

Representative Lee brought HB 410, jointly sponsored by Senator Venables, before the House for consideration.

HB 410 - An Act to Amend Chapter 137, Volume 61, Laws of Delaware, as Amended, to Provide a Procedure for Changing the Street Structure of the Town of Delmar. (2/3 bill)

Representative Lee made comments.

The roll call on HB 410 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 410 was sent to the Senate for concurrence.

Representative Bennett introduced and brought HCR 52, jointly sponsored by Senator Venables, before the House for consideration.

HCR 52 - Extending an Enthusiastic Invitation to Senator Walter M. Baker of Cecil County, Maryland, and the Entire Eastern Shore Delegation to Become an Integral Part of the Great State of Delaware Since the Peoples of the Two Geographical Areas Have So Much in Common With One Another.

HCR 52 was adopted by voice vote and was sent to the Senate for concurrence.

Representative DiPinto introduced and brought SCR 64, jointly sponsored by Senators McBride, McDowell & Sokola, before the House for consideration.

SCR 64 - Congratulating the Greek-American Community of Delaware on the Occasion of Greek-Independence Day, March 25, 1994.

SCR 64 was adopted by voice vote and returned to the Senate.

Representative Sorenson introduced and brought SCR 63, jointly sponsored by Senators Bair, Cook & Blevins & Representatives Maroney, Wagner, Bradley, Wojewodzki & Fallon, before the House for consideration.

SCR 63 - Commending Helen S. Balick, Eleanor L. Cain, and H. Ruth Williams for Having Been Selected as the 1994 Inductees to the Hall of Fame for Delaware Women and Further Congratulating the Delaware Commission for Women for Their Outstanding Work in Recognizing the Great Achievements of Women in the First State.

SCR 63 was adopted by voice vote and returned to the Senate.

Representative VanSant requested that action on HB 374 be deferred to a Day Certain, Thursday, March 31, 1994.

Representative VanSant brought HB 386, jointly sponsored by Representatives Houghton, B. Ennis, West, Brady, Oberle & Lee & Senator Vaughn, before the House for consideration.

HB 386 - An Act to Amend Title 11, Delaware Code Relating to Crimes and Criminal Procedure.

Representative VanSant brought HA 1 to HB 386 before the House for consideration. HA 1 was adopted by voice vote.

Representatives VanSant & Davis made comments.

The roll call on HB 386 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, West - 2.

Therefore, having received a constitutional majority, HB 386 w/HA 1 was sent to the Senate for concurrence.

Representative Brady requested that action on HB 318 be deferred to a Day Certain, Tuesday, April 26, 1994.

Representative Clark brought HB 343, jointly sponsored by Representatives Banning & B. Ennis, before the House for consideration.

HB 343 - An Act to Amend Chapter 68, Title 21 of the Delaware Code Relating to Off-Highway Vehicles. (2/3 bill)

Representative Clark introduced and brought HA 1 to HB 343 before the House for consideration.

Representative Clark made comments.

HA 1 to HB 343 was adopted by voice vote.

Representative Clark made comments.

The roll call on HB 343 w/HA 1 was taken and revealed:

YES: 35.

NOT VOTING: Representatives Mack, Reynolds, Roy - 3.

ABSENT: Representatives Amick, Bunting, West - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 343 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HCR 49 w/SA 1.

Representative Spence brought HCR 49 w/SA 1, jointly sponsored by Senator Sharp & Representatives Quillen, Buckworth, Carey, Caulk, Ewing, Fallon, Lee, Wagner, Bennett, Bunting, Clark, B. Ennis, Schroeder, VanSant & West & Senators Adams, Cook, Cordrey, Still, Torbert, Vaughn, Venables & Voshell, before the House for concurrence on SA 1.

HCR 49 - Creating a Police Services Task Force to Study and Report On Proposals to Provide Maximum Police Protection to Kent and Sussex Counties.

HCR 49 w/SA 1 was adopted by voice vote.

Mr. Acting Speaker Quillen assigned HB 324 to the Appropriations Committee.

The Majority Leader moved to recess to the call of the Chair at 5:15 p.m.

14th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
March 29, 1994

Mr. Speaker Spence called the House to order at 2:37 p.m.

The Reading Clerk read the following communications into the record:

March 23, 1994

The Honorable Terry R. Spence

Speaker of the House

Legislative Hall

Dover, DE

Dear Mr. Speaker:

Due to personal business, I will be unable to attend the Legislative Session on Thursday, March 24th.

Sincerely,
Steven H. Amick
State Representative
25th District

SHA/cb

The Senate wishes to inform the House that it has passed: HB 21 w/HA 1 w/HA 1, HB 170 w/HA 1, HB 212 w/HA 1, HB 362 & SJR 25.

The Majority Leader moved to adjourn at 2:38 p.m., thereby ending the current legislative day. The House reconvened at 2:39 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Amick, Fallon - 2.

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 421 - ROY & SENATOR SHARP; REPRESENTATIVES CAREY, OBERLE, TAYLOR, JONKIERT, B. ENNIS; SENATORS COOK, MCBRIDE, VENABLES, KNOX, HAUGE - H/ADM: An Act to Amend Volume 69, Laws of Delaware, Chapter 77, Being the 1994 Bond and Capital Improvements Act of the State of Delaware.

