto was granted personal privilege of the floor to present a tribute to Ralph Godwin.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #43

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-695	Welch	9/10/95	T	David Perry Ragains/Eagle Scout
H138-696	Wagner	7/29/95	T	Nancy Virdin & Alexander Ben Vaughan, III/Marriage
H138-697	Quillen	8/19/95	T	John Frazer, III & Catherine Keller/Marriage
H138-698	Roy	7/23/95	T	Elmer & Betty Sanders/50th Wedding Anniversary

H138-699	VanSant	7/12/95	T	Rose & Robert Land, Sr./50th Wedding Anniversary
H138-700	VanSant	8/11/95	T	Clara & Edward Ignudo/50th Wedding Anniversary
H138-701	Roy	8/07/95	T	Alan & Helen Daugherty /50th Wedding Anniversary
H138-702	Scott	8/30/95	T	Reverend Benjamin "Twin B" Brown/37 Yrs. Com. Serv.
H138-703	Roy	6/08/95	T	Sean Bernhardt/Eagle Scout
H138-704	Ewing	8/29/95	T	Dawn Renee Huey/Represented DE/Miss Teen USA Pageant Finals
H138-705	Carey	9/08/95	T	Lynn Rogers/President/DE Vol. Firemen's Association
H138-706	Carey	9/08/95	T	Sally Stevenson/Pres./Ladies Auxiliary/Vol. Firemen's Assoc.
H138-707	Scott	8/29/95	T	Mr. Leon F. Treut/Outstanding Serv. & Bravery/World War II
H138-708	DiPinto	8/28/95	T	Mary Evans/Ded. Serv./Members & Staff of Graham Center
H138-709	Scott	8/04/95	T	Alma Jackson/Retire/Speakman's/40 Yrs. Of Ded. Serv.

HOUSE TRIBUTE ANNOUNCEMENT #44

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-710	Welch	8/29/95	T	Windsor Alexander Joseph Fravel/Born August 14, 1995
H138-711	Wagner	8/07/95	M	Patrick Henry Lynn
H138-712	Quillen	8/24/95	M	Edward C. McCormick, Jr.
H138-713	Stone	8/31/95	T	Dee Henderson Hake/K.C. Assoc. Of Realtors/'95 Salesperson of Yr.
H138-714	Stone	8/31/95	T	William A. Hufnal/K.C. Assoc. Of Realtors/'95 Realtor of Year
H138-715	Spence	8/12/95	T	Hon. Newt Gingrich/'95 Recipient of Thomas Jefferson Freedom Award
H138-716	cosponsor: All House Republicans Capano	6/14/95	T	Doris R. Morris/'95 Pres. Award/ Science & Mathematics
H138-717	Capano	6/14/95	T	Margaret M. Martin/'95 Pres. Award/Science & Mathematics
H138-718	Fallon	8/04/95	T	Cathy A. Harris & John M. Burris/Marriage
H138-719	Oberle	9/24/95	T	DE Assoc. of Deaf/Deaf Awareness Week/Sep. 24-30, 1995
H138-720	Maroney	9/10/95	T	Stuart & Sally Randa/40th Wedding Anniversary
H138-721	Maroney	6/09/95	T	Bunny Vosters/DE Tennis Hall of Fame
H138-722	Maroney	8/29/95	T	Joseph Mitchell/'95 Sm. Bus. Person of Yr./N.C.C. Cham. Of Com.
H138-723	Maroney	8/21/95	T	Ted Chronister, M.D./30 Yrs. Ded. Serv./DE March of Dimes
H138-724	Maroney	8/29/95	T	Peter G. Anderson/E.G. Scott Award/DE Laboration of Year

HOUSE TRIBUTE ANNOUNCEMENT #45

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-725	Welch	8/31/95	M	Matthew "Mike" Taraila
H138-726	Smith	9/20/95	T	Katherine Horseman/Ded. Rep./80th Birthday

H138-727	Wagner	5/27/95	T	Kirsten Renee Smoot & Jeffrey William Dawson/Marriage
H138-728	cosponsor: Buckworth Wagner	9/09/95	T	Michele J. Cole & Timothy T. Schneible/Marriage
H138-729	Wagner	9/31/95	T	DAST & CDT Employees /"All You Do Everyday" /People of Kent County
H138-730	Wagner	8/31/95	T	Kent County Paramedics /"All You Do Everyday"/People of Kent Cty.
H138-731	Wagner	8/26/95	M	Teryll "Terry" Andrews Records
H138-732	B. Ennis	9/11/95	T	Harry T. Pusey/51 Yrs. DE Fire Serv.
H138-733	Houghton	9/09/95	T	Corrado-American, Inc./50th Anniv.
H138-734	Spence	9/07/95	T	William Brooks Sr./Ded. Serv./Mary Campbell Center
H138-735	Spence	9/07/95	T	Joyce A. Mullins/Ded. Serv./Dover Community
H138-736	Roy	9/01/95	T	Margaret Martha & Charles John Girard/50th Wedding Anniversary
H138-737	Brady	9/09/95	T	Heather Rachael Edwards & Shawn David Mullen/Marriage
H138-738	Brady	10/28/95	T	Matthew L. Mitchell & Catherine Suzanne O'Quinn/Marriage
H138-739	Brady	12/29/95	T	Irene M. & Francis J. Graves, Sr./50th Wedding Anniversary
H138-740	Fallon	9/05/95	M	Mr. Stanely E. Simon

HOUSE TRIBUTE ANNOUNCEMENT #46

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-741	Brady	9/24/95	T	Joseph John & Barbara Lee Fecondo/50th Wedding Anniversary
H138-742	Mack	10/14/95	T	John A. Peden, Jr./50 Yrs. Serv./Boy Scouts/Youth of N.C.C.
H138-743	DiLiberto	9/05/95	T	Lloyd H. Ross/23 Yrs./Director of Newark High Sch. Marching Band
H138-744	Stone	9/16/95	T	William A. Hufnal/DE Assoc. Of Realtors/'95 Realtor of Year
H138-745	cosponsor: Wagner Stone	9/16/95	T	Dee Henderson Lake/DE Assoc. Of Realtors/'95 Salesperson of Year
H138-746	Carey	10/01/95	T	Mark Allan Redden/Eagle Scout
H138-747	Quillen	9/29/95	T	Dale V. & Irene O. Dean/50th Wedding Anniversary
H138-748	Roy	9/06/95	T	Alethia & Alexander Wharry/50th Wedding Anniversary
H138-749	Ulbrich	9/23/95	T	Lynda Hrycak/Vice President Stone's Throw Civic Association
H138-750	Wagner	8/31/95	T	David & Mabel Henry/66th Wedding Anniversary
H138-751	Wagner	9/01/95	T	Paul Scotton/90th Birthday
H138-752	B. Ennis	9/09/95	M	Sarah H. Sipple
H138-753	B. Ennis	9/11/95	M	Vickers S. LeCates
H138-754	Banning	9/15/95	M	Michael S. Cahall
H1380755	cosponsor: B. Ennis Stone	9/21/95	T	Mildred B. Jones Nelson/95th Birthday
H138-756	cosponsor: Wagner DiPinto	9/27/95	T	Paul King/Retire/CEO/St. Francis Hospital

HOUSE TRIBUTE ANNOUNCEMENT #47

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-757	Welch	9/25/95	T	Marianne Thompson/'96 K.C. Farm Bureau Queen
H138-758	Gilligan	9/29/95	T	Carol King/Div. Of Fam. Serv./25 Yrs. Ded. Serv.
H138-759	Capano	10/01/95	T	Grace Davis/Outstanding Leadership/League of Women Voters
H138-760	DiLiberto	10/03/95	T	William F. Taylor, Esq./65th Birthday
H138-761	Wagner	9/25/95	M	Lawrence D. Grimm
H138-762	Roy	9/28/95	T	Hockessin Montessori School/Dedication/New Building
H138-763	Quillen	9/19/95	T	Ethel Reed/90th Birthday
H138-764	Wagner	9/09/95	M	Dr. Robert J. Zurkow
H138-765	Wagner	9/09/95	M	Constance J. S. Wagoner
H138-766	Wagner	11/19/95	T	Robert Wolfe Horsey/Eagle Scout
H138-767	Buckworth	9/28/95	T	Patricia Killalea/Grad./Nat. Geographic Soc. '95 Instructional Leadership Inst.
H138-768	Buckworth	9/28/95	T	Michael T. Kijowski/Grad./Nat. Geographic Soc. '95 Instruction- al Leadership Institute
H138-769	Roy	9/29/95	T	Helen & Eugene Swift/50th Wedding Anniversary
H138-770	Ewing	9/28/95	T	Younger Coggin/Best Wishes for Speedy Recovery
H138-771	B. Ennis	9/24/95	T	Margaret K. & Louis F. Uhlendorff /50th Wedding Anniversary

HOUSE TRIBUTE ANNOUNCEMENT #48

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-772	B. Ennis	8/25/95	T	Virginia & Stanley Slusark/50th Wedding Anniversary
H138-773	Brady	10/07/95	T	Claymont High School/Class of '55/40th Anniversary Reunion
H138-774	Schroeder	10/03/95	T	Beebe Medical Center/Employer of Yr. /DeVries Bus. & Prof. Women's Club
H138-775	Schroeder	10/03/95	T	June Turansky/Woman of Yr./DeVries Business & Professional Women's Club
H138-776	Brady	10/12/95	T	Helen Nentwig/97th Birthday
H138-777	Ewing	10/10/95	T	Alma Seely Smith/80th Birthday
H138-778	Wagner	11/18/95	T	Lisa Marie Cronshaw & Kenneth M. Allison/Marriage
H138-779	Wagner	11/04/95	T	Katherine Louise Mercer & James Douglas Oxford, Jr./Marriage
H138-780	Wagner	11/11/95	T	John Buckley & Diane Pizzi/Marriage
H138-781	Quillen	10/12/95	T	Dr. Arthur R. Gilbert/Retire/13 Yrs./Lake Forest
H138-782	Fallon	10/04/95	M	Joe Reeves Dennis
H138-783	Fallon	10/26/95	T	DuPont Co./Seaford Nylon Plant/Nat. Historic Chemical Landmark
H138-784	Fallon	10/12/95	T	Joseph Scott Shannon/DE Bar
H138-785	West	10/14/95	T	Jamie Hill/Sussex County Farm Bureau Queen
H138-786	B. Ennis	10/21/95	T	Billie & Henry Heller/40th Wedding Anniversary

HOUSE TRIBUTE ANNOUNCEMENT #49

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-787	Scott	10/21/95	T	Eunice Thomas/40Yrs. Ded. Serv./New Castle County Head Start
H138-788	Maier	10/20/95	T	Albert & Shirley Rose/50th Wedding Anniversary
H138-789	Quillen	10/18/95	T	Lyda Thorpe/98th Birthday
H138-790	Quillen	10/31/95	T	Joan Quillen/40 Yrs. Ded. Serv. Pres./JC Penny Nat. Bank
H138-791	Spence	10/17/95	T	Michael A. Terranova, Jr./Eagle Scout
H138-792	Bunting	10/14/95	T	"Bobby" Jones/Retire/35 Yrs./Sussex Farm Bureau Bd.
H138-793	Bunting	10/14/95	T	Jesse & Pat Rawley/Ded. Serv./Bethany Beach Community
H138-794	Buckworth	10/16/95	T	James W. Harvey/C.R. High State Athletic Dir./'95-'96
H138-795	Fallon	10/18/95	T	Peter Redding/Outstanding Serv./Fly Cennsa 210/Missions of Mercy
H138-796	Fallon	10/19/95	T	Marcia Windley/Seaford Teacher of Year
H138-797	Brady	11/03/95	T	Brandywine Senior Ctr./20th Anniversary
H138-798	Fallon	10/02/95	T	Ileana M. Smith/Doctorate/Wilm. College/Innovation & Leadership
H138-799	Wagner	9/30/95	T	Robert Andrus/Wesley College Alumni/Athletic Hall of Fame
H138-800	Wagner	9/16/95	T	Adrienne Leigh Klingbeil & Edward Steve Zlock, Jr./Marriage
H138-801	Wagner	10/01/95	M	Robert Duane Sykes

HOUSE TRIBUTE ANNOUNCEMENT #50

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-802	Brady	10/13/95	T	Patricia & Howard Olsen/50th Wedding Anniversary
H138-803	VanSant	8/05/95	T	Harvey Bernard Rubenstein/Sole Practitioner of Year/ABA
H138-804	Quillen	10/23/95	T	Douglas Crouse/Outstanding Record of Ded. Serv./Youth of Com.
H138-805	Quillen	10/26/95	T	Shirleen Wright/Harrington Heritage Day/Outstanding Job
H138-806	Ewing	10/30/95	T	Ethel Callaway/90th Birthday
H138-807	Mack	10/28/95	T	Laura & Albin Wolski/40th Wedding Anniversary
H138-808	Carey	10/22/95	T	Bertha A. Johnson/90th Birthday
H138-809	Fallon	10/14/95	M	Ruth H. Dunaway
H138-810	Fallon	7/22/95	T	Dr. Cora Selby/Community Relations Award/DE St. Alumni
H138-811	Jonkiert	10/25/95	T	George E. Evans/DE School Bd. Assoc./Distinguished Serv. Award
H138-812	DiPinto	9/26/95	M	Filomena Fantini
H138-813	cosponsor: Brady			
H138-813	Fallon	10/12/95	M	Elizabeth Louise Jones Holodick
H138-814	Buckworth	11/12/95	T	Dr. & Mrs. Archie R.
H138-814	cosponsor: Ewing			Jordan/50th Wedding Anniversary
H138-815	Fallon	10/26/95	T	Tull Brothers/65th Anniversary
H138-816	Fallon	10/24/95	T	Dr. Harlan White/Outstanding Faculty Award/Virginia Tech

T - Tribute

M - Memoriam

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on **SB 274 w/SA 1**. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli introduced and brought **SB 274 w/SA 1**, jointly sponsored by Senators Marshall & Sharp & Representative Spence & Senators Cordrey, Bair & Connor & Representatives Petrilli, Quillen, Gilligan, VanSant & B. Ennis, before the House for consideration.

SB 274 - An Act to Amend Title 15 of the Delaware Code Relating to Elections.

Representative Petrilli made comments.

Representative Schroeder requested that he be marked present.

Representative Gilligan made a comment.

Representative Petrilli was granted the privilege of the floor for Richard Forsten, Republican State Committee Attorney.

Representatives Gilligan & Plant made comments.

The roll call on **SB 274 w/SA 1** was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Fallon, Smith - 3.

Therefore, having received a constitutional majority, **SB 274 w/SA 1** was returned to the Senate.

The Chief Clerk read the following committee reports into the record:

JUD: **HB 363** - 7M; **HB 367** - 7M; **SB 191** - 7M; **SB 232** - 5M.

SM BUS: **HB 359** - 7M.

The Majority Leader moved to recess to the call of the Chair at 4:43 p.m.

2nd LEGISLATIVE DAY
138th GENERAL ASSEMBLY
Second Session
January 11, 1996

Mr. Speaker Spence called the House to order at 2:17 p.m.

The Reading Clerk read the following communications into the record:

M E M O R A N D U M

TO: The Honorable Terry R. Spence
Speaker of the House of Representatives
FROM: Representative Dave Ennis
DATE: January 10, 1996
RE: Absence From Session

Because of Legislative matters, I will be out of town and unable to attend Session on Thursday, January 11, 1996.

DHE/dlc

cc: JoAnn Hedrick, Chief Clerk

HOUSE TRIBUTE ANNOUNCEMENT #51

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-817	Maier	10/26/95	T	Roberta Klees/6 Yrs. Ded. Serv./ Sec./Green Valley Civic Assoc.
H138-818	Maier	10/26/95	T	Beverly Duggan/8 Yrs./Ded. Serv./ Treas./Green Valley Civic Assoc.
H138-819	Smith	10/25/95	T	George Yaple/Ded. Serv./7th Dist. Rep. Committee/Chairman/'91-'95
H138-820	Oberle	10/25/95	T	Karen Kolodi/Ded. Serv./Pres./Breeze- wood II Civic Association
H138-821	Wagner	10/06/95	T	Mr. & Mrs. Carleton Walls/50th Wedding Anniversary
H138-822	Carey	10/13/95	T	Dr. Kae E. Keister/DE '95 Nat. Dist./Principal of Year
H138-823	Maier	10/22/95	T	John & Marie Perrone/35th Wedding Anniversary
H138-824	Spence	10/21/95	T	Diane Taylor & Artesian Water Co./90 Yrs. Ded. Serv./N.C.C.

H138-825	Gilligan	11/04/95	T	William Julius "Judy" Johnson
	cosponsor: Capano			Home/Nat. Historic Register
H138-826	VanSant	12/03/95	T	Elizabeth J. & Lewis S. English
				/50th Wedding Anniversary
H138-827	Brady	10/14/95	T	Veronica McAleer McCrea/25 Yrs.
				Teaching Irish Step/Ceili Dancing
H138-828	Quillen	10/19/95	T	Lake Forest High FFA/1st Place/
				State '95 Land Judging Contest
H138-829	Fallon	10/28/95	T	Edward & Mary Margaret
				Barto/Marriage
H138-830	Fallon	10/26/95	T	John Rittenhouse/Businessman
				of Year/Seaford Chamber of Com.

HOUSE TRIBUTE ANNOUNCEMENT #52

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-831	Fallon	11/04/95	T	Lisa Ann & Richard Fallon/ Marriage
H138-832	Roy	10/31/95	T	Enemute Oduaran & Enviro/Consultants Group, Ltd./
				'95 DE Minority Bus. of Yr.
H138-833	Spence	9/29/95	T	Henry Topel/'95 Tourism Hall of Fame
H138-834	B. Ennis	11/12/95	T	Shannon Tieman Blades/80th Birthday
H138-835	Ulbrich	11/19/95	T	Brent R. Ferry/Eagle Scout
H138-836	Quillen	11/03/95	T	James Bordley/8 Yrs. Serv./ K.C. Superior Court
H138-837	Wagner	11/10/95	T	Ron E. Bogia/Retire/Capitol School District/26 Yrs.
H138-838	DiPinto	6/30/95	T	Pete Grandell/Retire/Wilm. High Sch./47 Yrs./Coach/Teacher
H138-839	DiPinto	10/30/95	T	Rev. Paul Burke/Retire/Chaplain/ Wilm. Police Dept./20 Yrs. Serv.
H138-840	DiPinto	9/18/95	T	Ingleside Retirement Apartments/20 Yrs. Ded. Serv. To Community
H138-841	Mack	11/09/95	T	"Stan" Bradley, Jr./25 Yrs. Serv./Wil- son Serv./Wilson Field & Stahl
				Post American Legion #30
H138-842	Ewing	11/14/95	T	Robert & Edith Vincent/ 50th Wedding Anniverary
H138-843	DiPinto	9/06/95	M	Alice Turner
H138-844	Fallon	11/02/95	M	Leroy Jack Hearn
H138-845	Fallon	11/03/95	M	Emily Gundry
H138-846	Fallon	11/04/95	M	Sherwood H. Marvel

HOUSE TRIBUTE ANNOUNCEMENT #53

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-847	Roy	12/04/95	T	Dorothy Copper/Ded. Serv./40 Yrs. /Hockessin Community Ctr.
H138-848	Roy	12/04/95	T	Eliza Peterson/40 Yrs. Serv./ Hockessin Community Ctr.
H138-849	Roy	12/04/95	T	Mary A. Woolfolk/40 Yrs. Serv./ /Hockessin Community Center
H138-850	DiPinto	11/17/95	T	Stephen W. Bartoshesky, M.D./ 'Man of Year'/AMPOL
H138-851	VanSant	12/08/95	T	Steven J. Donaldson/Eagle Scout
	cosponsor: Houghton			

H138-852	Brady	11/04/95	T	Carmella & Stephn Donato/ 50th Wedding Anniversary
H138-853	Fallon	11/08/95	M	Joseph H. Gardner
H138-854	B. Ennis	12/17/95	T	Sue & Alan McClements/ 25th Wedding Anniversary
H138-855	Fallon	11/13/95	T	Phillips Signs, Inc./Friend of Seaford Education Award
H138-856	Quillen	11/18/95	T	Michael J. Bradley, D.O./Ded. Serv./Pres. of Medical Soc. of DE
H138-857	Maier	11/01/95	T	Vito & Jeanne DiChiara/ 15th Wedding Anniversary
H138-858	Maier	11/20/95	T	Julianne Tankersley/Physical Ed. Teacher of Yr./John Dickinson High
H138-859	B. Ennis	11/12/95	M	Walter Clayton Crawford, Jr.
H138-860	DiPinto	9/27/95	T	Willis F. Harrington, Jr./95 Founders Award/31 Yrs./O.C.I.
H138-861	DiPinto	10/08/95	T	Joe Walsh/6 Yrs. Ded. Serv./Choir & Music Dir./St. Ann's Church
H138-862	Ewing	11/17/95	T	Rebecca Furman/Led 6 Children to Safety from Burning Home/Nov. 16

HOUSE TRIBUTE ANNOUNCEMENT #54

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-863	D. Ennis	11/30/95	T	Joan VanHorn/Ded. Serv. N.C.C. /Emergency Management
H138-864	Fallon	11/20/95	M	Angelo Longo
H138-865	Fallon	11/19/95	M	Earl Tate
H138-866	Welch	12/02/95	T	Rev. Wayne & Mrs. Janet Trout/Yrs. Ded. Serv./Kent Christian Ctr.
H138-867	Wagner	12/05/95	M	Udomo Kenjyatta
H138-868	Spence	12/14/95	T	Membership, Bd. Of Dir., Pres. & Staff/ DE Man. Housing Assoc./35th Anniv.
H138-869	Spence	12/14/95	T	Marty Faircloth/Induct./Nat. Recreation al Veh./Manufac. Housing Hall of Fame
H138-870	Wagner	7/22/95	T	Lucy Elizabeth Findlay & Robert G. Merrill/Marriage
H138-871	Wagner	11/30/95	T	Mary Alice Tuttle/"Woman of Yr." /Dover Bus. & Prof. Women
H138-872	Schroeder	12/11/95	T	Holly Brock/Cape Henlopen Field Hockey/State Championship
H138-873	Schroeder	12/11/95	T	Angel Cahill/Cape Henlopen Field Hockey/State Championship
H138-874	Schroeder	12/11/95	T	Erin Ewart/Cape Henlopen Field Hockey/State Championship
H138-875	Schroeder	12/11/95	T	Kelly Flaherty/Cape Henlopen Field Hockey/State Championship
H138-876	Schroeder	12/11/95	T	Alison Gaffney/Cape Henlopen Field Hockey/State Championship
H138-877	Schroeder	12/11/95	T	Lesley Kroon/Cape Henlopen Field Hockey/State Championship

HOUSE TRIBUTE ANNOUNCEMENT #55

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-878	Schroeder	12/11/95	T	Emily Weer/Cape Henlopen Field Hockey/State Championship
8138-879	Schroeder	12/11/95	T	Karinne Lemmon/Cape Henlopen Field Hockey/State Championship

H138-880	Schroeder	12/11/95	T	Christina Maull/Cape Henlopen Field Hockey/State Championship
H138-881	Schroeder	12/11/95	T	Kelly Palekar/Cape Henlopen Field Hockey/State Championship
H138-882	Schroeder	12/11/95	T	Amy Reardon/Cape Henlopen Field Hockey/State Championship
H138-883	Schroeder	12/11/95	T	Jennifer Reihm/Cape Henlopen Field Hockey/State Championship
H138-884	Schroeder	12/11/95	T	Sherry Swartzel/Cape Henlopen Field Hockey/State Championship
H138-885	Schroeder	12/11/95	T	Alexia Waples/Cape Henlopen Field Hockey/State Championship
H138-886	Schroeder	12/11/95	T	Erica Waples/Cape Henlopen Field Hockey/State Championship
H138-887	Schroeder	12/11/95	T	Jacki Warrington/Cape Henlopen Field Hockey/State Championship
H138-888	Schroeder	12/11/95	T	Stephanie Warrington/Cape Henlopen Field Hockey/State Championship
H138-889	Schroeder	12/11/95	T	Carrie Lingo/Cape Henlopen Field Hockey/State Championship
H138-890	Schroeder	12/11/95	T	Allison Griffith/Cape Henlopen Field Hockey/State Championship
H138-891	Schroeder	12/11/95	T	Shelley Sentman/Cape Henlopen Field Hockey/State Championship

HOUSE TRIBUTE ANNOUNCEMENT #56

DATE: January 9, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-892	Schroeder	12/11/95	T	Liz Starr/Cape Henlopen Field Hockey/State Championship
H138-893	Schroeder	12/11/95	T	Kim Smith/Cape Henlopen Field Hockey/State Championship
H138-894	Schroeder	12/11/95	T	Nicole Starr/Cape Henlopen Field Hockey/State Championship
H138-895	Schroeder	12/11/95	T	Heather Stevenson/Cape Henlopen Field Hockey/State Championship
H138-896	Schroeder	12/11/95	T	Ruth Sponaugle Skoglund/Cape Henlopen Field Hockey/State Champ.
H138-897	Schroeder	12/11/95	T	Michael Eisenhower/Cape Henlopen Field Hockey/State Championship
H138-898	Schroeder	12/11/95	T	David Lemmon/Assistant Coach/Cape Henlopen Field Hockey/St. Championship Victory
H138-899	Schroeder	12/11/95	T	Margaret E. Peck/Athletic Dir./Cape Henlopen High/St. Champ. Victory
H138-900	B. Ennis	8/17/95	T	Margaret Ann Rogers/25 Yrs. With Kraft Foods
H138-901	Schroeder	12/11/95	T	Amy Lynn Guinta & Jason Trevor Leone/Marriage
H138-902	Wagner	7/22/95	T	Carolyn Sue Wright & Matthew Francis Grady/Marriage
H138-903	Brady	10/24/95	T	Kitty & Chuck Sutton/50th Wedding Anniversary
H138-904	Fallon	12/09/95	T	Dr. G. Timothy Kavel/95 Honorary Alumnus De/Tech/Owens Campus

T - Tribute

M - Memoriam

The Majority Leader moved to adjourn at 2:19 p.m., thereby ending the current Legislative Day. The House reconvened at 2:20 p.m.