HB 422 - PETRILLI, SPENCE, AMICK, BUCKWORTH, CAREY, D. ENNIS, EWING, FALLON, LOFINK, OBERLE, REYNOLDS, ROY, TAYLOR, WAGNER, BRADY; SENATORS ADAMS, MARTIN, MCBRIDE, TORBERT, VAUGHN, VOSHELL, BAIR, KNOX - H/ADM: An Act to Amend Chapter 75, Title 15 of the Delaware Code Relating to Municipal Elections.

HB 423 - SORENSON & SENATOR BLEVINS - HUM NEEDS & DEV: An Act to Amend Chapter 21, Title 13, Delaware Code Relating to the Domestic Violence Coordinating Council.

HB 424 - BANNING & SENATOR VAUGHN; REPRESENTATIVES B. ENNIS, FALLON, WEST, WOJEWODZKI; SENATORS BAIR, HAUGE - NAT RES: An Act to Amend §730, Title 7 of the Delaware Code Relating to the Discharge of a Firearm Near an Occupied Dwelling.

HA 2 to HS 1 to HB 183 - OBERLE - READY LIST: Placed with the bill.

HA 1 to HB 195 - DAVIS - P/S: Placed with the bill.

HA 1 to HB 303 - OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 341 - DIPINTO - AGENDA: Placed with the bill.

SB 49 w/SA 1, 2 & 3 - VENABLES, ADAMS, CORDREY, VOSHELL, J. STILL - SM BUS: An Act to Amend Title 25 of the Delaware Code Relating to the Protection of Private Property. (F/N)

SJR 25 - MCBRIDE & SENATORS HOLLOWAY, ADAMS, BLEVINS, COOK, CORDREY, MARSHALL, MARTIN, MCDOWELL, SHARP, SOKOLA, TORBERT, VAUGHN, VENABLES,

VOSHELL - CORR: Authorizing and Directing the Commissioner of Corrections, Robert J. Watson, to Name the Women's Correctional Institution Located at 660 Baylor Boulevard, New Castle, Delaware, as the Delores J. Baylor Women's Correctional Institution.

HA 1 to SB 177 - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 49 w/SA 1,2 & 3, SCR 61, SCR 62, HCR 50 & HCR 52.

MEMORANDUM

TO: The Honorable Terry R. Spence
Speaker of the House

FROM: The Honorable Tina Fallon

DATE: March 28, 1994

RE: Absence from session

Please excuse my absence from session of the House of Representatives on March 29, 1994, as I will be out of town on that day.

March 25, 1994

LEGISLATIVE ADVISORY #38

The following legislation was signed by Governor Thomas R. Carper on the date indicated:

3/24/94 - SB 113 aab HA 1, HB 376, HB 265 aab SA 1, HB 362, HB 381 & HB 383.

Representatives Ewing, Buckworth & Bennett requested that they be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #43

DATE: March 29, 1994

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
H137-751	Carey	3/17/94	T	John D. McKenzie/Heroic Actions/to Milford Community
H137-752	Carey	3/17/94	T	William Chandler, Sr./60 Yrs. Service/Carlisle Fire Co.
H137-753	Clark	3/27/94	T	Garrett Jarman/Eagle Scout
H137-754	DiLiberto	3/23/94	T	Jim Doody/Newark High School Coach/250th Basketball Win
H137-755	Ewing cosponsors: VanSant, B. Ennis, Lee	3/24/94	T	O. Evans Denney/U.S. Marshal/13 Yrs.
H137-756	Fallon	3/25/94	T	Velma Graham/90th Birthday
H137-757	Fallon cosponsor: Ewing	4/20/94	T	Mrs. Rosemary C. Betts/DE Mother of Year
H137-758	Brady	3/25/94	T	Windsor Griffiths/Farewell to U.S./Return to England
H137-759	Brady	2/28/94	T	Joseph W. Vattilana/Retirement
H137-760	Brady	3/31/94	T	Chuck Milles/Retirement/Norm Chemical Co.
H137-761	Wagner cosponsor: Fallon	3/13/94	T	Dr. William B. DeLauder/Thurgood Marshall Black Ed. Award
H137-762	Spence	5/30/94	T	Katherine Espiscopo/77th Birthday
H137-763	Maroney cosponsor: Spence	3/21/94	T	Faith Wohl/Wallace Johnson Community Serv. Award
H137-764	Fallon	3/25/94	T	John Hassman/DE Assistant Principal of Year
H137-765	B. Ennis cosponsor: Clark	3/26/94	T	Charles McGuire, Sr./VFW/Department Commander
H137-766	Wagner	3/18/94	M	Lawrence R. Carroll, Jr.
H137-767	Clark	3/19/94	T	Cody Keeler/94 Junior Olympic State Wrestling Champion
H137-768	Buckworth	3/25/94	T	Caesar Rodney High School/DE Top High Sch./94/Redbook

HOUSE TRIBUTE ANNOUNCEMENT #44

DATE: March 29, 1994

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>
H137-769	Ewing	3/26/94	T	Houston Vol. Fire Co./Ded. Service to Community
H137-770	Ewing	3/26/94	T	Dana Hockensmith/Volunteer/Auxiliary/Food Serv./Shelter
H137-771	Ewing	3/26/94	T	Samuel B. Layton, Jr./Recogn./Assist. Chief/Houston Fire Co.
H137-772	Ewing	3/26/94	T	Carroll B. Jester/Incident Commander/Houston Fire Co.
H137-773	Ewing	3/26/94	T	William McCracken/ /Distribution/Dry Ice & Water
H137-774	Ewing	3/26/94	T	Harry Lindale/Distribution/Dry Ice & Water
H137-775	Ewing	3/26/94	T	Dawn Wingo/Ladies Aux./ Food & Shelter Operations
H137-776	Ewing	3/26/94	T	Dani Harvey/Ladies Aux./ Food & Shelter Operations
H137-777	Roy	2/05/94	T	Mid-County Senior Center/15th Anniversary
H137-778	Reynolds,	3/12/94	T	Jim Phillips/Div. I State Basketball Championship
H137-779	Mack,	3/20/94	T	Lenny Brown/DE Basketball Player of Year
H137-780	Reynolds,	3/22/94	T	Neil Webster/Flight A Basketball Champion
H137-781	Mack,	3/27/94	T	Jack Holloway/Division I Wrestling Championship
H137-782	Smith	3/27/94	T	Erik Evans Baker/Eagle Scout
H137-783	Quillen	3/24/94	T	Honorable Joseph Petrilli/Dist. Legislative Serv. Award
H137-784	Quillen	3/29/94	T	Harrington Business & Professional Women

T - Tribute

M - Memoriam

The Majority Leader moved to recess for caucus at 2:45 p.m.

The House reconvened at 3:57 p.m.

Representatives Davis, D. Ennis, Reynolds, Mack & Smith requested that they be marked present.

Representatives Gilligan, Jonkiert, Bradley, Plant, Holloway & Maroney requested that they be marked present.

The Reading Clerk read the following communication into the record at the request of

Representative Plant:

Honorable Al O. Plant, Sr.

Delaware House of Representatives

Second District

Wilmington, Delaware 19802

Dear Mr. Plant:

It is my pleasure to respond to your letter dated March 14, 1994, sent via facsimile, to Secretary of Education Richard W. Riley. Your letter was forwarded to the Office for Civil Rights (OCR) within the Department of Education (Department) for response. In your letter, you claim that there are discriminatory educational practices that are devastating the African-American community in the state of Delaware. You request that the Department immediately investigate all school districts in Delaware, which receive Federal funds.

OCR is the office within the Department that enforces Federal civil rights laws, including Title VI of the Civil Rights Act of 1964 (Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance from the Department. I am referring your correspondence to OCR's Philadelphia Regional Office for appropriate action. The Philadelphia Office has responsibility for handling complaints filed against public school districts in Delaware. That Office will notify you if it requires additional information in order to process your claims. In the interim, if you have any questions, you may contact the Philadelphia Office directly:

Mr. Robert A. Smallwood
Regional Civil Rights Director
Office for Civil Rights, Region III
U.S. Department of Education

3535 Market Street
 Room 6300, 03-2010
 Philadelphia, Pennsylvania 19104-3326
 Telephone: (215) 596-6772

Thank you for your concern and your efforts to resolve problems in educational equity.

Sincerely,
 Ana Beltran
 Attorney-Advisor
 Elementary and Secondary Education Policy
 Division
 Policy, Enforcement and Program Service
 Office for Civil Rights

cc: Robert A. Smallwood, Regional Civil Rights Director, Region III

Representative George requested that he be marked present.

Representative Carey brought SB 258 w/SA 2, sponsored by Senator Cordrey, before the House for consideration.

SB 258 - An Act to Amend Chapter 3, Title 25, Delaware Code Relating to Agricultural Leases and Real Estate Contracts.

Representative Carey requested and was granted the privilege of the floor for Ron Smith, House Attorney.

The roll call on SB 258 w/SA 2 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Fallon - 2.

Therefore, having received a constitutional majority, SB 258 w/SA 2 was returned to the Senate.

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

Representative B. Ennis brought SB 140, jointly sponsored by Senators Vaughn, Sharp, Cook, Adams, Voshell & Torbert & Representatives Banning, Roy, Spence & Ewing, before the House for consideration.

SB 140 - An Act to Amend Chapter 9, Subchapter III, Title 10, Delaware Code, Relating to the Prosecution of a Delinquent Child.

The roll call on SB 140 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Fallon - 2.

Therefore, having received a constitutional majority, SB 140 was returned to the Senate.

Representative Davis brought HB 333, jointly sponsored by Representative Amick & Senator Blevins & Representatives Carey, Caulk, DiPinto, Ewing, Lee, Lofink, Maroney, Quillen, Reynolds, Smith, Sorenson, Wagner, Banning, Bennett, Bradley, Bunting, Clark, DiLiberto, B. Ennis, George, Gilligan, Houghton, Plant, VanSant, West & Wojewodzki & Senators Bair & Cook, before the House for consideration.

HB 333 - An Act to Amend Chapter 5, Title 11, Delaware Code to Increase the Penalty for Assault in the First Degree When the Assault is Upon a Pregnant Victim.

The roll call on HB 333 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Fallon - 2.

Therefore, having received a constitutional majority, HB 333 was sent to the Senate for concurrence.

Representative Roy brought HB 378, jointly sponsored by Representatives Taylor & Gilligan & Senator Sokola, before the House for consideration.

HB 378 - An Act to Amend Section 4126 of Title 21 of the Delaware Code Relating to Bicycle Use of Controlled Access Highways.

Representative Roy brought HA 1 to HB 378 before the House for consideration. HA 1 was adopted by voice vote.

After questions and comments by several Representatives, the roll call on HB 378 w/HA 1 was taken and revealed:

YES: 33.