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives Caulk, Smith - 2.

A prayer was offered by Representative Richard F. Davis, Twenty-Sixth Representative District.

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

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

Mr. Speaker introduced guests.

The following prefiled legislation was introduced:

HB 390 - (This number has been reserved.)

HB 391 - (This number has been reserved.)

HB 392 - (This number has been reserved.)

HB 393 - WAGNER; SENATOR BLEVINS - HEALTH & HUM DEV: An Act to Amend Chapter 227, Volume 69, Laws of Delaware, Relating to the Pharmacy Access Act.

HB 394 - WEST - NAT RES: An Act to Amend Chapter 7, Title 7, Delaware Code, Relating to Trespassing Upon Land With Gun and/or Dog.

HA 1 to HB 309 - WAGNER - AGENDA: Placed with the bill.

HA 1 to HB 321 - MARONEY - ECON DEV, B & I: Placed with the bill.

SCR 37 - SHARP & REPRESENTATIVE SPENCE; SENATOR MCBRIDE; REPRESENTATIVE MACK - NAT RES: Respectfully Requesting That the Environmental Protection Agency Conduct Research to Determine the Causes Behind Delaware's High Cancer Rate.

SCR 39 - MCDOWELL & REPRESENTATIVE MARONEY - HOUSING & COM AFF: Expressing the Support of the Delaware General Assembly for the Low Income Home Energy Assistance Program.

SCR 40 - CONNOR, MCBRIDE, BLEVINS, SORENSON, VAUGHN; REPRESENTATIVES MACK, MARONEY, SPENCE, REYNOLDS, DAVIS - HEALTH & HUM DEV: Establishing a Cancer and the Environment Liaison Group to Assist the General Assembly in Assuring That the Cancer Task Force's Strategies and Recommendations Are Carried Out and to Advise the General Assembly as It Develops Legislation to Reduce Incidences of Cancer Within the First State.

Representative Petrilli made announcements.

The Majority Leader moved to recess for caucus at 2:25 p.m.

The House reconvened at 4:13 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 272 & SB 270.

Representatives Oberle, Jonkiert & Schroeder requested that they be marked present.

Representative Davis was granted personal privilege of the floor for the introduction of guests.

Representative Petrilli was granted privilege of the floor for Pam Price and the Legislative Fellows.

The following prefiled Consent Calendar #12 was introduced:

HR 40 - ROY, SPENCE, PETRILLI, DIPINTO, LOFINK, MAIER, MARONEY, ULBRICH, BRADY, DILIBERTO, GILLIGAN, JONKIERT, HOUGHTON - Welcoming Bishop Michael A. Saltarelli on the Occasion of His Installation as the Eighth Bishop of the Diocese of Wilmington.

HR 41 - DIPINTO - Bidding a Fond Farewell to Pete Grandell as He Retires After Nearly Half a Century of Dedicated Service as a Faculty Member of Wilmington High School.

HCR 32 - PETRILLI, SPENCE & QUILLEN - Providing That a Joint Session of the Senate and House be Convened for the Purpose of Receiving the Annual State of the State Address by the Honorable Thomas R. Carper, Governor of the State of Delaware.

SCR 38 - STILL, BONINI, VAUGHN, COOK; REPRESENTATIVES WAGNER, QUILLEN, STONE, B. ENNIS, CAULK, BUCKWORTH - Expressing Condolences Upon Learning of the Untimely Death of Patrick Henry Lynn, Levy Court Commissioner and Former Principal of Dover High School Who Passed Away on August 7, 1995 at the Age of 61 Years.

Representative Oberle introduced HR 42, jointly sponsored by Representatives Lofink & Roy on Behalf of All Representatives.

HR 42 - Praising the Personnel of the Delaware Department of Transportation for Their Extraordinary Efforts During the Blizzard of 1996.

HR 42 was placed on Consent Calendar #12.

Consent Calendar #12 was adopted by voice vote and HCR 32 was sent to the Senate for concurrence and SCR 38 was returned to the Senate.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner moved to lift HB 309 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Wagner brought HB 309, jointly sponsored by Representatives Quillen, Capano, Cloutier, Davis, DiPinto, Lee, Maier, Smith & Stone, before the House for consideration.

HB 309 - An Act to Amend Title 10 of the Delaware Code Relating to the Family Court and Restitution.

Representative Wagner requested that HA 1 to HB 309 be stricken.

Representative Wagner introduced and brought HA 2 to HB 309 before the House for consideration.

Representative Wagner made a comment.

HA 2 was adopted by voice vote.

Representatives Wagner, Houghton & B. Ennis made comments.

Representative Wagner requested and was granted the privilege of the floor for Ron Smith, House

Attorney.

Representatives Wagner, B. Ennis, Bunting, Plant, DiLiberto, Scott, Davis, VanSant & West made comments.

The roll call on HB 390 w/HA 2 was taken and revealed:

YES: 32.

NO: Representatives Welch, Williams - 2.

NOT VOTING: Representatives B. Ennis, Plant, VanSant - 3.

ABSENT: Representatives Caulk, D. Ennis, Fallon, Smith - 4.

Therefore, having received a constitutional majority, HB 309 w/HA 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought SB 28, jointly sponsored by Senator McBride & Representative Spence & Senators Marshall, McDowell, Connor, Henry & Reed & Representatives Houghton & VanSant, before the House for consideration.

SB 28 - An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration; and Providing for Donated Leave. (F/N)

Representative Oberle brought HA 1 to SB 28 before the House for consideration.

Representative Oberle introduced and brought HA 1 to HA 1 to SB 28 before the House for consideration.

Representative Oberle made comments.

Representative Oberle moved to lay HA 1 to HA 1 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle made comments.

HA 1 to SB 28 was adopted by voice vote.

Representatives Ewing, Oberle, Wagner, Oberle, Davis, Oberle & Maier made comments.

Representative Oberle deferred to Representative Davis.

Representative Davis made comments.

The roll call on SB 28 w/HA 1 was taken and revealed:

YES: 37.

ABSENT: Representatives Caulk, D. Ennis, Fallon, Smith - 4.

Therefore, having received a constitutional, SB 28 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought SB 191, jointly sponsored by Senators Reed, Amick, Bair, Bonini, Connor, Hauge, Henry, Sorenson, Still, Blevins, Cordrey, Marshall, Sokola, Vaughn & Voshell & Representatives Boulden, Buckworth, Capano, Carey, Caulk, Cloutier, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Quillen, Reynolds, Smith, Spence, Stone, Ulbrich, Wagner, Welch, Banning, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, Scott, VanSant & West, before the House for consideration.

SB 191 - An Act to Amend Title 11 of the Delaware Code Relating to Requisition/Extradition Costs. (F/N)

Representative Roy made comments.

The roll call on SB 191 was taken and revealed:

YES: 37.

ABSENT: Representatives Caulk, D. Ennis, Fallon, Smith - 4.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SB 270. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli introduced and brought SB 270, sponsored by Senator Cordrey & Representative Quillen, before the House for consideration.

SB 270 - An Act Relating to Exempting the Statutory Provisions of §106 (a), Title 13, of the Delaware Code Relating to the Marriage of Janice Workman Donovan and Peter Vincent Giglio.

Representative Quillen made comments.

The roll call on SB 270 was taken and revealed:

YES: 37.

ABSENT: Representatives Caulk, D. Ennis, Fallon, Smith - 4.

Therefore, having received a constitutional majority, SB 270 was returned to the Senate.

Representative Petrilli made an announcement.

Representative B. Ennis requested that HB 348 & HB 383 be stricken.

Representative Plant requested that HB 29, HB 228 & HB 142 be stricken.

The Majority Leader moved to recess to the call of the Chair at 5:08 p.m.

3rd LEGISLATIVE DAY
138th GENERAL ASSEMBLY
Second Session
January 16, 1996

Mr. Speaker Spence called the House to order at 2:39 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 271.

September 7, 1995

LEGISLATIVE ADVISORY #36

Governor Thomas R. Carper signed the following legislation on the date indicated: 9/07/95: HB 373, HB 384, HB 385, HB 388 & HB 389.

January 11, 1996

LEGISLATIVE ADVISORY #37

Governor Thomas R. Carper signed the following legislation on the date indicated: 1/10/96: SB 274 aab SA 1.

The Majority Leader moved to adjourn at 2:40 p.m., thereby ending the current Legislative Day. The House reconvened at 2:41 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Vincent A. Lofink, Twenty-Seventh Representative District.

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

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

The following prefiled legislation was introduced:

HB 391 - DAVIS & SENATOR SOKOLA & REPRESENTATIVE REYNOLDS & SENATOR COOK & REPRESENTATIVE SCHROEDER & SENATOR CONNOR; REPRESENTATIVES BUCKWORTH, CAPANO, CAREY, CLOUTIER, DIPINTO, EWING, LEE, MACK, MAIER, ULBRICH, WAGNER; SENATORS BLEVINS, VOSHELL, BAIR, BONINI, HAUGE, REED, SORENSON, STILL - ED: An Act to Amend Title 14, Delaware Code, Regarding the Financial Reporting Requirements of Reorganized School Districts.

HB 395 - CAULK, QUILLEN, BUCKWORTH, CAREY, EWING, FALLON, LEE, LOFINK, WELCH, BANNING, BUNTING, B. ENNIS, SCHROEDER, WEST; SENATORS COOK, CORDREY, VAUGHN, VENABLES, VOSHELL, BONINI, STILL - AG: An Act to Amend Title 3, Delaware Code, Relating to Grain Contracts of Sale, Discount Rates, and Test Weight Rates.

HB 396 - B. ENNIS, BANNING, BRADY, BUCKWORTH, CAREY, D. ENNIS, FALLON, GILLIGAN, HOUGHTON, JONKIERT, LEE, LOFINK, PLANT, QUILLEN, SPENCE, VANSANT, WAGNER, WEST; SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Title 18 to Ensure Consumer Choice Between Physical Therapy Services.

HB 397 - DILIBERTO, BANNING, BRADY, BUCKWORTH, BUNTING, DAVIS, B. ENNIS, GILLIGAN, JONKIERT, LEE, PLANT, SCHROEDER, SCOTT, SPENCE, VANSANT, WAGNER, WEST, WILLIAMS; SENATORS AMICK, STILL - JUD: An Act to Amend Subchapter VI, Chapter 5 of Title 11, Delaware Code, Relating to Crimes.

HB 398 - DILIBERTO, BANNING, BRADY, BUCKWORTH, BUNTING, DAVIS, B. ENNIS, GILLIGAN, JONKIERT, LEE, PLANT, SCHROEDER, SCOTT, SPENCE, VANSANT, WAGNER, WEST, WILLIAMS; SENATORS AMICK, STILL - JUD: An Act to Amend Subchapter VI, Title 11 of the Delaware Code Relating to Assault.

HB 399 - DILIBERTO, BANNING, BRADY, BUCKWORTH, BUNTING, DAVIS, FALLON, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, SCOTT, SPENCE, VANSANT, WAGNER, WEST, WILLIAMS; SENATOR STILL & COSPONSORED BY SENATORS BLEVINS, HENRY, REED, SORENSON, BAIR & CLARK - H/ADM: An Act to Amend Chapter 21 of Title 29 Relating to the Governor's Authority to Proclaim Special Days.

HA 2 to HB 321 - MARONEY - ECON DEV, B & I: Placed with the bill.

HA 3 to HB 321 - MARONEY - ECON DEV, B & I: Placed with the bill.

SB 271 - CORDREY; REPRESENTATIVE SMITH - R & F: An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

SB 272 - SHARP - JUD: An Act to Amend Title 8 of the Delaware Code Relating to the General Corporation Law. (2/3 bill)

Representative Maroney introduced a guest.

Representative Plant was granted personal privilege of the floor to make comments regarding HB 230.
Representatives West, Roy & D. Ennis requested that they be marked present.
Representative Quillen introduced a guest.

The Majority Leader moved to recess for caucus at 2:50 p.m.

The House reconvened at 4:10 p.m.

Representative Mack requested that he be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 32, SB 259 & SJR 15.

HOUSE TRIBUTE ANNOUNCEMENT #57

DATE: January 16, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentative Date	Type	Description
H138-905	Fallon	12/12/95	T	Ethel R. Newton/90th Birthday
H138-906	Fallon	11/08/95	T	Suzanna Bramhall/Cert. International Property Specialist
H138-907	Fallon	8/23/95	T	Mr. & Mrs. John Manlove/50th Wedding Anniversary
H138-908	Oberle	1/08/96	T	Gary Helse/Yrs. Of Service/Chestnall Hill Civic Assoc.
H138-909	Stone	11/16/95	T	John & Mary Richter/Central Cham. of Com. Buchanan Award
H138-910	Stone	11/29/95	M	Col. Harvey Ray Wrede, Jr.
H138-911	Stone	11/29/95	M	Donald Edward Coffey, Sr.
H138-912	Cosponsor: Quillen Lofink	12/14/95	T	Francis "Skip" Maguire/37 Yrs. Ded. Serv./DELDOT
H138-913	Buckworth	11/17/95	T	Tom Cahall/"Spirit of C.R. "Award /Voluntary Service
H138-914	Buckworth	12/12/95	T	George Pulliam/Football/First-Team All-State
H138-915	Buckworth	12/12/95	T	Scott Williams/Football/First-Team All-State
H138-916	Buckworth	12/12/95	T	Jeff Ramierz/Football/First-Team All-State
H138-917	Buckworth	12/12/95	T	Erik McLaughlin/Football/First-Team All-State Defense
H138-918	Quillen	12/18/95	T	Coach William Eisenbrey/Henlopen Conf. Div. II Champs.

HOUSE TRIBUTE ANNOUNCEMENT #58

DATE: January 16, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentative Date	Type	Description
H138-919	Stone	12/07/95	T	Bruce Reynolds/'95 Coach of Yr./Football Coaches Assoc.
H138-920	Banning	12/25/95	T	Deena Banning Immediato/Honor Roll/St. Mark's High
H138-921	Quillen	1/06/96	T	Kathleen Montague/50 Yrs. /Ladies Aux. Vol. Firemens Assoc.
H138-922	B. Ennis	12/24/95	T	Maggie Ann Montgomery/80th Birthday
H138-923	Quillen	12/18/95	T	Kenny Bailey/'95 All-American Back/U. Of D.
H138-924	Quillen cosponsors: Buckworth, Caulk B. Ennis, Stone, Wagner, Welch	1/01/96	T	George & Mary Papen/60th Wedding Anniversary
H138-925	Quillen	12/18/95	T	Brenda Moffett/Woman of Yr./Harrington Bus. & Prof. Women
H138-926	Quillen	12/14/95	T	Nate Rust/All-State Football Tackle

H138-927	Wagner	8/10/95	T	Diana Diven & William Farrell/ Marriage
H138-928	Bunting	12/22/95	T	Kelli Steele/Appreciation/ Broadcasting
H138-929	Wagner	12/18/95	M	William K. Moran
H138-930	Wagner	12/20/95	M	J. Albert Hurley
H138-931	Quillen	12/30/95	T	William & Irene Outten/50th Wedding Anniv.
H138-932	Stone	12/13/96	T	Howard E. Row/40 Yrs. Of "Service Above Self"/Rotary
H138-933	Stone	12/12/95	M	Charles F. Hirsch, Jr.

HOUSE TRIBUTE ANNOUNCEMENT #59

DATE: January 16, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentative Date	Type	Description
H138-934	Ewing	1/06/96	T	Robert A. Reynolds, Jr./20 Yrs. Serv./Greenwood
H138-935	Wagner cosponsor: Stone	12/30/95	M	Barbara M. Greenwalt
H138-936	Fallon	12/20/95	M	Marvin C. Harrold
H138-937	Fallon	12/19/95	M	Sara Morris
H138-938	Fallon	12/17/95	M	Cynthia Ellett
H138-939	Fallon	12/30/95	M	Paul Collins
H138-940	Fallon	12/29/95	T	Joseph & Pearl Parker/50th Wedding Anniversary
H138-941	Fallon	1/04/96	T	John Hollis/Com. Serv. Award/Exceptional Children
H138-942	Fallon	1/04/96	T	Edwin Lee James, III/U.S. Nat. Award/Saxophonist/
H138-943	Welch	1/06/96	T	Robert Bryce Brown/ Retire/34 Yrs./Auditor
H138-944	B. Ennis	12/19/95	M	Margaret S. Price
H138-945	DiLiberto	1/10/96	T	Ralph E. Godwin/Out- standing Com. Service
H138-946	Fallon	1/06/96	T	Betsy Rawls/'96 Bob Jones Award/Golf
H138-947	Fallon cosponsor: Carey	1/06/96	T	Lida Wells/Master of Arts /U. Of D.
H138-948	Ulbrich	12/15/95	T	Anita Dauphin/Newark High/Teacher of Year
H138-949	Ulbrich	12/15/95	T	Pamela Waun/Brookside Elementary/Teacher of Yr.

T - Tribute

M - Memoriam

Representative Petrilli deferred to Representative Quillen.

Representative Quillen brought HB 314 before the House for consideration.

HB 314 - An Act to Amend Part VII, Title 16 of the Delaware Code Relating to Elevators, Penalties.
(2/3 bill)

Representatives Quillen & Davis made comments.

Representative Quillen moved to place HB 314 on the Speaker's table. The motion was seconded by Representative Carey and adopted by voice vote.

Representative Jonkiert & Buckworth requested that they be marked present.

Representative Wagner brought HB 295, jointly sponsored by Representatives Spence, Boulden, Caulk, Cloutier, Ewing, Lee, Maier, Smith, Welch, Banning, Houghton & West, before the House for consideration.

HB 295 - An Act to Amend Title 10 of the Delaware Code Relating to Family Court and Juveniles
Driving Without Licenses.

Representative Wagner brought HA 1 to HB 295 before the House for consideration.

Representative Wagner made a comment.

HA 1 was adopted by voice vote.

Representative Wagner brought HA 2 to HB 295 before the House for consideration.

Representative Jonkiert made a comment.

Representative Wagner requested that HA 2 be stricken.

Representatives Wagner & DiPinto made comments.

Representative Reynolds requested that he be marked present.

The roll call on HB 295 w/HA 1 was taken and revealed:

YES: 34.

NO: Representatives Brady, Bunting, B. Ennis, Williams - 4.

NOT VOTING: Representatives Plant, Scott - 2.

ABSENT: Representative Caulk - 1.

Therefore, having received a constitutional majority, HB 295 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli requested and was granted the privilege of the floor for Robert Jacobs, Executive Director, Slam Dunk to the Beach.

Representatives Spence, Gilligan, Petrilli, Carey & Fallon made comments.

Representative Quillen moved to lift HB 314 from the Speaker's table. The motion was seconded by Representative Carey and adopted by voice vote.

Representative Quillen brought HB 314 before the House for consideration.

HB 314 - An Act to Amend Part VII, Title 16 of the Delaware Code Relating to Elevators, Penalties. (2/3 bill)

Representative Quillen deferred to Representative Davis.

Representative Davis introduced & brought HA 1 to HB 314 before the House for consideration.

Representatives Davis, Bunting, Jonkiert & Ewing made comments.

HA 1 to HB 314 was adopted by voice vote.

Representatives Quillen, Stone, Davis, Bunting, Houghton, Quillen, Spence & Davis made comments.

Representative Quillen moved to place HB 314 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative West requested that HB 394 be stricken.

Representative Petrilli made an announcement.

Representative Davis introduced HB 390, jointly sponsored by Senator Sokola & Representative Reynolds & Senator Cook & Representative Schroeder & Senator Connor & Representatives Buckworth, Capano, Carey, Cloutier, DiPinto, Ewing, Mack, Maier, Ulbrich & Wagner & Senators Voshell, Blevins, Bair, Bonini, Hauge, Reed, Sorenson & Still.

HB 390 - An Act to Amend Title 14 of the Delaware Code Relating to School-Based Decision Making.

Mr. Speaker assigned HB 390 to the Education Committee.

The Majority Leader moved to recess to the call of the Chair at 4:48 p.m.

4th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
Second Session
January 17, 1996

Mr. Speaker Spence called the House to order at 2:05 p.m.

The Majority Leader moved to adjourn at 2:06 p.m., thereby ending the current Legislative Day. The House reconvened at 2:07 p.m.

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Jonkiert - 1.

A prayer was offered by Representative Arthur L. Scott, Third Representative District.

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

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

The following prefiled legislation was introduced:

HB 400 - PETRILLI & SPENCE - H/ADM: An Act to Amend Subchapter V, Chapter 19, Title 10, Delaware Code, Relating to Judicial Records and Indices, New Castle County.

HB 401 - PETRILLI & SPENCE - H/ADM: An Act to Amend Chapter 21, Title 25, of the Delaware Code Relating to the Satisfaction of Mortgages.

HB 402 - ROY & SENATOR SHARP; REPRESENTATIVES CLOUTIER, LOFINK, OBERLE, DAVIS; SENATOR SOKOLA & COSPONSORED BY SENATOR CONNOR - TRANS: An Act to Amend Title 25 of the Delaware Code Relating to Tort Liability of Property Owners.

HB 403 - DAVIS & SENATOR SOKOLA; REPRESENTATIVES BOULDEN, SPENCE, LOFINK, ULBRICH, REED, DILIBERTO, GILLIGAN, OBERLE, MAIER, PETRILLI; SENATORS SHARP, SORENSON, AMICK - APPRO: An Act Approving and Validating All Actions Taken by the Christina School District Relating to Authorization of the Issuance of Bonds for a School Construction Program.

HB 404 - SMITH, WELCH & SPENCE - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance.

HB 405 - BUNTING, BRADY, BUCKWORTH, DIPINTO, B. ENNIS, EWING, GILLIGAN, OBERLE, PLANT, QUILLEN, SCOTT, SPENCE, VANSANT, WAGNER, WEST; SENATORS MARSHALL, MCBRIDE, STILL - P/S: An Act to Amend Chapter 21, Title 21, Delaware Code, Relating to Special License Plates for Korean War Veterans. (3/5 bill)

HB 406 - BANNING & SPENCE; REPRESENTATIVES BRADY, BUNTING, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, PLANT, VANSANT, WEST; SENATORS VAUGHN, VENABLES - P/S: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes. (3/5 bill)

SB 259 - MCDOWELL; REPRESENTATIVE DIPINTO - H/ADM: An Act to Amend Title 9 of the Delaware Code Relating to Compensation of the New Castle County Executive.

SJR 15 - VOSHELL, CORDREY; REPRESENTATIVE SCHROEDER - H/ADM: Honoring the Lewes Fire Department, Inc., Upon the Occasion of the 200th Anniversary of Its Establishment in 1796.

Representative Caulk requested that **HB 329** & **HB 330** be stricken.

Representative Smith requested that **HB 357** be stricken.

Representative Petrilli introduced and brought **HCR 33**, jointly sponsored by Representatives Spence & Quillen, before the House for consideration.

HCR 33 - Providing That a Joint Session of the Senate and House be Convened for the Purpose of Receiving the Annual State of the State Address by the Honorable Thomas R. Carper, Governor of the State of Delaware.

HCR 33 was adopted by voice vote and sent to the Senate for concurrence.

The Majority Leader moved to recess for committee meetings at 2:14 p.m.