NO: Representatives Banning, Clark, Jonkiert - 3.

NOT VOTING: Representatives Bunting, Caulk - 2.

ABSENT: Representatives Amick, Fallon, Holloway - 3.

Therefore, having received a constitutional majority, HB 378 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle brought HB 303 before the House for consideration.

HB 303 - An Act to Amend Chapter 69, Title 29, Delaware Code Relating to the Award of Public Works Contracts.

Representative Oberle brought HA 1 to HB 303 before the House for consideration. After questions and comments by several Representatives, HA 1 was adopted by voice vote. The roll call on HB 303 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, Fallon, Petrilli - 3.

Therefore, having received a constitutional majority, HB 303 w/HA 1 was sent to the Senate for concurrence.

Representative Quillen brought HB 361 before the House for consideration.

HB 361 - An Act to Amend Chapter 11, Title 25, Delaware Code Relating to the Unauthorized Removal or Alteration of Boundary Landmarks.

The roll call on HB 361 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, Fallon, Petrilli - 3.

Therefore, having received a constitutional majority, HB 361 was sent to the Senate for concurrence.

Representative Bennett brought HB 405, jointly sponsored by Representatives Amick, Banning, Bradley, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Houghton, Lee, Lofink, Mack, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Sorenson, Smith, Spence, Taylor, Wagner & West & Senators Blevins, Cook, Martin, Sokola, Vaughn & Torbert, before the House for consideration.

HB 405 - An Act to Amend Chapter 23, Title 19, of the Delaware Code Relating to Workmen's Compensation.

The roll call on HB 405 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Fallon - 2.

Therefore, having received a constitutional majority, HB 405 was sent to the Senate for concurrence.

Representative Gilligan brought HB 175, jointly sponsored by Representative George & Brady & cosponsored by Representatives Ewing & Buckworth, before the House for consideration.

HB 175 - An Act to Amend Title 11 of the Delaware Code Relating to Bail for Persons Convicted of a Felony for Which a Mandatory Jail Sentence is Required.

The roll call on HB 175 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Fallon - 2.

Therefore, having received a constitutional majority, HB 175 was sent to the Senate for concurrence.

Representative Clark brought HCR 46, jointly sponsored by Representatives Brady, West, Banning, B. Ennis, Bradley, Bunting, DiLiberto, Quillen, Ewing, Wagner, Maroney & Bennett, before the House for consideration.

HCR 46 - Requesting the Joint Finance Committee to Address the Recently Uncovered Welfare Overpayments Problem Within the State of Delaware as Part of the 1994-95 Budget Bill.

HCR 46 was adopted by voice vote and sent to the Senate for concurrence.

Representative Wagner requested that action on HB 394 be deferred to a Day Certain, Thursday, April 21, 1994.

Representative Wagner requested that action on HB 395 be deferred to a Day Certain, Thursday, April 21, 1994.

Representative Sorenson brought SB 173 w/SA 1, jointly sponsored by Senators Sokola & Venables & Representatives Buckworth, Carey, Davis, B. Ennis, Lofink, Quillen, Reynolds, Spence, Schroeder & West, before the House for consideration.

SB 173 - An Act to Amend Chapter 40, Title 14 of the Delaware Code Relating to the Public School Employment Relation Act.

The roll call on SB 173 w/SA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Fallon - 2.

Therefore, having received a constitutional majority, SB 173 w/SA 1 was returned to the Senate. The Majority Leader moved to recess to the call of the Chair at 5:09 p.m.

15th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
March 30, 1994

Mr. Speaker Spence called the House to order at 2:28 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 24 w/HA 1.

Representative Oberle introduced HB 427, jointly sponsored by Representatives Amick, Spence, Petrilli, Caulk, Ewing, Lee, D. Ennis, Fallon, Carey, Reynolds, Lofink, Smith, Banning, Bradley, Brady, B. Ennis & Wojewodzki & Senators McBride, Sokola, Neal & Connor & cosponsored by Representatives Bennett & DiPinto.

HB 427 - An Act to Amend Titles 18 and 24 of the Delaware Code Relating to Nursing by Changing the Qualifications and Authorization to Practice of Advanced Nurses.

Mr. Speaker assigned HB 427 to the Labor & Human Resource Management Committee.

Representative Plant introduced HB 428.

HB 428 - An Act to Amend Chapter 65, Title 11, of the Delaware Code Relating to Furloughs Restricted to Members Within an Immediate Family; and Including Grandparents Within the Definition of "Immediate Family."

Mr. Speaker assigned HB 428 to the Judiciary Committee.

Mr. Speaker reassigned SB 49 to the Transportation & Infrastructure Committee.

The Majority Leader moved to adjourn at 2:32 p.m., thereby ending the current legislative day.

The House reconvened at 2:33 p.m.

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Amick, Holloway, Jonkiert, Mack - 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 425 - SCHROEDER; SENATOR VOSHALL & REPRESENTATIVE BUNTING - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation for Seasonal Employment.

HB 426 - BANNING & B. ENNIS; SENATOR VAUGHN - R & F: An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Income Tax.

HA 2 to HB 374 - VANSANT, HOUGHTON, B. ENNIS, WEST, BRADY, OBERLE, LEE & SENATOR VAUGHN - DEFERRED: Placed with the bill.

HA 1 to HB 413 - SMITH - JUD: Placed with the bill.

Representative Ewing introduced guests.

Representative Buckworth introduced and brought HR 67, on Behalf of Representatives Amick, Ewing, Lee, Banning, DiLiberto & Plant, before the House for consideration.

Representative Bennett requested that he be marked present.

HR 67 - Welcoming the Chief Magistrate of the Justice of the Peace Courts and Her Magistrates to the House of Representatives and Commending Them for Their Fine Work.

Representative Buckworth requested and was granted the privilege of the floor for Patricia Griffin, Chief Magistrate.

HR 67 was adopted by voice vote

Comments were made by Representatives Bunting, Banning, Fallon, Bennett, George, B. Ennis, West, Gilligan & Plant about school referenda and public school education funding.

Representative George requested that he be marked present.

Representative West moved to suspend the rules which interfere with introduction of and action on HJR 14. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative West introduced and brought HJR 14, jointly sponsored by Senator Cordrey & Representatives Lee, D. Ennis, Quillen, Spence, Davis, Fallon, Buckworth, DiLiberto, Reynolds, Amick, Smith, Mack, Wagner, Sorenson, Lofink, George, Petrilli, DiPinto, Houghton, Plant, Oberle, Bennett, Caulk, Holloway, Carey, Jonkiert, Brady, VanSant, Bunting, Gilligan, Bradley, Wojewodzki, Clark, B. Ennis & Banning & Senators Voshall, Vaughn, Adams, Cook, Torbert, Venables & Still, before the House for consideration.

HJR 14 - 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 14 was taken and revealed:

YES: 31.

ABSENT: Representatives Amick, Brady, Clark, DiPinto, Holloway, Jonkiert, Mack, Reynolds, Schroeder, Taylor - 10.

Therefore, having received a constitutional majority, HJR 14 was sent to the Senate for concurrence.

Representatives Quillen & Buckworth introduced guests.

Mr. Speaker announced that Representative Lofink is appointed to the Public Safety Committee and Representative Buckworth will chair that Committee during Representative Amick's absence.

The Reading Clerk read the following communications into the record:

MEMORANDUM

TO: Speaker Terry R. Spence
FROM: Representative Jeffrey G. Mack
RE: Absence from Session
DATE: March 30, 1994

Due to personal business, I will be unable to attend session on Wednesday, March 30, 1994.
Thank you.

JGM/gmr

March 30, 1994

The Honorable Terry R. Spence
Speaker of the House
Legislative Hall
Dover, De

Dear Mr. Speaker:

Please excuse my absence from the Legislative Session until further notice.

Sincerely,
Steven H. Amick
State Representative
25th District

SHA/cmb

Representatives Sorenson & Banning introduced guests.

The Majority Leader moved to recess for committee meetings at 3:07 p.m.

The House reconvened at 5:20 p.m.

The following prefiled Consent Calendar #21 was introduced:

HR 68 - SPENCE & MARONEY - Recognizing April 1994 as Child Abuse Prevention Month in Delaware.

HCR 53 - SPENCE & SENATOR CORDREY; ON BEHALF OF ALL REPRESENTATIVES & SENATORS - Commending Delaware's Firemen and Requesting President Clinton to Sign the Annual National Fire Prevention Proclamation at the Delaware State Fire School.

SCR 61 - SOKOLA; REPRESENTATIVE SORENSON & SENATOR CONNOR; ON BEHALF OF ALL SENATORS & REPRESENTATIVES - Proclaiming May Superstars! in Education Month in Delaware.

SCR 62 - SOKOLA & REPRESENTATIVE SORENSON - Recognizing April of 1994 as Mathematics Education Month.

Consent Calendar #21 was adopted by voice vote and HCR 53 was sent to the Senate for concurrence and SCR 61 & SCR 62 were returned to the Senate.

Representatives Schroeder, Reynolds & Brady requested that they be marked present.

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

Representative Roy introduced and brought HJR 15, jointly sponsored by Representatives Spence, Petrilli, Oberle, Taylor, George & Gilligan & Senators Martin, Sokola & Bair & cosponsored by Representatives Bennett, Buckworth, Ewing, Fallon, Carey, Quillen & DiPinto, before the House for consideration.

HJR 15 - Directing the Department of Transportation to Name the Kirkwood Highway Bridge Over Red Clay Creek in Honor of the Late John T. Davis.

Representative Roy moved to place HJR 15 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representatives Roy & Petrilli made comments.

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

H/ADM: HB 409 - 4M; HB 416 - 5M; HB 421 - 3M; HJR 13 - 3M; SB 273 w/SA 1 - 4M; SB 274 - 4M; SB 276 - 4M; SB 278 w/SA 1 - 5M; SB 282 - 4M.

JUD: HB 413 - 5M; HB 419 - 5M.

P/S: HB 417 - 1F, 3M; HB 418 - 6M.

R & F: HB 273 - 4M.

ECON. DEV, B & I: HJR 11 - 6M.

ED: HB 391 - 5M.

Representative VanSant was granted personal privilege of the floor for the presentation of a House Tribute.

The Majority Whip moved to recess to the call of the Chair at 5:28 p.m.

16th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
March 31, 1994

Mr. Speaker Spence called the House to order at 2:18 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 379 w/HA 1 & HS 1 for HB 199

w/SA 1.

Mr. Speaker assigned HB 418 to the Appropriations Committee.

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: 40.

Member Absent: Representative Amick - 1.