The House reconvened at 4:11 p.m.

Representatives Stone, Welch & Brady requested that they be marked present.

The Chief Clerk read the following committee reports into the record:

R & F: **SB 271** - 6F.

P/S: **HB 361** - 5M.

CORR: **HB 365** - 5M; **HB 374** - 5M.

H/ADM: **HB 400** - 5M; **HB 401** - 5M; **SB 249 w/SA 1** - 4M; **SJR 15** - 1F,4M.

HOUSING & COM AFF: **HB 381** - 4F,2M; **SCR 39** - 6M.

Representative Reynolds requested that he be marked present.

The following prefiled **Consent Calendar #13** was introduced:

HR 44 - WELCH, BUCKWORTH, CAULK, QUILLEN, STONE, WAGNER, B. ENNIS - Honoring the Kent County Fraternal Order of Police on Their 30th Anniversary.

HR 45 - MACK, SPENCE & LOFINK, BRADY, GILLIGAN, HOUGHTON, PLANT & SCOTT ON BEHALF OF ALL REPRESENTATIVES - To Honor William Penn's Football Program On Their Undeclared Season and Winning Their Sixth State Football Championship.

HR 46 - MARONEY - Honoring Elizabeth Anthony Matthey, MSN, RN, CSN, as Delaware's School Nurse of the Year.

HCR 34 - SPENCE & SENATOR CORDREY - Honoring Richard A. Romano Upon His Retirement From AT & T Corporation.

Representative Petrilli introduced **HR 47**, jointly sponsored by Representatives Roy, Lofink, Capano, Davis, Maier, Oberle, Brady, Gilligan & VanSant.

HR 47 - Urging the State Department of Transportation to Share Blizzard-Related Federal Emergency Moneys With Civic Associations.

HR 47 was placed on **Consent Calendar #13**.

Representative Oberle requested that he be marked present.

Consent Calendar #13 was adopted by voice vote & **HCR 34** was sent to the Senate for concurrence.

Mr. Speaker Spence introduced guests.

Representative Plant introduced **HB 407**, jointly sponsored by Representatives Banning, Gilligan, Scott, VanSant & Williams.

HB 407 - An Act to Amend Chapter 11, Title 19 of the Delaware Code Relating to Wage Payment and Collection. (2/3 bill)

Mr. Speaker assigned **HB 407** to the Labor Committee.

The Chief Clerk read the following committee report into the record:

ECON DEV, B & I: **HB 342** - 1F,4M.

Representatives Quillen & Gilligan were granted the privilege of the floor to introduce guests.

Mr. Speaker Spence introduced a guest.

Representative D. Ennis was granted the privilege of the floor to make comments.

Representative Mack requested that he be marked present.

The Majority Leader moved to recess to the call of the Chair at 4:28 p.m.

5th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
Second Session
January 18, 1996

Mr. Speaker Spence called the House to order at 1:48 p.m.

The Chief Clerk read the following committee report into the record:

NAT RES: SCR 37 - 1F,4M.

Representative Jonkiert requested that he be marked present for the current Legislative Day.

The Majority Leader moved to adjourn at 1:49 p.m., thereby ending the current Legislative Day. The House reconvened at 1:50 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Timothy Boulden, Twenty-Third Representative District.

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

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

The following prefiled legislation was introduced:

HB 408 - ROY & SPENCE & GILLIGAN & SENATOR SHARP; REPRESENTATIVES DILIBERTO, VANSANT - JUD: An Act to Amend Title 8 and Title 9 of the Delaware Code Relating to the Elimination of the Requirement to Record Corporation Documents With the Recorder of Deeds. (3/4 bill)

HB 409 - OBERLE, BUCKWORTH, DAVIS, EWING, LOFINK, MACK, MAIER, REYNOLDS, ROY, SPENCE, BUNTING, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, PLANT & VANSANT - LABOR: An Act to Amend Chapter 47 of Title 6 of the Delaware Code Relating to Transient Retailers and Peddlers.

HB 410 - WAGNER & DAVIS & SENATOR COOK; REPRESENTATIVES BOULDEN, BUCKWORTH, BUNTING, CAPANO, CAREY, CLOUTIER, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, HOUGHTON, JONKIERT, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SPENCE, STONE, ULBRICH, WELCH, WEST, WILLIAMS; SENATORS BAIR, BLEVINS, BONINI, CONNOR, HAUGE, HENRY, MCDOWELL, SOKOLA, SORENSON, STILL, VAUGHN, VENABLES, VOSHELL - H/ADM: An Act to Amend Title 29, Delaware Code, Relating to State Government Accountability.

HA 1 to SCR 40 - MACK - HEALTH & HUM DEV: Placed with the bill.

Representative Cloutier requested that he be marked present.

Mr. Speaker assigned HB 365 & HB 374 to the Appropriations Committee.

Representatives Fallon & Quillen introduced guests.

Representative DiPinto requested that he be marked present.

Representative Scott introduced guests.

The Sergeant-at-Arms announced the Members of the Senate. They were admitted, welcomed and seated. Mr. Speaker Spence invited the President pro Tempore and the President of the Senate to share the rostrum.

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

The Sergeant-at-Arms announced the Statewide elected officials. They were admitted, welcomed and seated.

The Sergeant-at-Arms announced the Members of the Governor's Cabinet along with the Presidents of the University of Delaware, Delaware State University and Delaware Technical & Community College. They were admitted, welcomed and seated.

At 2:00 p.m. Representative Petrilli moved that the House and the Senate convene in Joint Session for the purpose of hearing an address from Thomas R. Carper, Governor of the State of Delaware. The motion prevailed.

Representative Petrilli moved that the Speaker of the House preside over the Joint Session. The motion prevailed.

Representative Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate act as secretaries to the Joint Session. The motion prevailed.

Representative Petrilli moved that the Speaker appoint a committee to escort the Governor to the Joint Session.

Mr. Speaker Spence appointed Representative Tina Fallon (spokesperson), Representative George H. Bunting, Jr., Senator Robert T. Connor & Senator David B. McBride to escort the Governor to the Chamber.

Mr. Speaker Spence introduced guests and made comments.

Mr. Speaker Spence declared a recess to await the arrival of the Governor at 2:01 p.m.

The House reconvened at 2:05 p.m.

The Sergeant-at-Arms announced the Governor & Mrs. Carper and the duly appointed Committee. They were admitted.

Representative Fallon introduced the Governor to the Joint Session.

The Speaker welcomed the Governor.

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

Well, thank you very much. To Lieutenant Governor Ruth Ann Minner, to our Speaker of the House, Terry Spence; President pro Tem, Richard Cordrey, Members of the 138th General Assembly, the Judiciary, Statewide elected officials and county and local officials, to members of my cabinet, to my bride, Martha, bride of ten years, and to the people of Delaware.

Ladies and Gentlemen,

Well, Mr. Speaker, it was three years ago tomorrow that I was first introduced to the people of Delaware by our Chief Justice, Norm Veasey, as his excellency, The Governor of Delaware. Excellency, I want to confess, the first time I was referred to publicly as excellency, I was embarrassed. Over the years I've been introduced again and again, as other Governors have been, as excellency. After a while I began to get used to it. It sort of grew on me. I started to like it. Last year, as Christmas was approaching, Martha and I were talking about what to get the kids for Christmas and one another and she asked me what I'd like and I go through the list of, you know, sweaters and this and that and I said, you know, Martha, just every once in a while it'd really be great if you would refer to me as excellency. Well, Christmas Day came and, if you don't remember what it's like, some of you have little kids, our living room, we'd opened all the presents and gone through everything, looked a little like World War III, paper everywhere, packages opened and sprawled around. Martha looked up and she said well, did you get everything you wanted. Thinking back to that conversation, I said almost. She looked at the mess on the floor and she said okay excellency how about getting this place cleaned up and after you finish taking out the trash you can help me fix breakfast.

Ladies and gentlemen, our First Lady, my bride, Martha Carper. My job is easy, I'm the Governor, husband, father. Her job is tough. She helps run a big chemical company, duPont, with worldwide responsibilities, she's taken on some tough issues in our State including the immunization of our children and she's about to join me in a mentoring effort. She's a wonderful mom to two kids, suffers marriage to a guy like me and somehow makes it all work. Thank you for sharing me with the people of this State.

Well, before I begin, as the sun shines down here on our State Capitol this almost spring-like afternoon, it's easy to forget that we were reeling from the worst snowstorm in the history of our State about ten days ago. I won't forget it and I know I speak for all of us when I say to those who worked, sometimes tirelessly and I think often times heroically, many of the people throughout our State who came to, who turned to last week when we needed you. I think because of you we were able to make it through a very difficult period of time in Delaware history, get back on our feet, get going again. I want to take just a moment to recognize some of the ordinary heroes and heroines from that experience in our State who joined us here today. I'm going to ask them to stand and to receive our applause from DELDOT, from the Delaware National Guard, from DEMA, health care providers, correction officers, utility company employees, everybody else. Great job. Please stand up, please.

Standing before you here today, it's difficult to believe that three years have passed since this Administration began its work. They have been exciting and fulfilling years for our Lieutenant Governor Ruth Ann and for myself, and, I believe, years of real progress for those of us who live in Delaware.

There are many reasons for our state's success, many people to whom we are indebted. But for me, and for five governors who preceded me, no public servant has offered more to our state than our President Pro Tem -- the Senator from Millsboro -- Richard Cordrey. Last week, Senator Cordrey announced that he will retire this fall after 35 years of public service. At the appropriate time, I will present Richard with the Order of the First State, the highest honor that this governor can award to one of own. But today, Richard, on behalf of every Delawarean, and before your colleagues, and the people of Delaware, I want to offer our sincere thanks for all that you and your family have given to our state. Thank you. Don't you love it when Richard blushes.

Under Senator Cordrey's leadership, and that of House Speaker Terry Spence, and many others that are here today, the General Assembly and our Administration had an historic year in 1995. I think Delaware had an historic year in 1995, a year in which each of us can take pride.

This afternoon, I want to report to you on the state of our state, to report to you how we've kept our promises to the people who elected us to serve -- and to outline for each of you how I believe we can build on our successes to better secure Delaware's future for the balance of this century and well beyond.

Despite downsizing in the automobile and chemical industries, as well as consolidation in financial services, Delaware's economy remains the strongest on the east coast of this country.

Our unemployment rate is well below the national average. In the past three years, we have created nearly 20,000 new jobs -- almost 10,000 in the last year alone.

New companies like Zenith Products, Nat West Bank and Bio-Medic are joining our state's business community. DuPont has announced an exciting new joint venture with Dow Chemical. On day one, it will be a Fortune 500 company, and it will be headquartered right here in Delaware.

Faced with the loss of over 1,000 Delaware jobs from the merger between Chase and Chemical banks, we went to work last fall, and it has paid off. Those jobs will stay right here.

Our General Motors and Chrysler automobile plants -- both on the endangered list for most of the past three years -- not only have survived, but are poised to begin building new vehicles that should secure the future of those plants for years to come.

We, you and I, the legislature and this Governor, lifted the gross receipts surcharge early and we simplified the reporting of that tax for thousands of small businesses throughout our state. We've cut in half the public utility tax for manufacturers and we cut in half the public utility tax for food processors. We reduced fees for 40,000 licensed professionals in our state and on day one, the first day of this year we cut unemployment insurance taxes by \$7 million annually.

Businesses taxes aren't all we've cut. On January 1, the personal income tax reduction that you and I passed last June began to benefit 170,000 Delaware families -- rich and poor.

This June, if the revenues are available, I want us to enact another broad-based cut in personal income taxes -- one that brings Delaware's top rate below seven percent for the first time, for the first time in 40 years.

Cutting taxes is just one area where Delaware is leading the nation.

Our welfare reforms will put thousands of Delawareans to work and help them become self-sufficient. Over 1,300 people here have already left the welfare rolls since 1993.

We're extending health care to almost 20,000 additional Delawareans this year, thanks in large part to managed care for Medicaid and expansion of the Nemours Foundation pediatric health clinics begun in Mike Castle's administration.

We continue to expand Head Start, with the goal of ensuring that every four-year-old child in poverty is ready to succeed, ready to succeed when they enter kindergarten. A thousand at-risk families are getting parenting training here through the nationally-recognized Parents as Teachers program which we have taken statewide in Delaware.

Our education reforms have begun to take wing with new charter schools, with public school choice, with higher academic standards, modern technology, and classrooms that are safer for learning.

And at long last, at long last, 17 years after it began, we have ended the federal court supervision over schools in northern New Castle County.

After years on the rise, we're stemming the increase in violent adult crime, while criminals in Delaware are serving the highest percentage of their sentences in the nation.

The quality of our air and the quality of our water continue to improve. Total air emissions have been slashed by more than 50 percent since 1987, by more than 50 percent since 1987.

And for the first time in memory, the State has begun to take a leadership role in managing our future growth and development.

All this, all of this from a state government that is spending only 95 percent of its revenues this fiscal year, a state that has fully funded its Rainy Day Fund, and a state that holds the highest credit rating in Delaware history.

Maybe we should invite our friends in Washington, come on over to Dover and see how you & I, we keep our promises to the people we serve. What do you think?

Well, every state has its problems, and Delaware is no different.

We still are not satisfied, I'm not satisfied and I know many of you aren't with how well our children are prepared for life and work when they graduate from high school.

Our infant mortality rate and teenage pregnancy rate remain too high.

Crime and drugs are still a top concern for many of us.

Despite our strong economy, we must continue to gauge the long-term impact of interstate banking, and what those changes will mean for our state, for Delaware.

We are also paying close attention to what's happening in Washington. The budget trainwreck there continues to make our financial planning more difficult.

Just where are Sarah and Pete, just ask Pete Ross, our Budget Director and Sarah Jackson, Secretary of Finance and the good teams that they lead. It's difficult and it's confusing and we're getting through it.

Like many of you, I support efforts to balance the federal budget, just as we do here in Delaware. But I disagree, you've heard me say this before, I disagree strongly -- with efforts to end the federal partnership with states to provide health care to the poor, the elderly, and people with disabilities. Simply dumping a bigger share of Medicaid costs on states will lead to fewer benefits for fewer people, and it will lead to cost-shifting to those who have private health care plans. In a recession, folks, the financial impact on states like ours could be devastating.

Still, you and I must face the inevitable. There will be less money coming from Washington, and Delaware will have to tighten its belt too to absorb our share of the losses. Our current estimate is that federal cuts will cost Delaware at least twenty million, twenty million next fiscal year. I will recommend that we pick up only half of those cuts -- less than the one percent state budget contingency that we left for the federal cuts last June. Excluding the federal cuts, our budget growth when we present the budget to you next week, will be well below five percent.

We also need to greatly constrain new position growth. Over 90 percent of any new state jobs will be in only two areas: corrections and education.

But all the bad news from Washington -- and the need to restrain growth at home will not stop Delaware's progress. We can stay the course, we can continue to keep our promises to the people of this state.

The budget I will send to you next week will remain true to our core agenda:

- * to keep improving our education system;
- * to put more cops on the street and more criminals behind bars;
- * to overhaul an outdated welfare system and to curb teen pregnancy;
- * and finally to preserve the jobs we have and to continue to create new ones.

EDUCATION

Let's begin with education. Life in this country has changed dramatically since most of us were in school. So has the world in which we compete. "We cannot become what we want to be though by remaining what we are." Change is difficult. We get used to the way we've been doing things. That's human nature. Change can also be confusing.

Having said that, I believe that clarity has begun to emerge -- the light bulb is coming on -- for more of us, about the direction we are taking in education.

The key elements, the key elements of our education effort include:

- * ensuring first of all that kids are prepared to succeed when they enter kindergarten;
- * improving safety and discipline within our schools;
- * to make large investments in classroom materials and education technology, computers, educational software;
- * setting rigorous academic standards;
- * implementing school-based decision making; and
- * to provide students and parents with a wider range of education options.

Today, I want to talk about how and why these changes are important, and how they complement each other -- beginning with the need for better school discipline.

Both of our young sons, Christopher and Ben, will be enrolled in public schools this fall. Like most Delawareans, a lot of parents, a lot of grandparents, Martha and I want our kids to be challenged academically, prepared well for college and for rewarding careers. Just as important, though, we want them to be safe. We also want them to be in classroom environments where teachers can teach and students can learn. A lot of parents, a lot of grandparents in this state feel exactly the same way.

Beginning 18 months ago with House Bill 247, we dramatically increased our focus on school safety. We have made improvements in school discipline our number one educational priority. This year, I am recommending full funding of the State School Board's request to further enhance those efforts. With this funding, we'll provide alternatives for disruptive high school and middle school students outside of their regular classrooms and, sometimes, outside of their regular school buildings altogether.

We're also focusing more on prevention, listening to the parents, teachers, and others who've sent to me and I think sent to you this clear message: start earlier and move your focus down to include the lowest grades. Fourth grade, third grade, second grade, first grade, even kindergarten.

Today, there are discipline and disruption prevention programs operating in nearly 150 of our 180 public schools statewide. Someday we'll have them in all 180. Someday soon, I hope. Those programs include, among others: the innovative "Because We Care" alternative school here in Kent County; school-based intervention programs like the one operated by Dr. Janet Lacy at Skyline Middle School in Red Clay; creative school and community partnerships that have been forged between local agencies and the Seaford, Woodbridge, Cape Henlopen and Laurel school districts.

I want to take just a minute to introduce Dr. Lacy for her exemplary work with students at Skyline Middle School. She and her colleagues have provided strong support for our initiatives to make schools safer for kids and they deserve our sincere thanks. Dr. Lacy, stand up and take a bow and thank you for helping to lead the way. I also want to introduce you to a young man from Seaford, who has been able to turn his life around thanks to some caring people and to a terrific discipline prevention and his association with a great outfit called the Boys and Girls Club in our state. His name is William Johnson, his friends call him "Buddy" and he is accompanied by John Hollis, program manager for the Seaford/Laurel/Woodbridge School-Community Partnership. I also want to add that Buddy represented Delaware last fall in a New York competition as our state Monopoly champion. Let me say if any of you ever plan on Monopoly with this guy, hold on, hold on to your wallet. John, Buddy, stand up and take a bow. When I met Buddy last year I said, Buddy, I'd like to be a Monopoly champ too, my kids are growing up and pretty soon they'll take me on. What are the best properties to own. Without blinking, without hesitation, Tennessee Avenue, New York, St. James Place and I thanked him for that information.

We're also focusing on prevention even earlier than we did in Buddy's case: that's before kids enter school. Parenting training and Head Start for four-year-olds who live in poverty will pay long-term dividends. It's simple. It's simple, it really makes common sense, when more kids enter kindergarten ready to succeed, fewer kids become discipline problems later on, fewer kids become discipline problems later on.

In a similar vein, as many as 2,500 mentors will join Martha and me in working with 2,500 at-risk kids in schools throughout Delaware this week. We help students with the 3Rs. Just as important, we provide positive adult role models for youngsters who badly need them. Mentoring is a win-win. It helps reduce

discipline problems, while boosting academic achievement. Let me just say this. One out of ten kids in our country today live in a home with neither a mother nor a father nationwide, the same is true here. Out of about 100,000 kids in Delaware schools, figure about 10,000 of them live in a home with neither a mom nor a dad. 2,500 people will be out in schools this week to help provide a good role model, an example to youngsters. We need at least ...

Mentoring is one way to raise academic performance while reducing classroom disruption. We can get the same one-two punch out of the \$30 million technology investments we are beginning to make in schools throughout Delaware. Those investments will bring fiber optic cable to every public school classroom, create distance learning centers, buy computers, and train teachers to use those computers and the related software to educate students from widely-varied backgrounds.

Education technology will also pay dividends on the discipline side. If you've ever set foot in a school's computer lab, and I know a bunch of you have, you know exactly what I mean. You have to pry kids off of those computers to get them to go to their next class. At the same time, we've not forgotten the value of modern school textbooks. That's why we've increased funding classroom materials by almost 20 percent in the last three years and why this administration will propose an additional 5 percent increase for next year.

Our overall goal though, our overall goal, is to address the concerns raised by employers and colleges who have told us, told me and I know have told you that too many high school graduates coming to them lack the skills that they need. They have called on us to do something about it. We have listened and we have acted decisively.

In Delaware, we've drafted, we've disseminated, we've debated up and down this state and finalized rigorous academic standards in math, science, English and social studies.

Today, in schools throughout Delaware, curriculum and lesson plans are being modified, they're being changed, textbooks and other tools are being purchased to better reflect what kids should know and be able to do.

While we're raising academic standards, we must also raise graduation standards. For too many years, students have been allowed to graduate with as few as 19 credits -- only two years of math and science. Let me just, a kid earns 7 credits, there are 7 credits a year. 7 times 4 years, my friends, is 28. Too many of our students have been allowed to graduate with as few as 19 credits. No wonder a lot of students coast through their senior year without breaking a sweat. No wonder many graduates lack basic skills. The time has come to set higher graduation standards -- requiring more credits in math, more credits in science and foreign languages, and a minimum GPA for student-athletes.

The time has also come to face the critical issue of instructional time. American children spend too little time learning in school. To fill that gap, I am proposing that 150,000 days of additional learning time be spread over our entire school population to help students meet our rigorous academic standards. I hope this will be the start of a multi-year effort to add learning time. Let me just say that's not 50,000 hours per student. We're gonna spread that across the state and hopefully that's gonna be the start of something even bigger and even better.

Another important issue is at the center of the education debate going on here in Delaware. How to give parents and teachers more clout in our educational system? That's a question I've asked my Education Improvement Commission to help us, to help you and me to resolve.

This group of business leaders, educators, parents and other citizens has figured out how to allow individual schools to manage their own affairs -- free from unnecessary rules and unnecessary regulations that some of us like to impose on them.

In endorsing school-based decision-making, that Commission took a page out of the book of successful businesses around this country and other successful organizations. Those organizations have come to realize that employees dealing with problems on factory floors, employees dealing directly with customers are best prepared to solve problems and to ensure those organizations' success.

A similar approach is called for in our schools. Those of us with oversight responsibilities should set high academic standards and measure performance, but we ought to leave it to teachers, students and administrators within individual schools, within individual schools to determine what works best for them. What works well at East Millsboro Elementary, may not work well at Fairview Elementary here in Dover, may not work well at Bancroft in Wilmington. But it might work well at East Millsboro and we oughta let 'em do it. We should hold all schools accountable for results, but we need don't need to tell folks exactly, precisely how to run their schools. Flexibility and accountability -- that's the essence of school-based decision-making, the kind of legislative initiative that I urge us to adopt this year.

I will also ask your continued support for two other important accountability and parental empowerment tools -- public school choice and charter schools.

Public school choice gives parents and students a broader array of schools from which to select. It isn't a panacea. But it is likely to inject a healthy dose of competition into a public school system largely devoid of competition. Competition is good. Good for this country and it will be good for our schools.

With the General Assembly's support, DPI will give parents meaningful, comparative information about our schools. When that happens, schools which offer what students and what their parents want -- that might be foreign languages, more math and science, could be better access to computers, or before and after-school care, or higher test scores. It probably is, better discipline. Schools that offer that will be full. Schools which fail to listen to their customers, to their students, to their parents, may see their student populations diminish until they change and I believe they will change.

This September, we'll begin a complementary initiative -- One that we've heard and talked a lot about, that's charter schools. These centers of excellence will broaden the education options available to our public school students and serve as an example of real, school-based decision-making.

Let me just say, none of these changes are easy. If they were, somebody else would have done them a long time ago. Having said that, when we put it all together from A to Z, -- from early childhood education, school discipline, modern technology and modern textbooks, rigorous academic standards, holding schools accountable, school-based decision-making, public school choice, charter schools, when we put it all together -- we have an education agenda that makes sense. We're not in this to test the water. We're in this to make waves and we're in this to make a difference to the kids in our schools so they can move on to successful, productive careers in business and in the world of opportunity, to live productive lives in our society well into this century, the beginning of the next century and beyond.

CRIME

As important as education is to our future, no issue is of greater concern to Delawareans than crime and the safety of our neighborhoods.

To better protect our communities, we're putting more police on the street, using funds from Senator Biden's Crime Bill to help defray some of those costs.

I am particularly proud of our rural community policing initiative in Sussex County -- one of the first of its kind in the nation. Where's Karen Johnson? Karen, Secretary of Public Safety, I just want to thank you and our Family Services Cabinet Council for the leadership in this area. We've put state troopers in direct and constant contact with eight different communities, allowing them to take back their neighborhoods from criminals. Places like a lot of us have never been to - you may have heard of 'em - Coverdale Crossroads, West Rehoboth, The Hole, places where prostitution and drugs and desperation were too common, where hope was an infrequent visitor. And not only have we allowed the people who live in those communities to begin to take back their neighborhoods from criminals, we've begun to cut crime, freeing up police resources to better serve the rest of Sussex County.

Delaware State Police Superintendent Alan Ellingsworth and some of the troopers responsible for the success of this program are with us today, and I want to recognize them for their efforts. Colonel, would you stand up. Sergeant Harry Downs, would you stand up. Please, and the folks that are with you, stand up. Corporal Michael Barry, Sergeant Ed Mc...Fellas, you're doing a great job and we're proud of you and I know the people of Sussex County are grateful to you for what you're doing.

Through community policing efforts statewide, we're not just responding to crime, we're finding ways to prevent it. Colonel Tom Gordon and his New Castle County police are leading the nation in community policing initiatives and have established eight different substations throughout New Castle County -- many of which the State has helped to finance.

Representative Roy knows. Senator Sharp knows and Blevins knows.

Last week, I announced our intent to expand community policing right here in Kent County, joined by a couple of you at that time. Along with more troopers, Kent County will get a new mobile police station, giving residents on-the-spot community access to police services just like we've done in Sussex County.

In addition to community policing, the State also has partnered with Sussex County in another Delaware first -- that's sharing the cost of additional troopers for expanded patrols and we've restored Troop 4 down in Georgetown to full-time status. Today, I'm extending the same offer to Kent County for more troopers through a similar partnership with the State of Delaware.

We don't just need to add police. We need to make them more effective, too. In 1996, Delaware will continue to lead our nation in law enforcement technology, with new investments in our 800 Megahertz Radio System, helping public safety personnel all over this state, a new Automated Fingerprint Identification System, and the National Crime Information Center 2000. Each of these tools will improve both the access and the quality of information to law enforcement, and these tools will help our police do their jobs even better.

Our investments in law enforcement are paying off. Both nationally and in Delaware, we've stemmed the rise in violent adult crime. Part of the reason is that violent offenders in Delaware on average now serve almost 90 percent of their sentences -- the highest rate in the nation.

In Delaware, in Delaware, if you do the crime, you do the time.

Over the past three years, I have worked with the General Assembly on a number of bills to get tough on violent criminals. We've cracked down on felons using handguns, on violent assaults against senior citizens, and we've cracked down on pedophiles who prey on our children. In all, I have signed more than 30 tough bills into law.

When I took office in 1993, and some of you took office in 1993, we had about 4,000 people in our prison system. Today, we are fast approaching 5,000 prisoners in our prison system. Much of this rapid increase is a result of more violent offenders being sent to prison for longer sentences. As a result, Delaware has one of the highest incarceration rates in the nation.

We will continue to pass legislation that puts dangerous, violent criminals in jail and keeps them there. But, we also need to recognize the cost of being indiscriminate about who we put in jail.

Last year, I proposed the largest prison expansion in the history of the state of Delaware -- more than 1,400 beds at a construction cost of about \$128 million to build and over \$30 million to operate.

At the current rate of growth in our prison population, we will need to plan for even more prison beds before the current expansion is completed. Almost one-third of the capital budget I will propose to you next week will be spent on prisons. Other important projects that you and I support will have to wait. Is Stan Taylor here?

Stan Taylor, our brand new Corrections Chief, let me just say Stan, for those of you who may not have been here yesterday, Stan was confirmed yesterday as our new Commissioner of Correction. Where's Senator Adams? Senator Adams, who chairs the Executive Committee, to you and your colleagues, I want to thank you for unanimously confirming Stan's nomination. Senator Adams, I want to thank you for also telling us Stan's real name. Sussex County, this guy is not Stan Taylor, this guy is Buzz, Buzz, you had a good day yesterday. Thurman, I don't know, I think if I were Stan what I would tell you is I would take yesterday and sort of put it in a bottle. You had a wonderful confirmation hearing and a terrific vote of confidence. Stan, it won't get any better for our Commissioner of Correction than yesterday got for you. Congratulations, Buddy, good luck. Stan, excuse me, Buzz is looking for ways to cut prison costs, while making our prisons more secure. Try to cut some costs, hold'em down. At the same time we make our prisons more secure. That's his job. Already, he has proposed some ideas I like and I think maybe the rest of you as well - standardizing uniforms in white and orange, limiting the inmates who can be housed at minimum security facilities, increasing community notification when sex offenders must be released.

This year, we're gonna ask you in the General Assembly to pass legislation to make prisoners more accountable by requiring them to pay for some of their medical care, expanding drug testing, cracking down on frivolous prisoner lawsuits, and taking away good time for bad behavior.

Even with these steps, we must recognize that 90 percent of the people who fill our prisons today - 90% - will one day be free. We need to continue to do a better job of making sure that those people come out of prisons as better citizens -- not as better criminals. In fiscal 1995 alone, nearly 3,000 Delaware inmates were enrolled in academic, vocational and life skills programs statewide. The overwhelming majority of participants in our Key and our Crest drug treatment programs -- and our life skills program -- remain drug-free and arrest-free 18 months after leaving prison.

Before I leave the issue of criminal justice, I want to discuss one very disturbing trend: in crime -- that is the increase in crime especially violent crime -- by juvenile offenders. Juvenile arrests for violent crimes have more than doubled in the past five years.

As you all know, we're building a new Ferris School, Tom Eichler and his team are leading that charge, with better programming that will help many juvenile offenders to turn their lives around.

Two years ago, we also passed new laws that allow us to take a few violent chronic offenders who are tried and sentenced as adults out of Ferris and other juvenile treatment facilities and to put them in an adult prison. This approach led to safer, I think a safer result for the public and better for the less serious juvenile offenders who are left behind.

But still more needs to be done. I have already proposed that we build a new pod at Sussex Correctional Institution to house more juvenile offenders. This year, I will ask you to pass legislation requiring all serious violent and chronic juvenile offenders who have been tried and convicted as adults to be sent to this new adult facility.

Our Attorney General who is with us today has her own juvenile justice proposals, as do others among us and in the criminal justice community. I want us, I want all of us, to work to find a balanced consensus, so that we don't give up on the kids who can use our help. At the same time, public safety requires that, when it comes to serious violent and chronic offenders, adult crime for them means adult time.

WELFARE REFORM

Let's turn to welfare reform. My parents -- and, I know, the parents of many of you -- were children of the Depression. They learned firsthand values like hard work, personal responsibility, and commitment to family. They imparted those same values to you and to me.

When welfare began in this country in 1935, you may recall that it was designed to provide aid-listen to this-to widows with children, widows with children. In the 60 years since, it has become something quite different -- a system where nearly two-thirds of recipients had their first baby as a teenager and where more than half of the adult recipients have never been married. A system evolved which actually discourages many people from entering the workforce at all, while encouraging the formation of single-parent not two parent, but single parent families.

All of us know, all of us here in this state know, that system is broken and it had to be fixed.

One year ago, I stood before you and outlined, outlined a tough-love welfare reform plan -- we call it "A Better Chance" -- it is becoming a model for this nation. Last spring, the Clinton Administration gave us the green light to launch "A Better Chance," and you in the General Assembly voted --unanimously in the House and unanimously in the Senate to approve that. They oughta know about that over in Washington as well. You also voted to fund the increases for job placement, for child care, and health care the kinds of things that are needed to enable families to move from welfare rolls to payrolls.

Last October 1, that plan became a reality. It prepares people for work it helps them find a job, it enables them to keep working until they and their families are better off.

Our premise is simple. We in Delaware will help those who help themselves. Right now, we are providing job opportunities, we're providing health care, and child care to recipients who want them. Listen to this. I don't know if there are any other states that can make these claims but, in Delaware, Carmen Nazario told me this, in Delaware, a state that had waiting lists of hundreds of poor families, please that were working, who needed help with thier child care, we had hundreds of families maybe even a thousand or more on waiting lists just a couple of years ago, today in this state of Delaware we have eliminated the waiting lists for assistance on child care. You did that. I did that. We did that and we oughta be proud of it, we oughta be proud of it. We're asking our business community to step up to the plate as well and to hire these welfare recipients. However -- for the first time, for the first time -- we are holding some of those recipients, all of those recipients actually accountable by reducing their benefits when they refuse to take a job or when they refuse to participate in training or when they refuse to ensure their kids are immunized or refuse to assure that their kids are in school. And we fully expect -- and strict time limits will enforce this expectation -- that recipients will move off of welfare within 24 months, within 24 months in the state of Delaware.

Implementing welfare reform is no short-term task. It takes a long-term commitment from government, from all of us in this room, from recipients, and from the private sector. Regardless of the new fiscal realities in Washington, I'm gonna ask every of us, every one of us to continue to move forward to implement welfare reform which was begun in Delaware throughout this state from one corner to the other.

I think the early results are encouraging. Since 1993, our welfare rolls have dropped by more than 1,000 people, thanks largely to our success at job placement in a real strong economy.

Since last October, this is last October, about a hundred days ago, nearly 600 welfare recipients have signed up to participate in A Better Chance. Major employers are working with us to provide job opportunities for these folks. I will propose new legislation this year to make more child care available on-site at public schools and to make convenient, neighborhood care more accessible. I will also propose that we press forward with our plan to provide health care coverage to 9,000 working poor families. We need to ask ourselves what kind of message do we send to people on welfare. What we've done in the past, we say to people on welfare, you stay home, you be dependent, you continue to receive welfare benefits, we'll provide your health care. But we say to that same person who is willing to get up and go to work for a company that does not provide health care as a condition of employment, we're not going to help you with your health care. What kind of message does that send to the people of this state or any other state. And in Delaware we're saying to people who are willing to go to work, by golly, we will help you and we will help you with your child care.

And on behalf of everyone, every person in this state who will benefit from that, who will be able to stand up on their feet with our help, I want to say thanks. We've done the right thing and we ought to be proud of it.

To further reduce the likelihood that others will rely on welfare in the first place, we've launched a statewide campaign against teenage pregnancy. Its messages are that parents must talk with their children; that we should respect, not disparage, the decision by teenagers to abstain from early sexual activity; that teenage pregnancy and dropping out of school are an almost certain ticket to a lifetime of poverty; and that males have a responsibility to help meet the needs of the children that they father.

We are working hard to translate these messages into reality.

Thanks to legislation you passed, in this Chamber and across the hall, more than 1,000 fathers voluntarily acknowledged paternity in less than the last 12 months, better ensuring that they will help support and nurture their sons and daughters. Thanks to your support of an initiative to require that many non-custodial parents help provide for their children's health care, almost 7,000 more kids could have access to health care coverage this year -- not taxpayer provided Medicaid -- but coverage from their own parent's health insurance plans.

Child support collections also continue to rise, listen to this, up by nearly 40 percent over the past three years to over \$44 million last year alone, making it possible for hundreds of Delaware families to avoid welfare and to rise out to rise out of poverty.

But more aggressive action is needed. Nationally, over nearly three-quarters of the babies born to teen mothers are "fathered" not by teenagers but by adult males. I think that's a moral outrage. This year, I have asked Colonel Ellingsworth to work with the Attorney General, local police agencies, and the Kids Department to target these "sexual predators" for prosecution. To give this extra effort teeth, I am recommending that the penalties for statutory rape be increased for men who have sex with girls under the age of 14.

In summary, personal responsibility, personal responsibility and economic opportunity -- that's what real welfare is about. Together, we're making those a reality and setting an example I believe for every other state to follow.

STRENGTHENING OUR ECONOMY

Whether its reducing crime or getting people off of welfare, much of the agenda that you and I have embarked upon in Delaware depends upon maybe most of all upon a strong economy. A good job -- a job that pays the mortgage, a job that puts food on the table, and a job that pays the doctor bill when a family member gets sick. That's what breadwinners need to nurture, that's what breadwinners need to protect their families. That is why sustaining Delaware's economic growth has been -- and remains -- a top priority of mine and I know a top priority of yours.

When I took office in Delaware -- like the rest of the United States -- we were struggling economically. Reeling from downsizing in our chemical industry which had been our bread and butter for years along with agriculture, reeling from the threatened closure of our automobile plants.

To address these concerns, I promised to implement a "grow our own" economic development strategy with four key elements and we brought in Bob Coy and others in economic development to help bring these to reality: 1) fostering the expansion of Delaware's existing businesses, particularly our own small businesses; 2) investing in Delaware's infrastructure; 3) running a government that keeps taxes and red tape to a minimum; and, 4) creating a quality workforce.

With the help of all of you in the General Assembly, and through a lot of partnerships with the private sector, we've kept that promise -- and I think with notable success.

Prosperity is not guaranteed, and it won't be, will never be but it can continue with our constant attention. With so many factors out of our control, it is vital that we address the things that we do control in Delaware -- especially our ability to create a business-friendly climate. That means redoubling our efforts in those four key areas that I just outlined above.

During the past three years, we have nurtured the growth of Delaware businesses by creating Small Business Development Centers statewide, every county, every county in association with our colleges and universities, we have tripled the number of small businesses served by small Small Business Development Centers in Kent, in this County and in Sussex County alone.

We have also created the Delaware Capital Access program, the Delaware Innovation Fund, and the Delaware Venture Capital Fund to help finance start-up companies. Your appropriations have enabled us to do that. We formed the Delaware Manufacturing Alliance to help our manufacturers, hundreds of them, compete more effectively.

All these efforts are the result of private-public partnerships where state dollars and efforts leverage far greater private sector contributions.

This year, we'll build on these "grow our own" efforts by opening a new small business development resource center in Wilmington.

With 21st Century Funds, we'll increase the support for our high-technology business growth through Advanced Technology Centers at our colleges & universities.

In a partnership with the Delaware River and Bay Authority, we plan to boost our tourism industry with an aggressive \$1.25 million marketing program.

We will also continue our efforts to reduce the cost of doing business in Delaware -- making us even more competitive with our neighbors.

I will recommend, and I think this may have come from Darrell Minott and our friends in our Department of Labor, I will recommend elimination of the second injury fund for worker's compensation, saving on the one hand employers millions of dollars, -- with and I underline with no decrease in benefits.

Permitting reform will continue, too, with new legislation to reduce the cost of environmental compliance -- without compromising environmental quality.

I will propose simplifying the business tax reporting system, and seek legislation to make fully deductible the cost of health care premiums for small businesses.

And -- as I said earlier, if June revenues justify it -- I hope we will reduce personal income taxes in a responsible -- and equitable -- way that benefits all Delaware taxpayers.

I also want to continue to build high-quality, low-cost infrastructure. Roads, airports, wastewater treatment, ports. Over the last several years, the State has made large investments in critical areas including the Port of Wilmington, including the New Castle County Airport, and State Route 1.

In this year's 21st Century package, I will be proposing significant new investments of \$10 million in wastewater infrastructure, \$14 million for farmland preservation, Jack, thank you and everyone involved in that for your efforts, \$5 million for housing, and \$14 million for open space.

Delaware's greatest incentive, as we all know, is our quality of life. We are all proud of the Open Space program that Lieutenant Governor Ruth Ann Minner helped to begin along with others, the protection of our coastal zone spearheaded by former Governor Russ Peterson, and many other contributions made to protect our environment. Too often, we have ignored how we grow and how we develop as a state.

That too is changing. From the Main Street initiative in Seaford, to the redevelopment of brownfields along the Wilmington waterfront, we're getting smarter about how we use our land and how we manage our growth. Land-use decisions are never easy, but our state can no longer afford to ignore when some new development literally makes no sense.

In Delaware, we're a small state, we're a small state but we do have the room to grow. We need to grow in the right places.

My Cabinet Committee on Statewide Planning led by chief of Staff Jeff Bullock, has spent the past year developing a blueprint for Shaping Delaware's Future. This year, they will ask the legislature for additional tools to do their work. I believe their collective efforts, in cooperation with regional planning agencies and county planning offices, offer Delaware an unprecedented opportunity to make land use policies that preserve and enhance our quality of life.

CLOSE

Ladies & Gentlemen, that brings me to a place where I know some of you were beginning to think I might never find -- and that is the end of this State of the State Address. Don't get carried away, I'm not through. That was the first half. No, I've got about one more minute. Take your seats, lot of enthusiasm for the end seats of this speech though wouldn't you say, Senator McBride, a lot of enthusiasm. Sit back down, pal. But we're at the end, we're at the end, at least the end of this speech, not at the end of the road for Delaware. We're at the new jumping off point.

As 1996 begins, we've been buffeted in this state, our small wonder, by record snowfall, we face an uncertain national economy, we face changes coming out of Washington that we still don't understand and God knows when we will understand them.

Yet, Delawareans all of us have much for which to be grateful and much about which to be hopeful as we look to the future. Most of us who have had the chance to live in other places will agree that we have something very very special right here. Delaware is a state that works. Our people are kind and generous at least most of the time. The spirit of volunteerism is alive and demonstrated everyday in our firehalls, our schools, our senior centers and countless other places up & down this State. Our businesses meet their obligations -- not only to their shareholders -- but also to the rest of us, the greater community, as well. We govern in Delaware from the center. At the end of the day, Republicans and Democrats alike set aside our differences and we do what's right for Delaware.

I believe it is an honor to be a Delawarean. It is a special privilege to be entrusted, as we are, with the responsibility of leading this remarkable little state. How we discharge our responsibilities will go a long way toward ensuring that the pre-eminent position that Delaware enjoys today in so many areas will continue as the sun sets on this century and rises on the next.

In the past three years, we've kept our promises to the people we serve. In the year to come, we will do no less. Thank you very much.

I gotta add a p.s. I gotta add a p.s. Where's Vince Meconi? Stay on your feet, Vincent. This Legislative Hall is going through some changes and you've invested a lot of our, not a lot but a fair amount of our taxpayers money and it's really getting to be a place that we can even be prouder of in the future. Last year over in the Senate Chamber, I don't know about the rest of you, remember how hot it was, it was at least 100 degrees and it was that hot before all the hot air came out of our Governor's mouth. But I don't know how we cooled down over here this year Vincent but I've been saying to Vincent for a week, Vincent, when I walk into that Chamber I want it to be someplace where we can sit through my 2 hour speech. And I would say Vincent you and the folks at Facilities Management have succeeded admirably. Thank you.

Thank you all.

Mr. Speaker made comments.

Mr. Speaker Spence requested that the duly appointed committee escort the Governor back to his Executive Office.

Representative Petrilli moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective journals to see if they agree.

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

Representative Petrilli moved that the Joint Session be adjourned at 3:12 p.m. Representative Petrilli moved to recess for caucus.

The House reconvened at 4:55 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 33 & HCR 34.

Representatives Mack & DiLiberto requested that they be marked present.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle was granted personal privilege of the floor for comments.

Representatives Mack, Oberle, Petrilli, Spence, Gilligan & Plant made comments.

Representative Oberle moved to lift SB 24 w/HA 2 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Oberle brought SB 24 w/HA 2, jointly sponsored by Senator Marshall, before the House for consideration.

SB 24 - An Act to Amend Chapter 9, Title 19, of the Delaware Code, Relating to the Minimum Wage.

Representative Oberle made comments.

Representative Oberle deferred to Representative Boulden.

Representatives Boulden & Oberle made comments.

The roll call on SB 24 w/HA 2 was taken and revealed:

YES: 21.

NO: Representatives Boulden, Buckworth, Bunting, Capano, Carey, Cloutier, DiPinto, Ewing, Fallon, Lee, Maier, Petrilli, Quillen, Roy, Schroeder, Smith, Stone, Ulbrich, Wagner - 19.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, SB 24 w/HA 2 was returned to the Senate for concurrence on HA 2.

D. Ennis & Reynolds requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Lofink.

Representative Lofink was granted the privilege of the floor for the introduction of a guest.

Representative Mack was granted personal privilege of the floor to make comments regarding HR 45.

Representative Gilligan made comments.

Representative Stone was granted the privilege of the floor to make comments and present a House tribute to Representative Reynolds.

Representatives B. Ennis & West made comments.

Representative Reynolds was granted the privilege of the floor for comments.

Representative Petrilli brought SJR 15, sponsored by Senators Voshell & Cordrey & Representative Schroeder & cosponsored by Representatives Spence, Ewing & DiPinto, before the House for consideration.

SJR 15 - Honoring the Lewes Fire Department, Inc., Upon the Occasion of the 200th Anniversary of Its Establishment in 1796.

Representative Petrilli deferred to Representative Schroeder.

Representative Schroeder made comments.

The roll call on SJR 15 was taken and revealed:

YES: 40.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, SJR 15 was returned to the Senate.

Representative Carey made comments.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought SB 271, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 271 - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

Representative Smith made comments.

The roll call on SB 271 was taken and revealed:

YES: 39.

ABSENT: Representatives Jonkiert, Maroney - 2.

Therefore, having received a constitutional majority, SB 271 was returned to the Senate.

Representative Petrilli deferred to Representative West.

Representative West brought HB 367 before the House for consideration.

HB 367 - An Act to Amend Chapter 47, Title 10 of the Delaware Code Relating to Judgments.

Representatives Stone, West & Oberle made comments.

Representative West moved to place HB 367 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli deferred to Representative DiLiberto.

Representative DiLiberto moved to suspend the rules which interfere with introduction of and action on HJR 18. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative DiLiberto introduced and brought HJR 18, jointly sponsored by Senator Henry & Representatives Cloutier & Welch & Senators Amick & Hauge, before the House for consideration.

HJR 18 - Relating to the 50th Anniversary of the Service of Collins J. Seitz as a Judge.

The roll call on HJR 18 was taken and revealed:

YES: 40.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, HJR 18 was sent to the Senate for concurrence.

Representative Jonkiert moved to suspend the rules which interfere with introduction of and action on HR 48. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Jonkiert introduced and brought HR 48, jointly sponsored by Representatives DiPinto, Plant, Scott & Williams on Behalf of All Representatives, before the House for consideration.

HR 48 - Praising the Personnel of the City of Wilmington Department of Public Works for Their Extraordinary Efforts During the Blizzard of 1996

Representatives Jonkiert & DiPinto made comments.

HR 48 was adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 5:46 p.m.

6th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
Second Session
January 23, 1996

Mr. Acting Speaker Quillen called the House to order at 2:33 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: **SB 28 w/HA 1 & SA 3, SCR 42 & HCR 29**.

The Majority Leader moved to adjourn at 2:34 p.m., thereby ending the current Legislative Day. The House reconvened at 2:35 p.m.

The Chief Clerk called the roll:

Members Present: 37.

Members Absent: Representatives Capano, Cloutier, DiPinto, Spence - 4.

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

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

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

The following prefiled legislation was introduced:

HB 392 - REYNOLDS & SENATOR SOKOLA & REPRESENTATIVE DAVIS & SENATOR COOK & REPRESENTATIVE SCHROEDER & SENATOR CONNOR; REPRESENTATIVES BUCKWORTH, CAPANO, CAREY, DIPINTO, EWING, MACK, MAIER, LEE, ULBRICH, WAGNER; SENATORS BLEVINS, VOSHELL, BAIR, BONINI, HAUGE, REED, SORENSON, STILL - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education Regulations and Legislation.

HB 411 - GILLIGAN & SENATOR SHARP - H/ADM: An Act to Amend Chapter 214, Volume 65, Laws of Delaware, as Amended, Being the Charter of the Town of Newport. (2/3 bill)

HB 412 - B. ENNIS, BANNING, BRADY, BUCKWORTH, CAREY, D. ENNIS, FALLON, GILLIGAN, HOUGHTON, JONKIERT, LEE, LOFINK, PLANT, QUILLEN, SPENCE, VANSANT, WAGNER, WEST; SENATOR VAUGHN - ECON DEV., B & I: An Act to Amend Title 18, Delaware Code, to Ensure Consumer Choice Between Physical Therapy Services.

HB 413 - JONKIERT & BANNING, B. ENNIS, GILLIGAN, VANSANT, WILLIAMS - NAT RES: An Act to Amend Chapter 69, Title 7 of the Delaware Code Relating to Conservation; and Providing for a Uniform Conservation Easement Act.

HB 414 - VANSANT, BANNING, BUCKWORTH, BUNTING, CAPANO, CAREY, CLOUTIER, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, FALLON, GILLIGAN, HOUGHTON, JONKIERT, LEE, LOFINK, MACK, OBERLE, PLANT, QUILLEN, REYNOLDS, SCHROEDER, SCOTT, SMITH, STONE, WAGNER, WELCH, WILLIAMS; SENATORS AMICK, HAUGE, HENRY, MCDOWELL, REED, VAUGHN, VENABLES, VOSHELL - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Displaying of Number Plates. (2/3 bill)

HA 2 to HB 162 - BOULDEN - AGENDA: Placed with the bill.

HR 49 - WELCH, WAGNER, ROY, DIPINTO, B. ENNIS, JONKIERT - RULES: Relating to Permanent Rules of the House of Representatives of the 138th General Assembly of the State of Delaware.