A prayer was offered by Representative Clifford G. Lee, Fortieth 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 House observed a moment of silence for former Representative Ronald Darling who is very ill. Representatives Quillen & George introduced guests.

The following prefiled legislation was introduced:

HB 429 - SMITH - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19, Delaware Code, Relating to Unemployment Compensation.

HB 430 - SMITH - LABOR & HUM RES MAN: An Act to Amend Chapter 33 of Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 431 - EWING - P/S: An Act to Amend Title 21 of the Delaware Code Relating to the Reporting of Vehicular Accidents.

HB 432 - BUNTING & SENATOR CORDREY - H/ADM: An Act Requesting the State Personnel Commission to Establish an Approximate Value for the Housing Furnished to Those Park Supervisors Within the Division of Parks and Recreation Who Enjoy State-Supplied Housing, and to Utilize Such Value in Compensating Lacey B. Murray, Park Supervisor for Holt's Landing State Park.

HB 433 - BRADY & SCHROEDER, AMICK, BANNING, BENNETT, BRADLEY, BUCKWORTH, BUNTING, CAREY, CAULK, CLARK, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GEORGE, GILLIGAN, JONKIERT, LEE, LOFINK, MACK, MARONEY, OBERLE, PETRILLI, PLANT, QUILLEN, REYNOLDS, ROY, SORENSON, SMITH, SPENCE, TAYLOR, VANSANT, WAGNER, WEST; SENATORS ADAMS, BAIR, BLEVINS, CONNOR, KNOX, MARSHALL, MARTIN, MCBRIDE, SOKOLA, TORBERT, VAUGHN & VOSHALL - P/S: An Act to Amend Title 11 of the Delaware Code Relating to the Possession of Firearms by Criminals During Felonies.

HA 1 to HB 397 - OBERLE - AGENDA: Placed with the bill.

HA 1 to SB 49 - WAGNER - TRANS & INFRA: Placed with the bill.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #45

DATE: March 31, 1994

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>
H137-785	Buckworth	3/29/94	T	John Andrade, Jr./Champ. /Texaco Star Acad. Challenge
H137-786	Bennett	3/30/94	T	Huei Wong/State Champ./ Texaco Star Acad. Challenge
H137-787	Bennett	3/30/94	T	Jennifer Giles/Champ./Texaco Star Acad. Challenge
H137-788	Buckworth	3/29/94	T	Lucas Hardy/Championship /Texaco Star Acad. Challenge
H137-789	Buckworth	3/30/94	T	William S. Dawson/Robert J. McRell Safety Award
H137-790	Carey	3/30/94	T	Memorial Volunteer Fire Co./ /Slaughter Beach 40th Anniv.
H137-791	Wagner	2/02/94	T	Joephine Owens/DE Federation of Republican Women

H137-792	Quillen	3/19/94	T	Billy Andrepont, Jennifer Evans, Jason Hobbs, Colin Pryor, Leah Thompson & Stacy Webb/1st Place Winners/1994 Lake Forest Odyssey of the Mind Competition
H137-793	DiLiberto	3/30/94	M	William T. Stuart
H137-794	Buckworth	3/30/94	T	Melinda R. Marsh/Coach/ Champ./Texaco Acad. Challenge
H137-795	Bennett	3/30/94	T	Sheri Engstenberg/C.R. High/ 1994 State Championship Coach
H137-796	DiPinto	3/30/94	T	Eugene H. Wolinsky/Assoc. of DE Hospitals/Retirement
H137-797	Banning	3/30/94	T	Barbara Stites/Outstanding Ag. Teacher of Year
H137-798	Bennett	3/24/94	T	Edwin G. Meredith, Jr./18 Yrs. Officiating/Wrestling
H137-799	Bennett	3/24/94	M	Eugene N. Dailey/State of De./ Educator Emeritus

cosponsor: Bennett

T - Tribute

M - Memoriam

Representative Quillen brought HJR 13, jointly sponsored by Senator Martin, before the House for consideration.

HJR 13 - Declaring April 1994 as American Civil War Sites Preservation Month in the State of Delaware.

The roll call on HJR 13 was taken and revealed:

YES: 33.

ABSENT: Representatives Amick, Brady, Buckworth, Holloway, Mack, Maroney, Reynolds, Taylor - 8.

Therefore, having received a constitutional majority, HJR 13 was sent to the Senate for concurrence.

Representatives Clark, Gilligan, D. Ennis & DiPinto requested that they be marked present during the roll call.

Representative Roy moved to suspend the rules which interfere with lifting HJR 15 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy brought HJR 15, jointly sponsored by Representatives Spence, Petrilli, Oberle, Taylor, George & Gilligan & Senators Martin, Sokola & Bair & cosponsored by Representatives Bennett, Buckworth, Ewing, Fallon, Carey, Quillen & DiPinto, before the House for consideration.

HJR 15 - Directing the Department of Transportation to Name the Kirkwood Highway Bridge Over Red Clay Creek in Honor of the Late John T. Davis.

Representative Roy made comments.

The roll call on HJR 15 was taken and revealed:

YES: 33.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Amick, Brady, Buckworth, Mack, Maroney, Reynolds, Taylor - 7.

Therefore, having received a constitutional majority, HJR 15 was sent to the Senate for concurrence.

Representative Spence made comments.

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

Representative Wagner introduced a guest.

Representative Banning requested that HB 406 be stricken.