SB 28 w/HA 1 & SA 3 - MCBRIDE & REPRESENTATIVE SPENCE; SENATORS MARSHALL, MCDOWELL, CONNOR, HENRY, REED; REPRESENTATIVES OBERLE, HOUGHTON, VANSANT - LABOR: An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration; and Providing for Donated Leave. (F/N)

The Reading Clerk read the following communication into the record:

January 23, 1996

The Honorable Terry R. Spence

Speaker of the House

House of Representatives

Legislative Hall

Dover, DE 19901

Dear Speaker Spence:

Please excuse my absence from session today. I will be representing the House at the installation of the new Bishop of the Catholic Diocese.

Very truly yours,
Joseph G. DiPinto
State Representative
4th District

JGD/jm

Representative D. Ennis requested that he be marked present.

Representative Maroney was granted the privilege of the floor for the introduction of guests.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #60

DATE: January 23, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-950	Ulbrich	12/15/95	T	Pamela Kern/McVey Elementary/Teacher of Year
H138-951	Ulbrich	12/15/95	T	Thomas Wayock/Glasgow High School's Teacher of Yr.
H138-952	Buckworth	1/12/96	T	Harold Bennett/Retire/45 Years/State Farm Insurance
H138-953	Wagner	1/05/96	T	Vernon Ingram/'95 Great Person Award/Dover Post
H138-954	Wagner	11/11/95	T	Kimberly Jones & Charles Rodriguez/Marriage
H138-955	Wagner	1/10/96	T	Gale Voshell/Thanks/Removal/ Snow/Blizzard '96
H138-956	Maier	1/18/96	T	Thomas M. Roder/Creek Landing Maint. Corp./Pres.
H138-957	Maier	1/18/96	T	Daniel M. Bove/Creek Landing Maint. Corp./Vice-President
H138-958	Smith	1/09/96	T	E. John Walsh/Archmere Sports Hall of Fame
H138-959	Quillen	3/28/96	T	John & Harriet Trump/50th Wedding Anniversary
H138-960	VanSant	2/06/96	T	Five Points Fire Co. No. 1, Inc./75th Anniversary
138-961	Fallon	1/12/96	M	Reverend David Mulford
H138-962	Houghton cosponsor: VanSant	2/10/96	T	John Maloney/35 Yrs./Ded. Serv. /Five Points Fire Co.
H138-963	Houghton cosponsor: VanSant	2/10/96	T	Kenneth Jacobs/50 Yrs. Serv./ /Five Points Fire Co.

HOUSE TRIBUTE ANNOUNCEMENT #61

DATE: January 23, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-964	VanSant	2/10/96	T	J. Robert Blyman/50 Yrs. Serv. /Five Points Fire Co.
H138-965	VanSant	2/10/96	T	Victor Levering/70 Yrs. Serv. /Five Points Fire Co.
H138-966	Houghton cosponsor: VanSant	2/10/96	T	Thomas Stigile/35 Yrs. Serv./Five Points Fire Co.
H138-967	VanSant	2/10/96	T	Robert Sutton/Five Points Fire Co. '95 Member of Year
H138-968	Fallon	12/06/96	T	Town of Seaford/100 Best Small Towns in America
H138-969	DiLiberto	1/16/96	T	Bill Russell & Ann Burrows/Marriage
H138-970	Capano	1/16/96	T	Anna Mae Hedrick/80th Birthday
H138-971	Wagner	1/16/96	T	Steve K. Schwab/Saved Life of Brianna Healy
H138-972	Ewing	1/21/96	T	Ethel & Alton Breeding/50th Wedding Anniversary

H138-973	Capano	1/17/96	T	Mary Kaye Carpenter/U. Of D. Medal Distinction
H138-974	Ulbrich	1/17/96	T	Robert J. Gross, Jr./95 Pres. Award/ Excellence in Science & Mathmatics
H138-975	Carey	12/28/95	T	Grace & Richard Millman/ 60th Wedding Anniversary
H138-976	Petrilli	1/26/96	T	Ernie Camoirano/Retirement/26 Yrs.
	cosponsor: Spence			
H138-977	Oberle	1/18/96	T	Lewis W. Hyden, II/Retirement/F.B.I.
H138-978	Welch	1/19/96	T	K.C./F.O.P. Lodge #3/30th Anniversary
	cosponsors: Buckworth, Caulk, Quillen, Stone, Wagner, B. Ennis			

T - Tribute

M - Memoriam

The Majority Leader moved to recess for committee meetings at 2:40 p.m.

The House reconvened at 4:35 p.m.

Representatives Roy, Williams, Scott, Jonkiert & Plant requested that they be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 41, SCR 43 & HJR 18.

January 23, 1996

LEGISLATIVE ADVISORY #38

The following legislation was signed by Governor Thomas R. Carper on the dates indicated: 1/19/96 - SB 270 & SJR 15. 1/22/96 - SB 191.

The following prefiled Consent Calendar #14 was introduced:

HR 43 - SMITH & OBERLE, DAVIS, CLOUTIER, MAIER, ROY - Declaring the Week of March 17-23, 1996 as National Home Education Week in Delaware.

SCR 42 - SHARP & REPRESENTATIVE SPENCE - Congratulating the New Castle County Vocational Technical School District on Receiving the 1995 State of Delaware Quality Award of Merit, Presented by the Delaware Quality Consortium's Board of Directors in Honor of W.L. (Bill) Gore.

Representative Carey introduced SCR 43, jointly sponsored by Senator Voshell.

SCR 43 - Extending the Best Wishes of the General Assembly to the Membership of the Newly Established General Alfred T. A. Torbert Camp No. 1862 of the Sons of Union Veterans of the Civil War.

SCR 43 was placed on Consent Calendar #14.

Representative Petrilli introduced SCR 41, jointly sponsored by Senators Bair & Sharp & Representatives Spence, Gilligan & VanSant & All Senators & All Representatives.

SCR 41 - Commending Major Sherry L. Freebery, Esq. And Commander of Special Operations for the New Castle County Police Department, as the Recipient of the 1996 Trailblazer Award Given Annually by the Agenda for Delaware Women.

SCR 41 was placed on Consent Calendar #14.

Representative Petrilli introduced HCR 35, jointly sponsored by Senator Sorenson on Behalf of All Representatives and Senators.

HCR 35 - Bidding a Fond Farewell to Ernest "Ernie" Camoirano Who Has Retired From State Service After a Distinguished Twenty-Six Year Career.

Representative Reynolds requested that he be marked present.

HCR 35 was placed on Consent Calendar #14.

Consent Calendar #14 was adopted by voice vote and HCR 35 was sent to the Senate for concurrence and SCR 41, SCR 42 & SCR 43 were returned to the Senate.

Representative Smith was granted the privilege of the floor for home schooling parents and their children. Representative Smith made comments. The home schoolers introduced themselves for the record.

The Chief Clerk read the following committee reports into the record:

AG: HB 395 - 3M.

APPRO: HB 403 - 4F.

NAT RES: SJR 13 - 3M.

JUD: HB 397 - 1F,6M; HB 398 - 1F,6M; SB 272 - 7M.

H/ADM: HB 410 - 3M.

The Majority Leader moved to recess to the call of the Chair at 4:45 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:02 p.m.

The Chief Clerk read the following committee reports into the record:

RULES: HR 42 - 5M.

The Majority Leader moved to adjourn at 2:03 p.m., thereby ending the current 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 Pamela S. Maier, Twenty-First Representative District.

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

Representatives Smith & Banning requested that they be marked present.

Representative Buckworth was granted the privilege of the floor for LouAnn Hudson and the Caesar Rodney Junior High School Choraleers who performed before the House and were presented with a House Tribute. Representative Spence made comments. The chorus members introduced themselves for the record.

Representative Caulk was granted the privilege of the floor for the introduction of guests.

One of his guests made comments.

Representatives B. Ennis, Spence & Cloutier made comments.

Representatives Welch & D. Ennis requested that they be marked present.

Representative Roy moved to suspend the rules which interfere with introduction of and action on HB

418. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy introduced and brought HB 418, jointly sponsored by Senators Venables & Cook, before the House for consideration.

HB 418 - An Act to Amend Volume 70, Chapter 210, Laws of Delaware, Relating to the Fiscal Year 1996 Bond Bill and Capital Improvements Act. (3/4 bill)

Representative Roy moved to place HB 418 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

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

The following prefiled legislation was introduced:

HB 415 - ROY; SENATOR VENABLES - TRANS: An Act to Amend Title 29 of the Delaware Code and Title 2 of the Delaware Code Relating to Certain Additional Uses of the Highway Construction Rates.

HB 416 - OBERLE & SENATOR MARSHALL - LABOR: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 417 - OBERLE & SENATORS CONNOR & REED - HOUSING & COM AFF: An Act to Amend Title 9 of the Delaware Code Relating to Limitations Upon Taxing Power.

HCR 36 - OBERLE & SENATORS MCDOWELL & MARSHALL; REPRESENTATIVES SPENCE, CLOUTIER, LOFINK, MACK, REYNOLDS, WAGNER, BRADY, DILIBERTO, B. ENNIS, PLANT, VANSANT; SENATORS BLEVINS, SOKOLA, VAUGHN, CONNOR - LABOR: Encouraging Fair Treatment for Durational Employees of the State of Delaware in Light of the Recent Weather-Related State of Emergency.

The Majority Leader moved to recess for caucus at 2:27 p.m.

The House reconvened at 4:00 p.m. with Representative Quillen as Acting Speaker.

Representatives Mack & Jonkiert requested that they be marked present.

The Chief Clerk read the following committee report into the record:

HOUSING & COM AFF: HB 347 - 4F,1M.

Representative Reynolds requested that he be marked present.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 284 & SB 278.

Mr. Speaker Spence resumed the Chair.

Representative Petrilli made an announcement.

Representative Petrilli deferred to Representative Boulden.

Representative Boulden brought HB 162, jointly sponsored by Representatives Welch, Fallon, Maier, Bunting & Senators Bonini & Hauge, before the House for consideration.

HB 162 - An Act Proposing an Amendment to the Delaware Constitution Relating to Term Limitations for State and Federal Legislators and Other Elected State Officials. (2/3 bill)

Representative Boulden made comments.

Representative Welch requested that HA 1 to HB 162 be stricken.

Representative Fallon made a comment.

Representative Boulden brought HA 2 to HB 162 before the House for consideration.

Representatives Boulden & Plant made comments.

HA 2 to HB 162 was adopted by voice vote.

Representatives Gilligan, Boulden, Jonkiert, Petrilli, Bunting, Gilligan, Plant, Reynolds, Roy, Scott, West, Welch, Mack, DiLiberto, Gilligan, Smith & Quillen made comments.

Representative Fallon introduced & brought HA 3 to HB 162, before the House for consideration.

Representatives Fallon, Bunting, Fallon & Boulden made comments.

HA 3 to HB 162 was defeated by voice vote.

The roll call on HB 162 w/HA 2 was taken and revealed:

YES: Representatives Boulden, Bunting, Capano, Caulk, Ewing, Fallon, Maier, Ulbrich, Welch - 9.

NO: 32.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HB 162 w/HA 2 was declared defeated.

Representatives Brady & Schroeder requested that they be marked present during the roll call.

Representatives Carey, Reynolds & Gilligan made comments.

Representative Petrilli brought HB 400, jointly sponsored by Representative Spence & Senators Blevins & Connor, before the House for consideration.

HB 400 - An Act to Amend Subchapter V, Chapter 19, Title 10, Delaware Code, Relating to Judicial Records and Indices, New Castle County.

Representative Petrilli made comments.

The roll call on HB 400 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 400 was sent to the Senate for concurrence.

Representative Petrilli brought HB 401, jointly sponsored by Representative Spence & Senators Blevins & Connor, before the House for consideration.

HB 401 - An Act to Amend Chapter 21, Title 25, of the Delaware Code Relating to the Satisfaction of Mortgages.

Representative Petrilli made a comment.

Representative Petrilli introduced and brought HA 1 to HB 401 before the House for consideration.

Representative Petrilli made a comment.

HA 1 was adopted by voice vote.

Representative Petrilli made comments.

The roll call on HB 401 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 401 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Davis.

Representative Davis brought HB 403, jointly sponsored by Senator Sokola & Representatives Boulden, Spence, Lofink, Ulbrich, DiLiberto, Gilligan, Oberle, Maier & Petrilli & Senators Sharp, Sorenson, Amick & Reed, before the House for consideration.

HB 403 - An Act Approving and Validating All Actions Taken by the Christina School District Relating to Authorization of the Issuance of Bonds for a School Construction Program.

Representative Davis made comments.

The roll call on HB 403 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 403 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Stone.

Representative Stone brought HB 381, jointly sponsored by Senators Amick, Bonini & Hauge, before the House for consideration.

HB 381 - An Act to Amend Title 25 Relating to Contracts for the Sale of Real Estate.

Representatives Stone, Schroeder, Brady & Stone made comments.

Representative Stone moved to place HB 381 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Mr. Speaker Spence declared a recess for the purpose of changing the recording tape at 5:10 p.m.

The House reconvened at 5:15 p.m.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto brought HB 359, jointly sponsored by Representatives Quillen, Oberle & VanSant & Senator Connor, before the House for consideration.

HB 359 - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

Representative DiPinto introduced and brought HA 1 to HB 359 before the House for consideration.

Representatives DiPinto & Mack made comments.

HA 1 was adopted by voice vote.

Representatives DiPinto, DiLiberto, Fallon, Houghton & DiPinto made comments.

The roll call on HB 359 w/HA 1 was taken and revealed:

YES: 40.

NO: Representative DiLiberto - 1.

Therefore, having received a constitutional majority, HB 359 w/HA 1 was sent to the Senate for concurrence.

Representative Ewing was granted the privilege of the floor for an announcement.

Representative Roy moved to lift HB 418 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy brought HB 418, jointly sponsored by Senators Venables & Cook & cosponsored by Representatives Mack, Reynolds & Welch, before the House for consideration.

HB 418 - An Act to Amend Volume 70, Chapter 210, Laws of Delaware, Relating to the Fiscal Year 1996 Bond Bill and Capital Improvements Act. (3/4 bill)

Representatives Roy & Bunting made comments.

Representative Roy deferred to Representative Lee.

Representatives Lee, Bunting, Roy & B. Ennis made comments.

The roll call on HB 418 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, Capano - 2.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 418 was sent to the Senate for concurrence.

Representative Roy made an announcement.

Representative Petrilli deferred to Representative Plant.

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

Representatives Quillen & D. Ennis made announcements.

Representative Plant introduced & brought HJR 19, jointly sponsored by Representatives Gilligan & VanSant & Senators Henry, McDowell & All Senators & Representatives Scott & Williams & All Representatives, before the House for consideration.

HJR 19 - Honoring and Remembering Former Texas Congresswoman Barbara Jordan, Devoted Educator, Public Servant and Outstanding Black American.

Representative Plant made a comment.

The roll call on HJR 19 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, Capano - 2.

Therefore, having received a constitutional majority, HJR 19 was sent to the Senate for concurrence.

Representative Davis was granted the privilege of the floor for an announcement.

The Chief Clerk read the following committee reports into the record:

H/ADM: SB 259 - 4M.

TRANS: HB 415 - 3F,4M.

HEALTH & HUM DEV: SCR 40 - 2F,5M.

The Majority Leader moved to recess to the call of the Chair at 5:46 p.m.

8th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
Second Session
January 25, 1996

Mr. Acting Speaker Quillen called the House to order at 2:53 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 328 w/SA 1.

The Majority Leader moved to adjourn at 2:54 p.m., thereby ending the current Legislative Day. The House reconvened at 2:55 p.m.

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Clifford G. Lee, Fortieth Representative District.

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

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

The following prefiled legislation was introduced:

HB 419 - OBERLE & COSPONSORED BY REPRESENTATIVES DIPINTO & B. ENNIS - P/S: An Act to Amend Chapter 21 of Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles.

HB 420 - OBERLE & SENATOR MARSHALL - LABOR: An Act to Amend Title 19 of the Delaware Code Relating to Handicapped Persons Employment Protection.

HB 421 - OBERLE & SENATOR MARSHALL - LABOR: An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workers' Compensation.

HB 422 - OBERLE & SENATOR MARSHALL - LABOR: An Act to Amend Chapter 21, Title 19 of the Delaware Code Relating to Workers' Compensation.

HB 423 - OBERLE & SENATOR MARSHALL - LABOR: An Act to Amend Title 29 of the Delaware Code Relating to Exemptions From the State Classified Service.

HB 424 - OBERLE & SENATOR MARSHALL - LABOR: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 425 - (This number is reserved.)

HB 426 - LEE, ROY; SENATOR SHARP - HOUSING & COM AFF: An Act to Amend Chapter 31 and Chapter 48, Title 25 of the Delaware Code Relating to Federal Liens; and Providing for a Uniform Federal Lien Registration Act.

HB 427 - WAGNER & SENATOR BLEVINS; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MACK, PETRILLI, REYNOLDS, SPENCE, STONE, ULBRICH, BANNING, BRADY, B. ENNIS; SENATORS AMICK, BAIR, HAUGE, MCBRIDE, REED, SORENSON, STILL, VAUGHN - ED: An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to Education; and Providing Limited Opportunities for Parents of a Student to Meet With a School Official Where Disciplinary Action Against the Student Being Considered.

HB 428 - WAGNER & SENATOR SOKOLA; REPRESENTATIVES BUCKWORTH, CAPANO, CAREY, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MACK, MAIER, PETRILLI, REYNOLDS, SMITH, SPENCE, STONE, ULBRICH, BANNING, BRADY, BUNTING, B. ENNIS, GILLIGAN; SENATORS AMICK, BAIR, HAUGE, MCBRIDE, REED, SORENSON, STILL, VAUGHN, VENABLES - ED: An Act to Amend Title 10 and Title 14 of the Delaware Code Relating to Education; and Providing for Parental Involvement in Enforcing School Standards for Student Conduct and Attendance.

HB 429 - ULBRICH & SENATOR BLEVINS; REPRESENTATIVES CAPANO, MAIER, HOUGHTON, SCOTT; SENATORS SOKOLA, VOSHELL, BONINI, REED - HEALTH & HUM DEV: An Act to Amend Chapter 19, Title 24 of the Delaware Code Relating to the Board of Nursing.

HB 430 - ULBRICH & SENATOR BLEVINS; REPRESENTATIVES CAPANO, MAIER, HOUGHTON, SCOTT; SENATORS SOKOLA, VOSHELL, BONINI, REED - HEALTH & HUM DEV: An Act to Amend Chapter 11, Title 24 of the Delaware Code Relating to Dentistry and Dental Hygiene.

HB 431 - MAIER, PETRILLI, BOULDEN, CAPANO, CLOUTIER, DAVIS, DIPINTO, MARONEY, OBERLE, SMITH, ULBRICH, WAGNER, BUNTING, DILIBERTO, GILLIGAN, SCHROEDER, VANSANT; SENATORS VENABLES, VOSHELL, REED, STILL - ED: An Act to Amend Chapter 10, Title 14, Delaware Code, Relating to Reorganization of School Districts.

HB 432 - GILLIGAN, BANNING, BOULDEN, BRADY, BUCKWORTH, CAPANO, CAREY, CAULK, DILIBERTO, DIPINTO, EWING, FALLON, JONKIERT, LEE, LOFINK, MACK, OBERLE, PLANT, REYNOLDS, SCOTT, SMITH, STONE, ULBRICH, WAGNER, WEST, WILLIAMS; SENATORS BLEVINS, CONNOR, COOK, HENRY, MARSHALL, MCBRIDE, VOSHELL - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (3/5 bill)

HB 433 - B. ENNIS; SENATORS BLEVINS & MCBRIDE; REPRESENTATIVES BANNING, BRADY, BUNTING, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, VANSANT, WEST, SPENCE, FALLON, MAIER - HEALTH & HUM DEV: An Act to Amend Chapter 97, Title 16, Delaware Code Relating to a Statewide Trauma Care System.

HB 434 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BANNING, BRADY, HOUGHTON, VANSANT, CLOUTIER, D. ENNIS, WAGNER, WELCH; SENATOR ADAMS - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Crime of Reckless Burning or Exploding.

HB 435 - B. ENNIS & SENATOR VOSHELL; REPRESENTATIVES BANNING, BRADY, BUNTING, DILIBERTO, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, VANSANT, WEST, LOFINK, ULBRICH, CAULK, CLOUTIER, D. ENNIS, WAGNER; SENATOR VAUGHN - TRANS: An Act to Amend Subchapter IIIA of Chapter 41, Title 21, Delaware Code Relating to Controlled-Access Highways.

HB 436 - B. ENNIS & SENATOR BLEVINS; REPRESENTATIVES BANNING, HOUGHTON, BRADY, D. ENNIS, WAGNER, WELCH, CLOUTIER - HEALTH & HUM DEV: An Act to Amend Chapter 98, Title 16, Delaware Code, Relating to Paramedic Services.

HB 437 - B. ENNIS; SENATOR VAUGHN; REPRESENTATIVES HOUGHTON, WEST, BANNING, BRADY, GILLIGAN, JONKIERT, PLANT, VANSANT, CAULK, CAREY, MACK, WAGNER, BUCKWORTH, WELCH, D. ENNIS; SENATORS VOSHELL, VENABLES - NAT RES: An Act to Amend Chapter 9, Title 7, Delaware Code, Relating to Commercial Food Fishing License.

HB 438 - DILIBERO (BY REQUEST) - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Traffic Safety. (2/3 bill)

HB 439 - WEST, B. ENNIS, CAULK; SENATORS CORDREY, STILL - NAT RES: An Act to Amend Chapter 19, Title 7, Delaware Code, Relating to the Shellfish Penalty Provisions.

HA 1 to HB 381 - STONE - L.O.T.: Placed with the bill.

HA 1 to HR 49 - WELCH - AGENDA: Placed with the bill.

HJR 20 - SPENCE & SENATOR SHARP - P/S: Establishing a Task Force to Evaluate the Staffing Needs, Monetary Support, Equipment and Related Matters Relevant to the New Castle County 911 Recom Center.

SB 278 - BAIR & REPRESENTATIVE MARONEY - H/ADM: An Act to Waive Statutory Provisions of Title 13 of the Delaware Code Relating to the Solemnization of Certain Marriages.

SB 284 - SHARP & REPRESENTATIVE SPENCE - H/ADM: An Act to Waive the Statutory Provisions of Chapter 1, Title 13, of the Delaware Code Relating to the Marriage of Dr. Andrew M. Berman and Stephanie L. Hall.

HA 1 to SB 259 - CLOUTIER - AGENDA: Placed with the bill.

Representative Petrilli made an announcement.

Representative Petrilli deferred to Representative D. Ennis.

Representative D. Ennis moved to suspend the rules which interfere with introduction of and action on

HCR 37. The motion was properly seconded and adopted by voice vote.

Representative D. Ennis introduced and brought HCR 37, jointly sponsored by Representatives B. Ennis, Wagner, Stone, Cloutier, Lee, Spence, Buckworth, Ulbrich, Welch, Lofink, Roy, Reynolds, DiPinto, Banning, Brady, Houghton, Gilligan, Plant, VanSant, West & Williams & Senators Bair, Bonini, Hauge, Still, Vaughn, Venables & Voshell, before the House for consideration.

HCR 37 - Urging a Review and Full Assessment of Certain Personnel and Employee Relations Issues.

Representative D. Ennis made comments.

Representative Plant requested that he be marked present.

Representative B. Ennis made a comment.

HCR 37 was adopted by voice vote and sent to the Senate for concurrence.

Representatives Roy, Schroeder & Brady requested that they be marked present.

Representative Bunting was granted the privilege of the floor for the introduction of a guest.

Representative Mack requested that he be marked present.

Representative Petrilli deferred to Representative Stone.

Representative Stone moved to lift HB 381 from the Speaker's table. The motion was seconded by Representative Mack and adopted by voice vote.

Representative Stone made a comment.

Representative Stone brought HB 381, jointly sponsored by Senators Amick, Bonini & Hauge, before the House for consideration.

HB 381 - An Act to Amend Title 25 Relating to Contracts for the Sale of Real Estate.

Representative Stone made a comment.

Representative Stone brought HA 1 to HB 381 before the House for consideration.

The roll call on HB 381 w/HA 1 was begun:

Representative Cloutier rose on a point of order. Mr. Acting Speaker concurred.

HA 1 was adopted by voice vote.

The roll call on HB 381 was begun:

YES: 38.

ABSENT: Representatives Caulk, Jonkiert, Lofink - 3.

Therefore, having received a constitutional majority, HB 381 w/HA 1 was sent to the Senate for concurrence.

Representative Spence requested that he be marked present during the roll call.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HB 410, jointly sponsored by Representative Davis & Senator Cook & Representatives Boulden, Buckworth, Bunting, Capano, Carey, Cloutier, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Houghton, Jonkiert, Lee, Lofink, Mack, Maier, Maroney, Oberle, Petrilli, Quillen, Reynolds, Roy, Smith, Spence, Stone, Ulbrich, Welch, West & Williams & Senators Bair, Blevins, Bonini, Connor, Hauge, Henry, McDowell, Sokola, Sorenson, Still, Vaughn, Venables & Voshell, before the House for consideration.

HB 410 - An Act to Amend Title 29, Delaware Code, Relating to State Government Accountability.

(F/N)

Representative Wagner made a comment.

The roll call on HB 410 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Jonkiert, Lofink - 3.

Therefore, having received a constitutional majority, HB 410 was sent to the Senate for concurrence. Representative Petrilli deferred to Representative Roy.

Representative Roy brought SB 272, sponsored by Senator Sharp, before the House for consideration. SB 272 - An Act to Amend Title 8 of the Delaware Code Relating to the General Corporation Law.

(2/3 bill)

Representative Roy made a comment.

The roll call on SB 272 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Jonkiert, Lofink - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 272 was returned to the Senate.

Representative Petrilli brought SB 259, sponsored by Senator McDowell & Representative DiPinto, before the House for consideration.

SB 259 - An Act to Amend Title 9 of the Delaware Code Relating to Compensation of the New Castle County Executive.

Mr. Speaker Spence resumed the Chair.

Representative Petrilli moved to place SB 259 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought SB 249 w/SA 1, sponsored by Senator Amick, before the House for consideration.

SB 249 - An Act to Amend Title 13 of the Delaware Code Relating to Solemnization of Marriages.

Representative Petrilli made a comment.

The roll call on SB 249 w/SA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, Jonkiert, Lofink - 3.

Therefore, having received a constitutional majority, SB 249 w/SA 1 was returned to the Senate.

Representative Petrilli moved to suspend the rules which interfere with action on SB 284. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli brought SB 284, sponsored by Senator Sharp & Representative Spence, before the House for consideration.

SB 284 - An Act to Waive the Statutory Provisions of Chapter 1, Title 13, of the Delaware Code Relating to the Marriage of Dr. Andrew M. Berman and Stephanie L. Hall.

Representative Petrilli made a comment.

The roll call on SB 284 was taken and revealed:

YES: 40.

ABSENT: Representative Jonkiert - 1.

Therefore, having received a constitutional majority, SB 284 was returned to the Senate.

Representatives Caulk & Lofink requested that they be marked present during the roll call.

Representative Petrilli moved to suspend the rules which interfere with action on SB 278. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli brought SB 278, sponsored by Senator Bair & Representative Maroney, before the House for consideration.

SB 278 - An Act to Waive Statutory Provisions of Title 13 of the Delaware Code Relating to the Solemnization of Certain Marriages.

Representative Petrilli made a comment.

The roll call on SB 278 was taken and revealed:

YES: 40.

NO: Representative West - 1.

Therefore, having received a constitutional majority, SB 278 was returned to the Senate.

Representative Jonkiert requested that he be marked present during the roll call.

Representative Petrilli deferred to Representative Welch.

Representative Welch brought HR 49, jointly sponsored by Representatives Wagner, Roy, DiPinto, B. Ennis & Jonkiert, before the House for consideration.

HR 49 - Relating to Permanent Rules of the House of Representatives of the 138th General Assembly of the State of Delaware.

Representative Welch made a comment.

Representative Welch brought HA 1 to HR 49 before the House for consideration.

Representative Welch made a comment.

HA 1 was adopted by voice vote.

HR 49 w/HA 1 was adopted by voice vote.

Representatives Spence, Cloutier & B. Ennis made comments.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto brought HB 342 before the House for consideration.

HB 342 - An Act to Amend Chapter 73, Title 6, of the Delaware Code Relating to the Regulation of Securities, Broker-Dealers, Investment Advisers and Agents. (3/5 bill)

Representative DiPinto introduced and brought HA 1 to HB 342 before the House for consideration.

Representative DiPinto made a comment.

HA 1 was adopted by voice vote.

Representatives DiPinto & Oberle made comments.

The roll call on HB 342 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 342 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought HB 415, jointly sponsored by Senator Venables, before the House for consideration.

HB 415 - An Act to Amend Title 29 of the Delaware Code and Title 2 of the Delaware Code Relating to Certain Additional Uses of the Highway Construction Rates.

Representatives Smith & Roy made comments.

Representative Roy introduced and brought HA 1 to HB 415 before the House for consideration.

Representative Roy made a comment.

HA 1 was adopted by voice vote.

Representative Roy introduced and brought HA 2 to HB 415 before the House for consideration.

Representative Roy made comments.

HA 2 was adopted by voice vote.

Representatives Roy, Gilligan, Smith, Cloutier, Roy & Wagner made comments.

The roll call on HB 415 w/HA 1 & 2 was taken and revealed:

YES: 39.

NOT VOTING: Representatives Banning, B. Ennis - 2.

Therefore, having received a constitutional majority, HB 415 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle moved to suspend the rules which interfere with action on SB 28 w/HA 1 & SA

3. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle brought SB 28 w/HA 1 & SA 3, jointly sponsored by Senator McBride & Representative Spence & Senators Marshall, McDowell, Connor, Henry & Reed & Representatives Houghton & VanSant, before the House for concurrence on SA 3.

SB 28 - An Act to Amend Chapter 59, Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration; and Providing for Donated Leave. (F/N)

Representative Oberle made comments.

The roll call on SB 28 w/HA 1 & SA 3 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 28 w/HA 1 & SA 3 was returned to the Senate.

Representative Petrilli deferred to Representative Quillen.

Representative Quillen moved to lift HB 314 w/HA 1 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Quillen brought HB 314 w/HA 1 before the House for consideration.

HB 314 - An Act to Amend Part VII, Title 16 of the Delaware Code Relating to Elevators, Penalties. (2/3 bill)

Representative Quillen made a comment.

The roll call on HB 314 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 314 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought SCR 40, jointly sponsored by Senators Connor, McBride, Blevins, Sorenson & Vaughn & Representatives Mack, Spence, Reynolds & Davis, before the House for consideration.

SCR 40 - Establishing a Cancer and the Environment Liaison Group to Assist the General Assembly in Assuring That the Cancer Task Force's Strategies and Recommendations Are Carried Out and to Advise the General Assembly as It Develops Legislation to Reduce Incidences of Cancer Within the First State.

Representative Maroney made a comment.

Representative Mack brought HA 1 to SCR 40 before the House for consideration.

Representative Mack made a comment.

HA 1 was adopted by voice vote.

SCR 40 w/HA 1 was adopted by voice vote and returned to the Senate.

The Majority Leader moved to recess for caucus at 4:02 p.m.

The House reconvened at 4:31 p.m.

The Chief Clerk read the following committee reports into the record:

P/S: HJR 20 - 4M.

Representative Petrilli made an announcement.

Representative Gilligan introduced HB 425, jointly sponsored by Representative VanSant & Senators Cordrey, Marshall, Sharp & Venables.

HB 425 - A Bond and Capital Improvements Act of the State of Delaware and Certain of Its Authorities for the Fiscal Year Ending June 30, 1997; Deauthorizing State Guaranteed Bond Authorizations and Authorizing the Issuance of General Obligation Bonds of the State; Authorizing the Issuance of Revenue Bonds of the Delaware Transportation Authority; Appropriating Funds From the Transportation Trust Fund; Deauthorizing and Reauthorizing Certain Funds of the Transportation Trust Fund; Appropriating Special Funds of the Delaware Transportation Authority; Reverting and Reprogramming Certain Funds of the State; Appropriating General Funds and Special Funds of the State; Appropriating Monies From the Twenty-First Century Fund; Specifying Certain Procedures, Conditions and Limitations for the Expenditure of Such Funds; and Amending Certain Pertinent Statutory Provisions. (3/4 bill)

Mr. Speaker Spence assigned HB 425 to the Bond Bill Committee.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney introduced HB 440, jointly sponsored by Senator Blevins & Representatives Spence, Petrilli, Quillen, Buckworth, Capano, Carey, DiPinto, Davis, Lee, Lofink, Mack, Maier, Ulbrich, Bunting, DiLiberto, Gilligan, Plant, Schroeder & West & Senators Henry, Sokola, Amick, Bair, Bonini, Connor, Hauge, Reed, Sorenson & Still.

Representative Maroney made a comment.

HB 440 - An Act to Amend Title 10 and Title 11 of the Delaware Code Relating to the Sale and Distribution of Tobacco Products. (2/3 bill)

Mr. Speaker Spence assigned HB 440 to the Judiciary Committee.

Representative Davis introduced and brought HR 50, jointly sponsored by Representatives Spence, Oberle, Reynolds, Lofink & DiLiberto & cosponsored by Representative Mack, before the House for consideration.

HR 50 - Congratulating the Christiana Fire Company for Seventy-Five Years of Service to the Community.

Representative Davis made a comment.

HR 50 was adopted by voice vote.

Representative Petrilli made an announcement.

Representative Petrilli deferred to Representative Lee.

Representative Lee made a comment.

Representative Lee brought HB 328 w/SA 1, jointly sponsored by Representative B. Ennis & Senator Voshell & Representatives Carey, Caulk, Wagner, Banning, Brady, Houghton & VanSant & Senators Blevins, McBride & Still, before the House for concurrence on SA 1.

HB 328 - An Act to Amend Chapter 23, Title 19 of the Delaware Code Relating to Workmen's Compensation. (F/N)

The roll call on HB 328 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, HB 328 w/SA 1 was sent to the Governor.

Representative Petrilli deferred to Representative West.

Representative West moved to suspend the rules which interfere with lifting HB 367 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative West brought HB 367 before the House for consideration.

HB 367 - An Act to Amend Chapter 47, Title 10 of the Delaware Code Relating to Judgments.

Representative West introduced and brought HA 1 to HB 367 before the House for consideration.

Representative West made a comment.

HA 1 was adopted by voice vote.

Representatives Welch, DiLiberto, West, Welch & Stone made comments.

The roll call on HB 367 w/HA 1 was taken and revealed:

YES: Representatives Banning, Bunting, Caulk, Gilligan, Houghton, Scott, VanSant, West & Williams

NOT VOTING: Representatives Brady, B. Ennis, Oberle, Petrilli, Plant, Schroeder, Mr. Speaker Spence - 7.

ABSENT: Representative Reynolds - 1.

Therefore, not having received a constitutional majority, HB 367 w/HA 1 was declared defeated. Representatives West & Spence made comments.

Representative Petrilli moved to lift SB 259 from the Speaker's table. The motion was seconded by Representative Quillen.

Representative Petrilli brought SB 259, sponsored by Senator McDowell & Representative DiPinto, before the House for consideration.

SB 259 - An Act to Amend Title 9 of the Delaware Code Relating to Compensation of the New Castle County Executive.

Representative Petrilli made a comment.

Representative Petrilli deferred to Representative Cloutier.

The motion to lift was adopted by voice vote.

Representative Cloutier brought HA 1 to SB 259 before the House for consideration.

Representatives Cloutier, Plant & Petrilli made comments.

HA 1 was adopted by voice vote.

The roll call on SB 259 w/HA 1 was taken and revealed:

YES: 39.

NO: Representative Banning - 1.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, SB 259 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto brought HB 347 before the House for consideration.

HB 347 - An Act to Amend Title 25 of the Delaware Code Relating to Rent Control by Local Government.

Representatives DiPinto, Bunting, DiPinto, Oberle, DiPinto, Bunting, Schroeder, B. Ennis, DiPinto, Houghton, Brady & DiPinto made comments.

The roll call on HB 347 was taken and revealed:

YES: 22.

NO: Representatives Brady, Bunting, B. Ennis, Gilligan, Houghton, Jonkiert, Roy, Schroeder, Scott, West, Williams - 11.

NOT VOTING: Representatives Fallon, Mack, Oberle, Plant, VanSant, Welch - 6.

ABSENT: Representatives Caulk, Reynolds - 2.

Therefore, having received a constitutional majority, HB 347 was sent to the Senate for concurrence.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SJR 16. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli introduced and brought SJR 16, sponsored by Senators Amick & Marshall, before the House for consideration.

SJR 16 - Delaying the Implementation of Senate Bill No. 24.

Representatives Petrilli, Smith, Gilligan, Oberle & Davis made comments.

Representative Petrilli moved to place SJR 16 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Spence moved to suspend the rules which interfere with action on HJR 20. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Spence brought HJR 20, jointly sponsored by Senator Sharp & cosponsored by Representative Brady, before the House for consideration.

HJR 20 - Establishing a Task Force to Evaluate the Staffing Needs, Monetary Support, Equipment and Related Matters Relevant to the New Castle County 911 Recom Center.

Representatives Spence & Plant made comments.

The roll call on HJR 20 was taken and revealed:

YES: 37.

ABSENT: Representatives Caulk, Reynolds, Smith, VanSant - 4.

Therefore, having received a constitutional majority, HJR 20 was sent to the Senate for concurrence.

Representative Cloutier was granted personal privilege of the floor for a comment.

Representative Spence moved to suspend the rules which interfere with introduction of and action on SB 286. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Spence introduced and brought SB 286, jointly sponsored by Senator Sharp, before the House for consideration.

SB 286 - An Act to Amend Volume 67, Chapter 285, Laws of Delaware, Relating to the Fiscal Year 1991 Bond and Capital Improvement Act. (3/4 bill)

Representatives Spence, Roy, Davis, Spence, Wagner, Plant & DiLiberto made comments.

The roll call on SB 286 was taken and revealed:

YES: 37.

ABSENT: Representatives Caulk, Maier, Reynolds, West - 4.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, SB 286 was returned to the Senate.

Representative Petrilli deferred to Representative Ulbrich.

Representative Ulbrich moved to suspend the rules which interfere with introduction of and action on HR 51. The motion was properly seconded and adopted by voice vote.

Representative Ulbrich introduced and brought HR 51, jointly sponsored by Representatives Cloutier, Maier, Mack, Lofink & Capano, before the House for consideration.

HR 51 - Establishing a Task Force to Investigate the Scope of Public School Discipline Problems and to Evaluate Existing and Proposed Programs for Improving Student Conduct.

Representatives Ulbrich, Gilligan, Plant & Maroney made comments.

HR 51 was adopted by voice vote.

Representative Petrilli deferred to Representative DiPinto.

Mr. Speaker Spence resumed the Chair.

Representative DiPinto moved to lift HB 124 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative DiPinto brought HB 124, jointly sponsored by Representatives Petrilli, Quillen, Spence, Boulden, Brady, Buckworth, Capano, Carey, Cloutier, Davis, Ewing, Roy, Smith, Ulbrich, Banning, B. Ennis, Gilligan, Houghton, Plant & VanSant & Senators Cordrey, McBride & Sokola, before the House for consideration.

HB 124 - An Act to Amend Chapter 81 of Title 10 of the Delaware Code Relating to Limitations of Civil Liability for Certain Volunteers.

Representative DiPinto made a comment.

Representative DiPinto brought HA 1 to HB 124 before the House for consideration. Representative DiPinto introduced and brought HA 1 to HA 1 to HB 124 before the House for consideration. HA 1 to HA 1 was adopted by voice vote.

Representative DiPinto made a comment.

HA 1 w/HA 1 was adopted by voice vote.

Representative DiPinto deferred to Representative Oberle.

Representative Oberle requested that HA 2,3,4,5 & 6 be stricken.

Representatives Oberle, Stone, DiPinto, Stone, DiPinto, Oberle, DiPinto, Oberle, DiPinto, Oberle, Maroney, Davis, Scott, DiPinto, Scott, DiPinto, Stone, Cloutier, Banning, Plant, Brady & DiPinto made comments.

The roll call on HB 124 w/HA 1 w/HA 1 was taken and revealed:

YES: 21.

NO: Representatives Banning, DiLiberto, B. Ennis, Jonkiert, Lofink, Mack, Oberle, Schroeder, Scott, Stone, Wagner, Williams - 12.

NOT VOTING: Representatives Brady, Plant, VanSant, Welch, Mr. Speaker Spence - 5.

ABSENT: Representatives Caulk, Reynolds, West - 3.

Therefore, having received a constitutional majority, HB 124 w/HA 1 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maroney.

Mr. Speaker Spence made an announcement.

Representative Maroney introduced and brought HR 52, jointly sponsored by Representatives Buckworth, Capano, Carey, Davis, D. Ennis, Maier, Wagner, Fallon, Mack, Lee, Welch, Stone, Ewing, Boulden, Cloutier, Lofink, Quillen, Ulbrich, VanSant, Jonkiert, Gilligan, West, Plant, Brady, Scott, DiLiberto, Houghton, B. Ennis, Bunting, Schroeder & Banning, before the House for consideration.

HR 52 - In Appreciation of the Technical Assistance Provided by the National Conference of State Legislatures With Funds From the Carnegie Foundation to Advance Initiatives and Continuing Collaboration in Child Care and Early Childhood Education and Urging Delaware's Policymakers to Move Forward in Its Efforts to Address Those Issues.

HR 52 was adopted by voice vote.

Representative Petrilli moved to lift SJR 16 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli brought SJR 16, sponsored by Senators Amick & Marshall, before the House for consideration.

SJR 16 - Delaying the Implementation of Senate Bill No. 24.

Representative Petrilli deferred to Representative Smith.

Representative Smith made comments.

The roll call on SJR 16 was taken and revealed:

YES: 36.

ABSENT: Representatives Carey, Caulk, Reynolds, Schroeder, West - 5.

Therefore, having received a constitutional majority, SJR 16 was returned to the Senate.

The Majority Leader moved to recess to the call of the Chair at 6:30 p.m.

9th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
Second Session
March 12, 1996

Mr. Speaker called the House to order at 2:18 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 415 w/HA 1 & 2, HB 418, HCR 37,

HCR 35, HJR 19, HJR 20, HB 232, HB 403, SB 288, SB 286, SJR 16, SCR 45, HJR 11 & SCR 46.

The Majority Leader moved to adjourn at 2:19 p.m., thereby ending the current Legislative Day. The House reconvened at 2:20 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Vincent A. Lofink, Twenty-Seventh Representative District.

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

The minutes of the previous Legislative Day were approved as posted.

Mr. Speaker introduced guests.

The following out-of-session prefiled legislation was introduced:

HS 1 for HB 159 - B. ENNIS, WAGNER; SENATOR VOSHELL; REPRESENTATIVES BANNING, BRADY, HOUGHTON, VANSANT, DILIBERTO, BUNTING, SCHROEDER, WEST, SCOTT, GILLIGAN, QUILLEN, D. ENNIS, LEE, EWING, CAPANO, SPENCE, WELCH, BOULDEN; SENATORS VAUGHN, MCBRIDE - P/S: An Act to Amend Chapter 43, Title 21, Delaware Code, Relating to Equipment and Construction of Vehicles.

HB 441 - OBERLE & SENATOR BLEVINS; REPRESENTATIVES SPENCE, CAPANO, LEE, MAIER; SENATORS HENRY, MCBRIDE, MARSHALL, SOKOLA, VAUGHN, VOSHELL, BAIR - SM BUS: An Act to Amend Title 6 of the Delaware Code Relating to Motor Vehicle Repairs.

HB 442 - OBERLE & WAGNER & SPENCE; SENATOR SOKOLA; REPRESENTATIVES CAPANO, LEE, MAIER, STONE; SENATORS COOK, SHARP, SORENSON, REED, AMICK, BAIR, BLEVINS, HENRY, MARSHALL, MCBRIDE, VAUGHN, VOSHELL - HOUSING & COM AFF: An Act to Amend Title 6 Relating to New Home Construction and the Completion of Unfinished Work.

HB 443 - ROY; SENATOR SHARP - JUD: An Act to Amend Part III, Title 12 of the Delaware Code Relating to Descent and Distribution; and Providing for a Uniform TOD Security Registration Act.

HB 444 - ROY & SENATOR SHARP - JUD: An Act to Amend Part V, Title 12 of the Delaware Code Relating to Fiduciary Relations; and Providing for a Uniform Transfers to Minors Act.

HB 445 - CAULK & SENATOR ADAMS; REPRESENTATIVES CAREY, MACK, SCHROEDER, WEST; SENATORS COOK, VENABLES, VAUGHN, BONINI, STILL - AG & FP & A: An Act to Amend Chapter 51, Title 6 of the Delaware Code Relating to Weights and Measures.

HB 446 - SMITH & SENATOR MARSHALL - R & F: An Act to Amend Title 30 of the Delaware Code Relating to Delaware Taxes.

HB 447 - WAGNER & SENATOR VOSHELL; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SPENCE, STONE, ULBRICH, WELCH, BANNING, DILIBERTO, B. ENNIS, JONKIERT, PLANT, SCOTT, VANSANT, WEST, WILLIAMS - ED: An Act to Amend Chapter 16, Title 14 of the Delaware Code Relating to Alternative Education.

HB 448 - WAGNER & SENATOR VOSHELL; REPRESENTATIVES BOULDEN, BUCKWORTH, CAPANO, CAREY, CAULK, CLOUTIER, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, MACK, MAIER, MARONEY, OBERLE, PETRILLI, REYNOLDS, ROY, SMITH, SPENCE, STONE, ULBRICH, WELCH, BANNING, BRADY, BUNTING, DILIBERTO, B. ENNIS, JONKIERT - ED: An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to Students Who Have Been Expelled From Public School.

HB 449 - WAGNER & SENATOR VOSHELL; REPRESENTATIVES BOULDEN, CAPANO, CAULK, CLOUTIER, DAVIS, D. ENNIS, EWING, LEE, MAIER, SMITH, ULBRICH, WELCH, JONKIERT, WEST; SENATOR STILL - ED: An Act to Amend Title 14 and Title 21 of the Delaware Code Relating to Public Schools; and Providing for the Suspension of, Non-Renewal of, or Refusal to Issue a Driver's License to a Person Who Has Been Expelled From School.

HB 450 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BANNING, BRADY, HOUGHTON, VANSANT, D. ENNIS - ECON DEV, B & I: An Act to Amend Title 6 of the Delaware Code Relating to Commerce; and Providing Guidelines for Certain Agreements Between Motor Vehicle Manufacturers, Distributors and Dealers.

HB 451 - B. ENNIS & SENATOR BLEVINS; REPRESENTATIVES BANNING, HOUGHTON, BRADY, VANSANT, WEST, D. ENNIS, CAULK, SPENCE; SENATORS VAUGHN, BONINI - LABOR: An Act to Amend Chapter 16, Title 19, Delaware Code, Relating to Firefighting and Rescue Squad Workers From Being Paid Overtime Compensation When They Volunteer Their Services Within the Various Communities.

HA 1 to HB 397 - LEE - READY LIST: Placed with the bill.

HA 1 to HB 398 - LEE - READY LIST: Placed with the bill.

HCR 38 - WAGNER & SENATOR STILL - HEALTH & HUM DEV: Memorializing the Concurrent Resolution Urging the Congress of the United States to Amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to Facilitate the Development and Approval of New Drugs and Biologics.

SB 288 - MCDOWELL & REPRESENTATIVE SPENCE; SENATORS CORDREY & SHARP; REPRESENTATIVE CLOUTIER - HEALTH & HUM DEV: An Act to Amend Title 13 of the Delaware Code Relating to Parenting Education Courses. (F/N)

The Reading Clerk read the following communications into the record:

February 2, 1996

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE 138TH GENERAL ASSEMBLY:

On January 26, 1996, I received House Joint Resolution No. 20, entitled:
ESTABLISHING A TASK FORCE TO EVALUATE THE STAFFING
NEEDS, MONETARY SUPPORT, EQUIPMENT AND RELATED
MATTERS RELEVANT TO THE NEW CASTLE COUNTY 911 RECOM
CENTER.

At the request of the two prime sponsors, I am returning this Joint Resolution to the General Assembly without my signature.

Sincerely,
Thomas R. Carper

February 5, 1996

LEGISLATIVE ADVISORY #39

Governor Thomas R. Carper signed the following legislation on the dates indicated: 1/25/96 - **HJR 18**, 2/1/96 - **SB 271**, **HB 232**, **SB 272**, **SB 286**, **SJR 16**, **HJR 19**, **SB 284**, **SB 278**, **HJR 11**, **HB 328 aab SA 1**, **HB 403**, **HB 415 aab HA 1 & 2**, 2/2/96 - **SB 28 aab HA 1 w/SA 3**, **SB 249 aab SA 1**.

Governor Thomas R. Carper vetoed the following legislation on the date indicated: 2/2/96 - **HJR 20**,
February 14, 1996

LEGISLATIVE ADVISORY #40

Governor Thomas R. Carper signed the following legislation on the date indicated: 2/12/96 - **HB 418**.

The Senate wishes to inform the House that it has passed: **SCR 44**.