Representative Banning introduced HB 434, jointly sponsored by Senator Vaughn & Representatives Bennett, Bradley, Bunting, Caulk, Clark, Davis, DiLiberto, B. Ennis, D. Ennis, Ewing, Fallon, Jonkiert, Lee, Lofink, Maroney, Plant, Quillen, Reynolds, Roy, Schroeder, Sorenson, VanSant & West.

HB 434 - An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to Compensation for Innocent Victims of Crime, and Providing for Claims to be Filed by Claim Number.

Mr. Speaker assigned HB 434 to the Judiciary Committee.

The Majority Leader moved to recess for caucus at 2:38 p.m.

The House reconvened at 3:52 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SJR 31, HJR 14, HB 405 & SB 283

w/SA 3.

Representative Reynolds requested that he be marked present.

Representative Petrilli moved to suspend the rules which interfere with introduction of and action on SJR 31. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli introduced and brought SJR 31, jointly sponsored by Senator Cordrey & Representative Spence & Senators Martin, Marshall, Bair & Connor & Representatives Quillen, George & Gilligan & All Senators & All Representatives, before the House for consideration.

SJR 31 - Authorizing and Directing the Secretary of the Department of Health and Social Services to Name the Main Campus of the Department Located at 1901 N. DuPont Highway as the "Herman M. Holloway, Sr., Health and Social Services Campus".

The roll call on SJR 31 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, Buckworth, Maroney - 3.

Therefore, having received a constitutional majority, SJR 31 was returned to the Senate.

Representatives Holloway, Spence, Plant & George made comments.

Representatives Brady, Mack & Taylor requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Sorenson.

Representative Sorenson brought SB 282, jointly sponsored by Senator Knox, before the House for consideration.

SB 282 - An Act to Waive the Statutory Provisions of Section 107 (C), Title 13 of the Delaware Code Relating to the Marriage of Jeffrey Todd and Michele Tigues.

Representative Sorenson made comments.

The roll call on SB 282 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority, SB 282 was returned to the Senate.

Representative Sorenson introduced guests.

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

Representative Petrilli deferred to Representative VanSant.

Representative VanSant brought HB 374, jointly sponsored by Representatives Houghton, B. Ennis, West, Brady, Oberle & Lee & Senator Vaughn & cosponsored by Representative Ewing, before the House for consideration.

HB 374 - An Act to Amend Title 11 and Title 16 of the Delaware Code Relating to Involuntary Commitment Record Checks for Sales of Firearms. (F/N)

Representative VanSant brought HA 1 to HB 374 before the House for consideration.

Representative VanSant made comments.

HA 1 to HB 374 was adopted by voice vote.

Representative VanSant brought HA 2 to HB 374 before the House for consideration.

Representatives VanSant & Maroney made comments.

HA 2 to HB 374 was adopted by voice vote.

Representatives VanSant & Sorenson made comments.

The roll call on HB 374 w/HA 1 & 2 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Clark - 2.

Therefore, having received a constitutional majority, HB 374 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney introduced HB 435, jointly sponsored by Senator Blevins & Representatives Spence, Petrilli, Quillen, Buckworth, Davis, DiPinto, D. Ennis, Reynolds, Roy, Sorenson, Wagner, Bennett, Bradley, Brady, Bunting, Gilligan, Jonkiert, Plant & West & Senators Marshall, Venables, Voshell, Bair, Knox & Neal.

HB 435 - An Act to Amend Chapter 8, Title 13 of the Delaware Code Relating to Paternity, and Including Provisions for the Voluntary Acknowledgement of Paternity; and to Amend Chapter 31, Title 16 of the Delaware Code, Relating to Vital Statistics, to Provide for an In-Hospital Procedure for Voluntary Acknowledgement of Paternity; and to Amend Chapter 13, Title 13 of the Delaware Code Relating to Illegitimate Children.

Mr. Speaker assigned HB 435 to the Human Needs & Development Committee.

Representative Maroney introduced HB 436, jointly sponsored by Senators Blevins & Bair & Representatives Petrilli, Quillen, Spence, D. Ennis, Reynolds, Roy, Wagner, DiPinto, Ewing, Buckworth, Davis, Sorenson, Bradley, Brady, Bunting, Gilligan, Jonkiert & West & Senators Marshall, McBride, Venables, Sokola, McDowell, Martin, Neal & Connor.

HB 436 - An Act to Amend Chapter 5, Title 16 of the Delaware Code Relating to Tuberculosis Control.

Mr. Speaker assigned HB 436 to the Human Needs & Development Committee.

Representative Maroney introduced HB 437, jointly sponsored by Senator Blevins & Representatives Petrilli, Quillen, Buckworth, D. Ennis, Ewing & Plant & Senators Martin, Torbert, Voshell, Bair, Neal & Still.

HB 437 - An Act to Amend Title 25 of the Delaware Code by Adding a New Chapter 50 Relating to the Requirements of the Omnibus Budget Reconciliation Act of 1993 for State Medicaid Programs to Seek Adjustment or Recovery of Any Medical Assistance Correctly Paid on Behalf of Individuals Receiving Long-Term Care Services Under the State Plan for Title XIX of the Social Security Act.

Mr. Speaker assigned HB 437 to the Human Needs & Development Committee.

Representative Oberle brought HB 397, jointly sponsored by Representatives Wagner & Banning & Senator Voshell, before the House for consideration.

HB 397 - An Act to Amend Chapter 43, Title 11 of the Delaware Code Relating to Sentencing, Probation, Parole and Pardons and Notification Requirements.

Representative Oberle brought HA 1 to HB 397 before the House for consideration.

Representative Oberle made comments.

HA 1 to HB 397 was adopted by voice vote.

Representative Oberle introduced and brought HA 2 to HB 397 before the House for consideration.

Representatives Oberle & Davis made comments.

Representative Oberle requested that HA 2 be stricken.

Representative Oberle moved to place HB 397 w/HA 1 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto brought HB 341, jointly sponsored by Representatives Petrilli, Buckworth, Carey, Caulk, Davis, D. Ennis, Ewing, Fallon, Lee, Maroney, Quillen, Reynolds, Roy, Taylor, Banning, Bennett, Bradley, Bunting, Clark, B. Ennis, Houghton, Jonkiert, Plant & VanSant & Senators Knox, Holloway & Marshall, before the House for consideration.

HB 341 - An Act to Amend Chapter 73, Title 6 of the Delaware Code Relating to the Regulation of Securities, Broker-Dealers, Investment Advisers and Agents. (F/N)

Representative DiPinto brought HA 1 to HB 341 before the House for consideration.

Representative DiPinto made comments.

HA 1 to HB 341 was adopted by voice vote.

Representative DiPinto attempted to introduce HA 1 to HA 1 to HB 341. Representative DiPinto made comments.

The roll call on HB 341 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority, HB 341 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Plant.

Representative Plant moved to suspend the rules which interfere with action on HB 428. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Plant brought HB 428, before the House for consideration.

HB 428 - An Act to Amend Chapter 65, Title 11, of the Delaware Code Relating to Furloughs Restricted to Members Within an Immediate Family; and Including Grandparents Within the Definition of "Immediate Family."

Representative Plant made comments.

The roll call on HB 428 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Houghton - 2.

Therefore, having received a constitutional majority, HB 428 was sent to the Senate for concurrence.

Representative Plant made comments.

The Chief Clerk announced the correct roll call on HB 428.

Representative Petrilli deferred to Representative Smith.

Representative Oberle made comments.

Representative George requested that HB 259 & HB 260 be stricken.

Representative Smith brought HB 413, jointly sponsored by Senator Sharp, before the House for consideration.

HB 413 - An Act to Amend Chapter 1, Title 8, of the Delaware Code Relating to the General Corporation Law. (3/5 bill)

Representative Smith made comments.

Representative Smith brought HA 1 to HB 413 before the House for consideration. HA 1 was adopted by voice vote.

Representative Smith made comments.

The roll call on HB 413 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 413 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Sorenson.

Representative Sorenson brought HB 273, jointly sponsored by Senator Blevins & Representative Smith & Senator Knox, before the House for consideration.

HB 273 - An Act to Amend Chapter 74, Title 16 of the Delaware Code Relating to Radiation Control. (3/5 bill)(F/N)

Representative Sorenson requested that HA 1 be stricken.

Representatives Sorenson, Bennett & B. Ennis made comments.

The roll call on HB 273 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 273 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Lee.

Representative Lee brought SB 57, sponsored by Senator Vaughn & Representative Roy, before the House for consideration.

SB 57 - An Act to Amend Chapter 42, Title 11, Delaware Code, Relating to the Method and Imposition of Sentence of Death.

Representatives Lee & Houghton made comments.

Representative Lee requested and was granted the privilege of the floor for Robert Synder, Warden, Delaware Correctional Center.

Representative Houghton made comments.

The roll call on SB 57 was taken and revealed:

YES: 36.

NOT VOTING: Representatives Bradley, Plant - 2.

ABSENT: Representatives Amick, George, Holloway - 3.

Therefore, having received a constitutional majority, SB 57 was returned to the Senate.

Representative Petrilli deferred to Representative Bunting.

Representative Bunting brought HB 409, jointly sponsored by Senator Cordrey, before the House for consideration.

HB 409 - An Act to Amend Chapter 166, Volume 37, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Selbyville", to Increase the Amount of Fines That May Be Imposed. (2/3 bill)

The roll call on HB 409 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Holloway - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 409 was sent to the Senate for concurrence.

Representative Petrilli brought SB 273 w/SA 1, sponsored by Senator Adams & Representative Ewing, before the House for consideration.

SB 273 - An Act to Amend an Act Being Chapter 109, Volume 68, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Greenwood" to Provide for Voting by Absentee Ballot. (2/3 bill)

The roll call on SB 273 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 273 w/SA 1 was returned to the Senate.

Representative Petrilli brought SB 274, sponsored by Senator Cordrey & Representative West, before the House for consideration.

SB 274 - An Act to Amend an Act Being Chapter 457, Volume 60, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Millsboro", as Amended, to Extend the Hours for Voting at the Annual Municipal Election. (2/3 bill)

The roll call on SB 274 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Buckworth - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 274 was returned to the Senate.

Representative Petrilli brought SB 278 w/SA 1, sponsored by Senator Cordrey & Representative West, before the House for consideration.

SB 278 - An Act to Amend an Act Being Chapter 457, Volume 60, Laws of Delaware, Entitled "An Act to Reincorporate the Town of Millsboro", as Amended, to Allow Contributions to a Library Servicing Millsboro. (2/3 bill)

Representatives Jonkiert, Petrilli & West made comments.

The roll call on SB 278 w