The Chief Clerk read the following committee reports into the record:

JUD: **HB 434** - 5M; **HB 440**- 1F,4M; **HB 443** - 5M; **HB 444** - 5M.

Representative Davis requested that he be marked present.

The House observed a moment of silence in memory of former Representative Joseph Murphy at the request of Representative Quillen.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #62

DATE: March 12, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-979	Wagner	1/07/96	M	Richard Leroy Hurst
	cosponsor: Stone			
H138-980	Wagner	1/09/96	M	Reba G. Schwartz
	cosponsor: Stone			
H138-981	Carey	1/19/96	M	Louis V. "Vic" Spencer

H138-982	Buckworth	1/24/96	T	Lou Ann Hudson/Dir./C.R. Junior High Choraliers/Fine Performance
H138-983	Fallon	1/24/96	T	The Allen Family/\$12,000 Scholarship Fund/Seaford High Seniors
H138-984	DiLiberto	12/18/95	T	Mrs. Irma Dudelheim/Pres./Aetna Hose, Hook & Ladder/Ladies Aux.
H138-985	VanSant	5/12/95	T	Richard & Mary Jane Begnars/50th Wedding Anniversary
H138-986	cosponsor: Houghton	2/10/96	T	Ric Lindell/Life Membership/5 Pts. Fire Company
H138-987	VanSant	2/10/96	T	Robert C. Romig/5 Pts. Fire Co./Member of Year
H138-988	Ewing	1/24/96	T	Judy Roach/Nanticoke Mem. Hospital/Employee of Year
H138-989	cosponsor: Fallon	1/26/96	T	Wayne H. Cannon/Outstanding Public Serv./Broadcasting
H138-990	Bunting	1/26/96	T	N.C.C. Detention Ctr. Staff & Darryl Dawson/Accreditation
H138-991	VanSant	1/30/96	T	Progressive Club/N.C./51 Yrs. Of Ded. Serv./Youth of Community
H138-991	Mack	1/27/96	T	

HOUSE TRIBUTE ANNOUNCEMENT #63

DATE: March 12, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-992	Roy	1/28/96	T	Robin M. Mayhew & Ryan D. Teksten/Marriage
H138-993	Wagner	1/24/96	T	Nicholas D. Berna/'95 Dover Police Officer of Year
H138-994	Gilligan	1/16/96	T	Thelma & J. Francis Messick/50th Wedding Anniversary
H138-995	cosponsor: Roy	1/25/96	T	John Wiest/'95 DE Assoc. Of Nurserymen/Statewide Award
H138-996	Fallon	1/23/96	T	Joseph & Nancy Parker/25th Wedding Anniversary
H138-997	Fallon	1/27/96	T	Brooks Robinson/Hall of Famer/Participate '96 Festival for Youth
H138-998	Fallon	1/27/96	T	Gregg Gross/Phil. Phillies/Participate '96 Festival for Youth
H138-999	Fallon	1/27/96	T	Randy Chang/Renowned Pianist/Participate '96 Festival for Youth
H138-1000	Fallon	1/27/96	T	Colene Daniel/Johns Hopkins /Participate '96 Festival for Youth
H138-1001	Fallon	1/27/96	T	Hon. Joseph Biden/U.S. Sen./Participate '96 Festival for Youth
H138-1002	Capano	12/12/95	M	Mary Miller Sharp
H138-1003	Gilligan	1/10/96	T	Chuck Lennon/8 Yrs. Ded. Serv./Opportunity Center, Inc.
H138-1004	Brady	3/04/95	T	Leo Mitchell/10 Yrs. Ded. Serv./Opportunity Center, Inc.
H138-1005	Brady	5/30/95	T	Martha McDowell/35 Yrs. Ded. Serv./Opportunity Center, Inc.

HOUSE TRIBUTE ANNOUNCEMENT #64

DATE: March 12, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-1006	DiPinto	1/10/96	T	Willie McKinley/10 Yrs. Ded. Serv./Opportunity Center, Inc.
H138-1007	Plant	2/10/95	T	Larry Collins/20 Yrs. Ded. Serv./Opportunity Center, Inc.

H138-1008	Plant	6/24/95	T	Robert Buckman/10 Yrs. Ded. Serv./Opportunity Center, Inc.
H138-1009	Plant	1/10/96	T	Elzey Pinder/5 Yrs. Ded. Serv./Opportunity Center, Inc.
H138-1010	Williams	1/10/96	T	Jack Naylor/8 Yrs. Ded. Serv./Opportunity Center, Inc.
H138-1011	Williams	1/10/96	T	Mildred Aikens/17 Yrs. Ded. Serv./Opportunity Center, Inc.
H138-1012	Scott	6/06/95	T	Richard Springer/30 Yrs. Ded. Serv./Opportunity Center, Inc.
H138-1013	Mack	1/10/96	T	Patricia Palmer/18 Yrs. Ded. Serv./Opportunity Center, Inc.
H138-1014	Reynolds	1/10/96	T	Arulah Morris/10 Yrs. Ded. Serv./Opportunity Center, Inc.
H138-1015	Fallon	3/11/96	T	Mr. & Mrs. William Johnson/50th Wedding Anniversary
H138-1016	Davis	2/17/96	T	Christiana Fire Co./75th Anniv.
cosponsors: Spence, Oberle, Reynolds, Lofink, DiLiberto				
H138-1017	Lofink	12/15/95	M	Richard "Dick" Koch
H138-1018	Reynolds	2/05/96	T	Deborah O'Shields/Heroism/Saved Life of Drowning Victim
H138-1019	Roy	2/07/96	T	Maj. Sherry L. Freebery/15th Annual Trailblazer's Award
H138-1020	Carey	11/30/95	M	Beatrice M. Clifton
HOUSE TRIBUTE ANNOUNCEMENT #65				

DATE: March 12, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-1021	Carey	3/17/96	T	Milford Kiwanis Club/Annual Pancake Breakfast
H138-1022	Quillen	2/02/96	T	Howard & Grayce Weber/50th Anniversary
H138-1023	Wagner	8/22/95	T	Marge & George Locke/25th Wedding Anniversary
H138-1024	Wagner	3/31/96	T	Melvin Wallace Weller/Retire/Depart. Of Transportation/30 Yrs.
H138-1025	Wagner	1/27/96	M	Joseph H. Allen, Jr.
H138-1026	Welch	2/10/96	T	Lester A. & Audrey M. Slover/50th Wedding Anniversary
H138-1027	Quillen	3/08/96	T	Adams-Simpler-Ware Post 6009/VFW/50th Anniversary
H138-1028	Fallon	1/31/96	M	Floyd Collins
H138-1029	Fallon	2/02/96	M	William F. Wilkinson
H138-1030	Fallon	1/30/96	M	Marjorie Young
H138-1031	Fallon	1/31/96	M	George R. Coulter
H138-1032	West	2/02/96	M	Thomas Taylor
H138-1033	Carey	2/11/96	T	Richard & Teeny Hudson/50th Wedding Anniversary
H138-1034	Ulbrich	2/12/96	T	Shannon Keene/St. Mark's High /96 Blue & Gold Game Ambassador
H138-1035	DiLiberto	2/01/96	M	Korey Johnson
H138-1036	B. Ennis	2/24/96	T	Kelly J. Polito/Retire/AT & T Co./30 Years Ded. Service
HOUSE TRIBUTE ANNOUNCEMENT #66				

DATE: March 12, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-1037	B. Ennis	2/01/96	M	Wilson Gardner, Sr.

H138-1038	Maier	1/28/96	T	Dr. George Nichols/35 Yrs. Pastoral Service
H138-1039	Buckworth	2/05/96	T	John Coveleski/Outstanding High School Coach/Gridiron Club
H138-1040	Buckworth	2/05/96	T	Mindi Failing/Fran Lore Scholar- ship/Gridiron Club
H138-1041	Fallon	2/07/96	T	Lisa Spicer "News Anchor- Reporter of Year"
H138-1042	Capano	2/08/96	T	Pamela Copeland/Preservationist /Philanthropist/Environmentalist
H138-1043	Capano	2/08/96	T	Pembry Keller/U.S. Field Hockey Assoc. "All American Team - '96
H138-1044	Oberle	2/09/96	T	Bonnie Wallner/Ded. Serv./Office of Narcotics & Dangerous Drugs
H138-1045	Oberle	2/09/96	T	Marty Golden/Ded. Serv./Office of Narcotics & Dangerous Drugs
H138-1046	Capano	2/09/96	T	Jason Winn/Eagle Scout
H138-1047	Welch	2/11/96	T	Eddie Davis/6,000 win/Harness Racing
H138-1048	Carey	2/10/96	T	William J. & Grace M. Coulbourne /50th Wedding Anniversary
H138-1049	B. Ennis	2/03/96	M	W. Howard Nowland
H138-1050	Carey	2/17/96	T	Fred & Beatrice Drummond/ Honoring Christian Leaders

HOUSE TRIBUTE ANNOUNCEMENT #67

DATE: March 12, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-1051	Fallon	2/14/96	T	Sussex Technical High School/ Blue Ribbon Award Winner
H138-1052	Fallon	2/14/96	T	Seaford Middle School/Blue Ribbon Award Winner
H138-1053	Fallon	1/27/96	T	Brian Pugh/Football Com. Serv. Award
H138-1054	Wagner	2/16/96	M	Lillian Burton Porter
H138-1055	Carey	2/23/96	T	Sylvan "Skip" Pikus/Good Neigh- bor Award '95/Milford Elks Lodge
H138-1056	Carey	2/23/96	T	S/Sgt. Christian J. Plack/Outstand- ing Policeman of Yr./Milford Elks
H138-1057	Carey	2/23/96	T	Wayne L. Hill/Outstanding Fire- man of Year/Milford Elks Lodge
H138-1058	Carey	2/23/96	T	Tricia Geyer/Outstanding Teenager of Yr./Milford Elks Lodge
H138-1059	Carey	2/23/96	T	Franklin L. Jones/Outstanding Senior Citizen/Milford Elks Lodge
H138-1060	B. Ennis	2/15/96	T	Senator Nancy Cook/22nd Anniv. of Election to DE State Senate
H138-1061	Quillen	2/17/96	T	Randall Sullivan/"DE Jaycees Out- standing Farmer '96"
H138-1062	Smith	2/25/96	T	Gregory R. Sivakoff/Eagle Scout
H138-1063	B. Ennis	2/13/96	T	Chris Johnson/Top Youth Vol./ Smyrna High
H138-1064	B. Ennis	2/15/96	M	James M. Green, III

HOUSE TRIBUTE ANNOUNCEMENT #68

DATE: March 12, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-1065	B. Ennis	2/08/96	M	J. Fletcher Truax

H138-1066	Maroney	2/25/96	T	Gregory R. Sivakoff/Eagle Scout
H138-1067	Maroney	2/21/96	T	Marion Kallfelz Rechsteiner/Donation/Betty Crocker/St. Peter School
H138-1068	Capano	1/22/96	T	Richard P. DiSabatino/'96 Josiah Marvel Cup Award
H138-1069	Capano	1/18/96	T	Winnie & George Limperos/50th Wedding Anniversary
H138-1070	Gilligan	3/02/96	T	Ryan W. Scott/Eagle Scout
H138-1071	Roy	1/18/96	T	Mark Everett Jolly/Eagle Scout
H138-1072	Roy	2/03/96	T	Esther & Elmer P. Neiffer/50th Wedding Anniversary
H138-1073	Brady	4/03/96	T	Billie & Bruce Sareyka/25th Wedding Anniversary
H138-1074	Carey	3/02/96	T	Mr. & Mrs. Jesse Millman/50th Wedding Anniversary
H138-1075	Maier cosponsor: VanSant	2/15/96	T	Elsie N. Lynch/99th Birthday
H138-1076	Reynolds	2/28/96	T	Sussex Technical High School/Blue Ribbon School Award/Dept. Of Ed.
H138-1077	Reynolds	2/28/96	T	Seaford Middle School/Blue Ribbon School Award/Dept. Of Ed.
H138-1078	Reynolds	2/28/96	T	Padua Academy/Blue Ribbon School Award/Dept. Of Ed.

T - Tribute
M - Memoriam

HOUSE TRIBUTE ANNOUNCEMENT #69

DATE: March 12, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-1079	Plant cosponsor: Scott	3/01/96	T	Otis A. Heady, Jr./Outstanding Com. Service
H138-1080	Plant cosponsor: Scott	3/01/96	T	Reverend Maurice Moyer/Outstanding Com. Service
H138-1081	Plant cosponsor: Scott	3/01/96	T	Dottie Neal/Outstanding Com. Service
H138-1082	Roy	2/26/96	T	Sherry L. Freebery/Installation/Chief of N.C.C. Police
H138-1083	Fallon	3/06/96	T	Headmaster & Mrs. Burgen/Ded. Serv./Mercersburg Academy
H138-1084	Spence	3/01/96	T	Nancy Goettel, C.A.D.C./Retirement/Alcohol Counselor/U. Of D.
H138-1085	Fallon	3/01/96	T	Fran Lopes/Departure as Director of Nanticoke Senior Center, Inc.
H138-1086	Fallon	2/18/96	M	M. Linda Allen
H138-1087	Wagner	2/16/96	M	Larry H. Conner
H138-1088	Wagner cosponsor: Stone	3/07/96	T	Frank A. Newton/Recipient/Lamott duPont Jr. Mem. Award
H138-1089	DiPinto cosponsor: Carey	2/15/96	T	N.C. Vasuki/"Professional Achievement Award"
H138-1090	DiPinto cosponsor: Carey	2/15/96	T	DE Solid Waste Authority/Gold Excellence Award
H138-1091	Fallon	2/27/96	T	Eleanor Sloan/Retire/Resource Ctr. U. Of D./20 Yrs. Of Ded. Serv.

HOUSE TRIBUTE ANNOUNCEMENT #70

DATE: March 12, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

<u>Number</u>	<u>Sponsor</u>	<u>Presentation Date</u>	<u>Type</u>	<u>Description</u>
H138-1092	VanSant	2/24/96	T	George J. Przybylski, Jr./Eagle Scout

H138-1093	DiPinto	2/28/96	T	Rae & Lou Russo/50 Yrs. Wedded Bliss
H138-1094	Maier	2/11/96	T	Peter Kolonia/75th Birthday
H138-1095	Welch	3/01/96	T	Margaret W. King/99th Birthday
	cosponsor: Banning			
H138-1096	DiPinto	2/26/96	T	Bancroft Construction Co./Industry Safety Excellence Award
H138-1097	D. Ennis	1/29/96	T	Tech. Inst. of Merida, Yucatan, Mexico/Exchange Agreement/U.of D.
H138-1098	D. Ennis	1/29/96	T	U. of D./Exchange Agreement/Tech. Inst. of Merida
H138-1099	Fallon	2/28/96	T	Fred W. Hertrich, III/Time Magazine's Quality Dealer Award
H138-1100	Davis	2/17/96	T	Tony Suppe/Christiana Fire Co./Member of Year
H138-1101	Ewing	3/04/96	T	Floyd E. "Sam" Whitaker/Gov. /Kiwanis International/Visit
H138-1102	B. Ennis	2/28/96	M	Thelma D. Werner
	cosponsor: Gilligan			
H138-1103	B. Ennis	2/14/96	M	Cornelius F. Gillis
H138-1104	Wagner	2/19/96	M	Eugene George Auen

T - Tribute

M - Memoriam

Representative Petrilli made an announcement.

The Majority Leader moved to recess for caucus at 2:30 p.m.

The House reconvened at 4:19 p.m. with Representative Quillen as Acting Speaker.

The Reading Clerk read the following communication:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative W. A. Oberle, Jr., do hereby request that my name be removed as co-sponsor of HB

162.

DATE: 1/24/96

SIGNED: William A. Oberle, Jr.

Representative Schroeder requested that he be marked present.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 361 before the house for consideration.

HB 361 - An Act to Amend Title 21 of the Delaware Code Relating to Lighted Lamps on Motor Vehicles. (2/3 bill)

Representative Oberle made comments.

Representative Oberle deferred to Representative Gilligan.

Representatives Gilligan, Oberle, Cloutier, Oberle & Wagner made comments.

Representative Oberle requested and was granted the privilege of the floor for Benjamin Burnham, a professional truck driver.

Representative Oberle made a comment.

Representative Oberle moved to place HB 361 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli deferred to Representative Ulbrich.

Representative Ulbrich brought SB 242, jointly sponsored by Senators Blevins & Voshell & Representative Maier, before the House for consideration.

SB 242 - An Act to Amend Chapter 2, Title 24 of the Delaware Code Relating to Landscape Architects.

Representative Ulbrich made comments.

Mr. Speaker Spence resumed the Chair.

The roll call on SB 242 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 242 was returned to the Senate.

Representatives Mack, Reynolds & Jonkiert requested that they be marked present during the roll call.

Mr. Speaker introduced a guest.

Representative Petrilli deferred to Representative Fallon.

Representative Fallon introduced HB 452.

HB 452 - An Act to Amend Chapter 7 of Title 7 of the Delaware Code Relating to the Regulation of Red Fox.

Mr. Speaker assigned HB 452 to the Natural Resources Committee.

Representative Petrilli deferred to Representative DiLiberto.

Representative DiLiberto brought HB 397, jointly sponsored by Representatives Banning, Brady, Buckworth, Bunting, Davis, B. Ennis, Gilligan, Jonkiert, Lee, Plant, Schroeder, Scott, Spence, VanSant, Wagner, West & Williams & Senators Amick & Still, before the House for consideration.

HB 397 - An Act to Amend Subchapter VI, Chapter 5 of Title 11, Delaware Code, Relating to Crimes.

Representative DiLiberto deferred to Representative Lee.

Representative Lee brought HA 1 to HB 397 before the House for consideration.

Representatives Lee & DiLiberto made comments.

HA 1 was adopted by voice vote.

Representatives DiLiberto, Wagner, West, DiLiberto, Banning, Ulbrich, Plant, Caulk, DiLiberto, Scott, Oberle, DiLiberto, Oberle, VanSant, West, DiLiberto, Ewing, DiLiberto, Ewing, VanSant, B. Ennis, DiLiberto, Plant, West, Welch & Oberle made comments.

The roll call on HB 397 w/HA 1 was taken and revealed:

YES: 26.

NO: Representatives Banning, Ewing, Houghton, Oberle, Petrilli, Quillen, Smith, Stone, West - 9.

NOT VOTING: Representatives Boulden, Carey, DiPinto, Fallon, Mack, Maroney - 6.

Therefore, having received a constitutional majority, HB 397 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative DiLiberto.

Representative DiLiberto brought HB 398, jointly sponsored by Representatives Banning, Brady, Buckworth, Bunting, Davis, B. Ennis, Gilligan, Jonkiert, Lee, Plant, Schroeder, Scott, Spence, VanSant, Wagner, West & Williams & Senators Amick & Still, before the House for consideration.

HB 398 - An Act to Amend Subchapter VI, Title 11 of the Delaware Code Relating to Assault.

Representative DiLiberto deferred to Representative Lee.

Representative Lee brought HA 1 to HB 398 before the House for consideration.

Representative Lee made comments.

HA 1 was adopted by voice vote.

Representative DiLiberto made comments.

The roll call on HB 398 w/HA 1 was taken and revealed:

YES: 31.

NO: Representatives Banning, Houghton, Oberle, Petrilli, Quillen, Smith, Stone, West - 8.

NOT VOTING: Representatives Boulden, Mack - 2.

Therefore, having received a constitutional majority, HB 398 w/HA 1 was sent to the Senate for concurrence.

Representative Quillen deferred to Representative Carey.

Representative Carey brought SCR 37, sponsored by Senator Sharp & Representative Spence & Senator McBride & Representative Mack, before the House for consideration.

SCR 37 - Respectfully Requesting That the Environmental Protection Agency Conduct Research to Determine the Causes Behind Delaware's High Cancer Rate.

Representative Carey made a comment.

SCR 37 was adopted by voice vote and returned to the Senate.

Representative Quillen deferred to Representative Roy.

Representative Roy brought SCR 46, jointly sponsored by Senators Sokola, Blevins, Henry, Sorenson, McDowell, Sharp, Marshall & McBride & Representatives Petrilli, Reynolds, Maier, Gilligan, VanSant, Houghton, Maroney, Capano, Cloutier & DiPinto, before the House for consideration.

SCR 46 - Congratulating the Red Clay School District for Being Named a Top School District in Money Magazine's January 1996 Article, "100 Top Schools in Towns You Can Afford."

Representative Roy made a comment.

SCR 46 was adopted by voice vote and returned to the Senate.

Representative Ulbrich made comments.

The Majority Whip moved to recess to the call of the Chair at 5:25 p.m.

10th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
Second Session
March 13, 1996

Mr. Speaker called the House to order at 2:35 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: **SB 283**.

The Majority Leader moved to adjourn at 2:36 p.m., thereby ending the current Legislative Day. The House reconvened at 2:37 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Bruce C. Ennis, Twenty-Eighth Representative District.

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

The minutes of the previous Legislative Day were approved as posted.

The following prefiled legislation was introduced:

HB 453 - SMITH & SENATOR VENABLES - R & F: An Act to Amend Title 30 of the Delaware Code Relating to Contractors and Developers. (3/5 bill)

HB 454 - CAULK & SENATOR BONINI - HOUSING & COM AFF: An Act to Amend Subchapter II, Chapter 47, Title 9 of the Delaware Code, Relating to Garbage Collections in Unincorporated Areas.

HA 1 to HB 413 - JONKIERT - NAT RES: Placed with the bill.

HA 1 to HB 436 - B. ENNIS - HEALTH & HUM DEV: Placed with the bill.

HA 1 to HB 437 - B. ENNIS - NAT RES: Placed with the bill.

HA 1 to HB 451 - B. ENNIS - LABOR: Placed with the bill.

HR 54 - SCOTT, BANNING, BRADY, CAULK, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, GILLIGAN, HOUGHTON, JONKIERT, LEE, LOFINK, MACK, OBERLE, PLANT, REYNOLDS, SPENCE, VANSANT, WELCH, WEST, WILLIAMS; SENATORS SOKOLA, VENABLES - SM BUS: Creating a Task Force to Investigate and Establish the Formulation of a Statewide Refund Policy to be Applicable to Retail Businesses Within the State.

SB 283 - MCBRIDE & REPRESENTATIVE MACK; SENATORS VENABLES, VOSHELL, BAIR, AMICK; REPRESENTATIVES SCHROEDER, CAREY, CAULK, WEST - ENV MAN: An Act to Amend Title 7 of the Delaware Code Relating to Waste-End Assessments.

HA 1 to SJR 13 - CAREY - AGENDA: Placed with the bill.

Representative Buckworth requested that he be marked present.

Representatives Stone & Quillen requested and were granted the privilege of the floor for the introduction of a guest.

The Majority Leader moved to recess for committee meetings at 2:42 p.m.

The House reconvened at 4:58 p.m.

Representatives D. Ennis & Lofink requested that they be marked present.

Representatives Petrilli & Spence made announcements.

The following prefiled Consent Calendar #15 was introduced:

HR 53 - MAIER, SPENCE - Commending the John Dickinson High School Administrators and the Dickinson Theatre Organ Society on 25 Years of Cooperation and Evolution of the Dickinson Kimball Theatre Organ.

HR 55 - ROY ON BEHALF OF ALL HOUSE MEMBERS - Encouraging Attendance at This Year's Annual Parent Teacher's Association Convention on Friday, March 22 and Saturday, March 23 at William Henry Middle School in Dover.

HR 56 - SPENCE, DIPINTO & CAPANO ON BEHALF OF ALL REPRESENTATIVES - Mourning the Loss of Richard P. DiSabatino, Sr., Businessman and Community Activist.

HCR 39 - B. ENNIS & SENATORS VAUGHN, COOK; REPRESENTATIVE WELCH - Commending Eddie Davis of Smyrna, Delaware on His Six Thousandth Win at Dover Downs on Sunday, February 4, 1996 and Further Extending to Him a Future Filled With Success.

SCR 44 - MCBRIDE & STILL & REPRESENTATIVE WAGNER - Congratulating Vernon Ingram, Owner of Delaware Auto Sales in Dover, Delaware on His Recent Election as the 1995 Dover Post Great Person Award Recipient, and Extending to Him a Prosperous and Successful Future in the Auto Industry Business.

SCR 45 - BLEVINS, MCBRIDE; REPRESENTATIVES VANSANT & HOUGHTON - Commemorating the Members, Past and Present, of the Five Points Fire Company on the Occasion of Their 75 Years of Service to the Community.

Representative Roy introduced **HR 57**, jointly sponsored by Representative DiPinto.

HR 57 - Memorializing the Efforts of the Congress and of the President of the United States of America to Allow the Continued Use of Methyl Bromide.

HR 57 was placed on Consent Calendar #15.

Consent Calendar #15 was adopted by voice vote and **HCR 39** was sent to the Senate for concurrence & **SCR 44** & **SCR 45** were returned to the Senate.

Representatives Capano made comments regarding **HR 56**.

The House observed a moment of silence in memory of Richard P. DiSabatino, Sr. at the request of Representative Capano.

Representatives Jonkiert & Spence made comments regarding **HR 56**.

Representatives B. Ennis & Oberle made comments regarding HCR 39.

The Chief Clerk read the following committee reports into the record:

R & F: HB 446 - 8M.

P/S: HB 405 - 6M; HB 406 - 2F,3M; HB 414 - 5M; HB 419 - 5M; HB 432 - 5M; HB 438 - 1F,4M.

ED: HB 370 - 2F,4M.

ECON DEV B & I: HB 404 - 7M,1U.

The Majority Leader moved to recess to the call of the Chair at 5:13 p.m.

11th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
Second Session
March 14, 1996

Mr. Acting Speaker Quillen called the House to order at 2:07 p.m.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Arthur L. Scott, do hereby request that my name be removed as co-sponsor of HB 124.

Date: 3/13/96

Arthur L. Scott

MEMORANDUM

TO: JoAnn P. Hedrick
Chief Clerk of the House
FROM: Bernard J. Brady
Secretary of the Senate
DATE: March 12, 1996
RE: House Bill No. 386

Pursuant to the request of Representative Pamela S. Maier and with authorization from Richard S. Cordrey, President Pro Tem, I hereby return House Bill No. 386 to your office.

The Senate wishes to inform the House that it has passed: SJR 17 w/SA 1 & HB 280. The Majority Leader moved to adjourn at 2:09 p.m., thereby ending the current Legislative Day. The House reconvened at 2:10 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Charles W. Welch, Twenty-Ninth Representative District.

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

The minutes of the previous Legislative Day were approved as posted.

The following prefiled legislation was introduced:

HB 455 - ROY & SENATOR SHARP - JUD: An Act to Amend Chapter 28, Title 21 of the Delaware Code Relating to Habitual Motor Vehicle Offenders.

HB 456 - ROY & SENATOR SHARP - JUD: An Act to Amend Title 11 of the Delaware Code Relating to General Definitions.

HB 457 - QUILLEN - APPRO: An Act to Amend Part V, Title 29 of the Delaware Code Relating to Pensions; and Providing for Certain Pension Reductions.

HB 458 - QUILLEN; SENATOR VOSHELL - P/S: An Act to Amend Chapter 21, Title 21, Delaware Code Relating to Special License Plates.

HB 459 - QUILLEN - P/S: An Act to Amend Chapter 21, Title 21 Delaware Code Relating to Special Licenses for the Viola Ruritan Club.

HB 460 - DIPINTO & SENATOR VOSHELL - TRANS: An Act to Amend Chapters 13 and 19 of Title 2 of the Delaware Code Repealing the Employee Commute Options Act and Providing for the Confidentiality of Certain Information.

HB 461 - LEE; SENATOR AMICK - HEALTH & HUM DEV: An Act to Amend Title 16 of the Delaware Code Relating to the Former State Board of Health.

HB 462 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BANNING, BRADY, HOUGHTON, VANSANT, D. ENNIS - SM BUS: An Act to Amend Title 6 of the Delaware Code Relating to Commerce; and Providing Guidelines for Warranty Agreements Between Certain Motor Vehicle Manufacturers, Distributors and Dealers.

HA 1 to HB 435 - B. ENNIS - TRANS: Placed with the bill.

HA 1 to HB 452 - FALLON - NAT RES: Placed with the bill.

HCR 40 - MAIER; SENATOR SOKOLA - ED: Extending the Due Date of the Task Force on Truancy's Recommendations to the Governor, the Speaker of the House, and the President Pro Tempore of the Senate From March 1, 1996, to May 15, 1996.

SJR 17 w/SA 1 - SHARP & REPRESENTATIVE SPENCE - CORR: Directing the Department of Correction to Develop Rules and Regulations Providing for Alternative Housing to Address Prison Overcrowding Problems.

HA 1 to SB 238 - QUILLEN - R & F: Placed with the bill.

The Majority Leader moved to recess for caucus at 2:13 p.m.

The House reconvened at 4:11 p.m. with Representative Quillen as Acting Speaker.

Representatives Brady, Bunting, West, Lofink, Reynolds, Ulbrich, Spence, Mack & Smith requested that they be marked present.

Representative Quillen made an announcement.

Mr. Speaker Spence resumed the Chair.

Representatives B. Ennis & Oberle requested that they be marked present.

Representative D. Ennis requested and was granted the privilege of the floor for the introduction of a guest.

Representatives D. Ennis & Ewing made comments.

Mr. Speaker reassigned HB 454 to the Natural Resources Committee.

Representative Gilligan requested that he be marked present.

Mr. Speaker assigned HB 404 to the Appropriations Committee.

Mr. Speaker Spence introduced a guest.

Mr. Speaker Spence made a comment.

Representative Petrilli deferred to Representative Carey.

Representative Carey brought SJR 13, sponsored by Senator McBride & Representative Mack & Senators Bair, Sokola, Venables & Voshell & Representative DiPinto, before the House for consideration.

SJR 13 - Relating to Extending the Reporting Date of the Blue Ribbon Task Force to Study and Make Recommendations for a Statewide, Comprehensive Policy on Recycling Efforts Throughout the State.

Representative Carey brought HA 1 to SJR 13 before the House for consideration.

Representative Carey made a comment.

HA 1 was adopted by voice vote.

Representative Carey made a comment.

The roll call on SJR 13 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SJR 13 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli deferred to Representative Smith.

Representative Smith requested that action on HB 293 be Deferred to a Day Certain, Thursday, March 28, 1996.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Spence brought HB 370, jointly sponsored by Senators Sharp & McBride & Representatives Boulden, Buckworth, Capano, Carey, Caulk, Cloutier Davis, DiPinto, D. Ennis, Fallon, Lee, Lofink, Mack, Maier, Oberle, Reynolds, Smith, Stone, Ulbrich, Wagner, Welch, Brady, B. Ennis, Houghton, Jonkiert, Plant, VanSant & West & Senator Connor & cosponsored by Representative Ewing, before the House for consideration.

HB 370 - An Act to Amend Title 14 of the Delaware Code Relating to General Regulatory Provisions for Free Public Schools.

Representatives Spence, Schroeder, Scott & Spence made comments.

The roll call on HB 370 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 370 was sent to the Senate for concurrence.

Representative Petrilli requested and was granted the privilege of the floor for the introduction of guests.

Representative Gilligan brought HB 432, jointly sponsored by Representatives Banning, Boulden, Brady, Buckworth, Capano, Carey, Caulk, DiLiberto, DiPinto, Ewing, Fallon, Jonkiert, Lee, Lofink, Mack, Oberle, Plant, Reynolds, Scott, Smith, Stone, Ulbrich, Wagner, West & Williams & Senators Blevins, Connor, Cook, Henry, Marshall, McBride & Voshell, before the House for consideration.

HB 432 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles. (3/5 bill)

Representative Gilligan made comments.

The roll call on HB 432 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of three-fifths Members of the House, HB 432 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Smith.

Representative Smith introduced HB 463, jointly sponsored by Representatives Davis & D. Ennis.
HB 463 - An Act to Amend Title 29 of the Delaware Code Relating to the Purpose of the Cash Management Policy Board.

Mr. Acting Speaker assigned HB 463 to the Revenue & Finance Committee.

Representative Petrilli deferred to Representative B. Ennis.

Representative B. Ennis brought HB 434, jointly sponsored by Senator Vaughn & Representatives Banning, Brady, Houghton, VanSant, Cloutier, D. Ennis, Wagner & Welch & Senator Adams, before the House for consideration.

HB 434 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Crime of Reckless Burning or Exploding.

Representative B. Ennis made comments.

The roll call on HB 434 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 434 was sent to the Senate for concurrence.

Representative Lofink brought SB 63, sponsored by Senator Blevins & Representative Ulbrich & Senators Sokola & Voshell & Representatives Maier, Houghton & Scott, before the House for consideration.

SB 63 - An Act to Amend Chapter 27, Title 24 of the Delaware Code Relating to the Board of Land Surveyors.

Mr. Speaker Spence resumed the Chair.

Representative Lofink moved to place SB 63 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HB 406, jointly sponsored by Representatives Spence, Brady, Bunting, B. Ennis, Gilligan, Houghton, Jonkiert, Plant, VanSant & West & Senators Vaughn & Venables, before the House for consideration.

HB 406 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes. (3/5 bill)
 Representatives Banning, Wagner, Banning, D. Ennis, Ulbrich, Ewing, Banning, Ulbrich, Banning, Petrilli, Davis, DiLiberto, Banning, B. Ennis, Plant, Banning, Ewing, Houghton, Wagner, DiLiberto, Williams & Petrilli made comments.

Representative Banning moved to place HB 406 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

The Chief Clerk read the following committee report into the record:

NAT RES: HB 454 - 5M.

Representative Petrilli made an announcement.

The Majority Leader moved to recess to the call of the Chair at 4:56 p.m.

12th LEGISLATIVE DAY
 138th GENERAL ASSEMBLY
 Second Session
 March 19, 1996

Mr. Acting Speaker Quillen called the House to order at 2:00 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 39, SB 306, SB 307 w/SA 1 & HB 311.

The Majority Leader moved to adjourn at 2:01 p.m., thereby ending the current Legislative Day. The House reconvened at 2:02 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

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

The minutes of the previous Legislative Day were approved as posted.

The following prefiled legislation was introduced:

HS 1 to HB 412 - B. ENNIS, BANNING, BRADY, BUCKWORTH, CAREY, D. ENNIS, FALLON, GILLIGAN, HOUGHTON, JONKIERT, LEE, LOFINK, PLANT, QUILLEN, SPENCE, VANSANT, WAGNER, WEST; SENATOR VAUGHN - ECON, DEV., B & I: An Act to Amend Title 18 of the Delaware Code, to Ensure Consumer Choice Between Physical Therapy Services.

HB 464 - OBERLE & SENATORS AMICK & REED - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Receiving Stolen Property.

HB 465 - ROY, SPENCE, LOFINK, OBERLE, GILLIGAN, BRADY - R & F: An Act to Amend §1109 of Title 30 of the Delaware Code Relating to Itemized Deductions.

HB 466 - MACK - ED: An Act to Amend Title 14 of the Delaware Code Relating to School District Enrollment Choice Program.

HB 467 - B. ENNIS; SENATOR VOSHELL; REPRESENTATIVES BANNING, BRADY, HOUGHTON, VANSANT, WEST, SPENCE, WELCH; SENATOR VAUGHN - P/S: An Act to Amend Chapter 43, Title 21 of the Delaware Code Relating to Motor Vehicles.

HB 468 - B. ENNIS & SENATOR VAUGHN; REPRESENTATIVES BANNING, BRADY, HOUGHTON, VANSANT, LEE, WAGNER, WELCH, WEST; SENATORS ADAMS, VOSHELL - JUD: An Act to Amend Chapter 82, Title 29 of the Delaware Code Relating to Exemption From Liability When Rendering Assistance or Advice at the Request of Any Emergency Service Agency.

HB 469 - WEST, BANNING, BRADY, BUCKWORTH, BUNTING, CAULK, DILIBERTO, B. ENNIS, D. ENNIS, EWING, FALLON, JONKIERT, LEE, MACK, OBERLE, PLANT, QUILLEN, REYNOLDS, SCHROEDER, SCOTT, SPENCE, WAGNER, WELCH, WILLIAMS; SENATORS CORDREY, VAUGHN, VENABLES - LABOR: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HA 2 to HB 304 - ROY & SENATOR SHARP - READY LIST: Placed with the bill.

HA 1 to HB 374 - DAVIS - APPRO: Placed with the bill.

HA 2 to HB 413 - JONKIERT - NAT RES: Placed with the bill.

HA 1 to HB 414 - VANSANT - READY LIST: Placed with the bill.

SB 306 - ADAMS & REPRESENTATIVE CAULK; SENATORS COOK, VAUGHN, VENABLES, STILL, BONINI; REPRESENTATIVES CAREY, MACK, BUNTING, SCHROEDER - AG & FP & A - An Act to Amend Title 3 of the Delaware Code Relating to Plant Pests.

SB 307 w/SA 1 - ADAMS & REPRESENTATIVE CAULK; SENATORS COOK, VAUGHN, VENABLES, STILL, BONINI; REPRESENTATIVES CAREY, MACK, BUNTING, SCHROEDER - AG & FP & A - An Act to Amend Title 3 of the Delaware Code Relating to Nurseries and Nursery Stock.

Representative Fallon requested that she be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #71

DATE: March 19, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-1105	Fallon	3/03/96	T	Edward Dickson & Freda Evans Willis/50th Wedding Anniversary
H138-1106	Fallon	3/04/96	T	Marsha Sirman/4th Edition of Who's Who/American Teachers
H138-1107	Quillen	3/05/96	T	Walter & Joan Winkler/50th Wedding Anniversary
H138-1108	Schroeder	3/05/96	T	Jane Brady/'96 Woman of Hist. Note /Bus. & Prof. Women's Club/Lewes
H138--1109	Carey	3/09/96	T	Lana Rae Ellingsworth & Robert Towers/Marriage
H138-1110	DiPinto	3/09/96	T	Michael Shurilla/9 Yrs. Ded. Serv./ De. Ctr. For Horticulture
H138-1111	B. Ennis	3/05/96	M	Regina E. Guessford
H138-1112	Carey	3/22/96	T	Edward Mahan/Grand Exalted Ruler/Guest/Milford Elks #2401
H138-1113	Capano	3/04/96	T	Scarborough Family/DE Tennis Assoc. Family of Year
H138-1114	Wagner cosponsor: Stone	3/03/96	M	John A. Preston
H138-1115	Wagner	3/07/96	M	Lisa K. Martin
H138-1116	Quillen	1/07/96	T	Ezekiel & Katherine Dill/50th Wedding Anniversary
H138-1117	Ewing	3/16/96	T	Robert H. Yerkes, Jr./Pres./K.C. Fire Police Assoc/'94-'96

HOUSE TRIBUTE ANNOUNCEMENT #72

DATE: March 19, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-1118	Fallon	3/07/96	M	Elmere Haddaway Guthrie

H138-1119	Williams	4/19/96	T	Samuel D. Pratcher/First African Amer./Wilm. Police Chief
H138-1120	Maroney	3/14/96	T	Ruth L. Mankin/Leadership/Child Care Connection
H138-1121	Maroney	3/14/96	T	Paula M. Breen/First Exec. Dir./Child Care Connection
H138-1122	Gilligan	2/17/96	T	Nancy & Michael DiVirgilio/50th Wedding Anniversary
H138-1123	DiLiberto	3/28/96	T	Shue-Medill Middle Sch. Band/Festival/Grand Opera House
H138-1124	DiLiberto	3/28/96	T	Redding Middle Sch. Band/Festival/Grand Opera House
H138-1125	DiLiberto	3/28/96	T	Gunning Bedford Middle Sch. Band/Festival Grand Opera House
H138-1126	DiLiberto	3/28/96	T	H.B. DuPont Middle Sch. Band/Festival/Grand Opera House
H138-1127	B. Ennis	3/07/96	M	Almeda V. Morris
H138-1128	D. Ennis	3/13/96	T	Roz & Ralph Paul/Revitalize North Wilm. & Fox Point Areas
H138-1129	Ewing	3/16/96	T	W. Charles Hayes/60 Yrs. Ded. Serv./Houston Vol. Fire Co.
H138-1130	Maroney	3/14/96	T	Faith A. Wohl/Inspiration/Child Care in DE

HOUSE TRIBUTE ANNOUNCEMENT #73

DATE: March 19, 1996

The following tributes and memoriams have been issued through the office of the Chief Clerk of the House at the request of the sponsor:

Number	Sponsor	Presentation Date	Type	Description
H138-1131	DiPinto	3/15/96	T	The Wilmington Jaycees/55 Years Exemplary Service to Community
H138-1132	DiPinto	3/15/96	T	Kelly Wills, Pres./U.S. Jaycees/Welcome
H138-1133	Spence	4/21/96	T	Donald James Young, Jr./Eagle Scout
H138-1134	Fallon	3/13/96	T	Nanticoke Senior Center/25th Anniv.
H138-1135	Schroeder	3/11/96	T	Cape Henlopen Boys/Basketball Championship
H138-1136	Petrilli	3/14/96	T	Brian L. Washburn/God & Family Award/Cub Scout Pack 29, Den 4
H138-1137	Oberle	3/13/96	T	Robbie Poore/DE Top Youth Vol.
H138-1138	Gilligan	3/31/96	T	Phyllis F. Campbell/Retire/Goldey-Beacom College/44 Yrs. Ded. Serv.
H138-1139	Smith	3/14/96	T	William E. Murray/7 Yrs. Ded. Serv./Boy Scout Troop 70/Retirement
H138-1140	Fallon	3/14/96	T	Gerald and Paulette Sammons/Kiwanis Youth Service Award
H138-1141	Fallon	3/14/96	T	Carl Rosenthal/Youth Service Award/Mason Dixon Woodworkers
H138-1142	Fallon	3/14/96	T	Don Stump/Kiwanis Youth Service Award/Mason Dixon Woodworker
H138-1143	Carey	3/14/96	T	Joseph H. McFaul/50 Yrs. Ded. Serv./First Life Member of Carlisle Fire Co.

T - Tribute

M - Memoriam

The Majority Leader moved to recess for caucus at 2:09 p.m.

The House reconvened at 4:10 p.m.

Representatives Oberle, Bunting, Schroeder, Brady, West, Boulden, Cloutier & Mack requested that they be marked present.

Representative Welch requested that HR 28 be stricken.

Representatives Buckworth, Spence, Jonkiert, VanSant, Gilligan, Reynolds & Smith requested that they be marked present.

Representative Petrilli deferred to Representative Jonkiert.

Mr. Speaker Spence resumed the Chair.

Representative Jonkiert made a comment regarding HB 94.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 419, cosponsored by Representatives DiPinto & B. Ennis, before the house for consideration.

HB 419 - An Act to Amend Chapter 21 of Title 21 of the Delaware Code Relating to the Registration of Motor Vehicles.

Representative Oberle made comments.

The roll call on HB 419 was taken and revealed:

YES: 39.

ABSENT: Representatives Caulk, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 419 was sent to the Senate for concurrence.

Representative Carey introduced a guest.

Representative Ewing was granted personal privilege of the floor to make an announcement.

Representative Petrilli deferred to Representative Scott.

Representative Scott requested that HR 54 be stricken.

Representative Scott moved to suspend the rules which interfere with introduction of and action on HCR

41.

Mr. Speaker Spence introduced a guest.

The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Scott introduced and brought HCR 41, jointly sponsored by Representatives Banning, Brady, Caulk, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Gilligan, Houghton, Jonkiert, Lee, Lofink, Mack, Oberle, Plant, Reynolds, Spence, VanSant, Welch, West & Williams & Senators Sokola & Venables, before the House for consideration.

HCR 41 - Creating a Task Force to Investigate and Establish the Formulation of a Statewide Refund Policy to be Applicable to Retail Businesses Within the State.

Representatives Scott, Boulden, Welch, Scott & Plant made comments.

HCR 41 was adopted by voice vote and sent to the Senate for concurrence.

Representative Caulk brought HB 454, jointly sponsored by Senator Bonini, before the House for consideration.

HB 454 - An Act to Amend Subchapter II, Chapter 47, Title 9 of the Delaware Code, Relating to Garbage Collections in Unincorporated Areas.

Representative Caulk introduced and brought HA 1 to HB 454 before the House for consideration.

Representative Caulk made a comment.

HA 1 was adopted by voice vote.

Representatives Caulk, Petrilli & B. Ennis made comments.

Representative Caulk requested and was granted the privilege of the floor for Ron Smith, House

Attorney.

Representative DiPinto made comments.

Representative Caulk requested and was granted the privilege of the floor for Ron Smith, House

Attorney.

Representatives DiPinto, Petrilli & Oberle made comments.

Representative Caulk requested and was granted the privilege of the floor for John Paradee, Kent County

Attorney.

The roll call on HB 454 w/HA 1 was taken and revealed:

YES: 19.

NO: Representatives Boulden, Capano, Cloutier, DiPinto, Houghton, Scott - 6.

NOT VOTING: Representatives Brady, DiLiberto, D. Ennis, Ewing, Fallon, Jonkiert, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Spence - 15.

ABSENT: Representative Smith - 1.

Therefore, not having received a constitutional majority, HB 454 w/HA 1 was declared defeated.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing deferred to Representative VanSant.

Representative VanSant brought SB 188, jointly sponsored by Senator Blevins, before the House for consideration.

SB 188 - An Act to Amend Title 21 of the Delaware Code Relating to Unauthorized Parking at Retail Stores or Other Commercial Establishments.

Representative VanSant moved to place SB 188 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli deferred to Representative Banning.

Representative Banning moved to suspend the rules which interfere with lifting HB 406 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Banning brought HB 406, jointly sponsored by Representatives Spence, Brady, Bunting, B. Ennis, Gilligan, Houghton, Jonkiert, Plant, VanSant & West & Senators Vaughn & Venables, before the House for consideration.

HB 406 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes. (3/5 bill)
Representative Banning introduced and brought HA 1 to HB 406 before the House for consideration.
Representative Banning made a comment.

HA 1 was adopted by voice vote.

The roll call on HB 406 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 406 w/HA 1 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 4:54 p.m.

13th LEGISLATIVE DAY
138th GENERAL ASSEMBLY
Second Session
March 20, 1996

Mr. Acting Speaker Quillen called the House to order at 2:00 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 261 w/SA 1.

The Majority Leader moved to adjourn at 2:01 p.m., thereby ending the current Legislative Day. The House reconvened at 2:02 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Gerald A. Buckworth, Thirty-Fourth Representative District.

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

The Chief Clerk read the following committee reports into the record:

TRANS: HB 402 - 1F,5M; HB 435 - 1F,4M; HB 460 - 6M.

Representative B. Ennis requested that he be marked present.

The minutes of the previous Legislative Day were approved as posted.

The following prefiled legislation was introduced:

HB 470 - OBERLE & SPENCE & LOFINK & REYNOLDS; SENATORS MCBRIDE & CONNOR - NAT RES: An Act to Amend Title 7 of the Delaware Code Relating to Eminent Domain.

HB 471 - ROY & SENATOR SHARP - JUD: An Act to Amend Chapters 27 and 41, Title 21 of the Delaware Code Relating to Driving Under the Influence of Alcohol and/or Drugs.

HB 472 - ROY & OBERLE & SENATOR SHARP; REPRESENTATIVES SPENCE, CAPANO, CLOUTIER, LOFINK, MACK, MARONEY, REYNOLDS, ULBRICH, GILLIGAN, BANNING, DILIBERTO, VANSANT & SENATORS BLEVINS & SOKOLA - JUD: An Act to Amend Title 11 of the Delaware Code Relating to the Crime of New Home Construction Fraud. (2/3 bill)

HB 473 - ROY & SENATOR SHARP - JUD: An Act to Amend Title 21 of the Delaware Code Relating to Department of Motor Vehicle Records and Driving During Suspension Offenders.

HB 474 - ULBRICH & SENATOR BLEVINS; REPRESENTATIVES CAPANO, MAIER, SCOTT; SENATORS BONINI, REED, SOKOLA, VOSHELL - HEALTH & HUM DEV: An Act to Amend Chapter 53, Title 24 of the Delaware Code Relating to the Massage/Bodywork Practitioner Act.

HJR 21 - QUILLEN & ALL REPRESENTATIVES; SENATOR CORDREY & ALL SENATORS - H/ADM: Expressing Shock and Sadness on Behalf of All Delawareans Over the Murder of Sixteen Innocent Children, Plus Their Teacher in the Little Thirteenth Century Cathedral Town of Dunblane, Scotland and Extending to the Entire Populace of Dunblane, Delaware's Heartfelt Condolences During Their Bereavement.

HA 1 to HB 417 - OBERLE - HOUSING & COM AFF: Placed with the bill.

SB 261 w/SA 1 - VOSHELL; REPRESENTATIVE CAREY; SENATOR ADAMS - P/S: An Act to Amend Title 21 of the Delaware Code Relating to the Registration of Heavy Motor Vehicles.

Representative Davis requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 2:07 p.m.

The House reconvened at 4:21 p.m.

Representatives Roy, Stone, D. Ennis, Cloutier, DiPinto, Capano, Reynolds, Banning, Bunting, Brady, Mack, Boulden, Jonkiert, DiLiberto, Scott, Spence & Maier requested that they be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #74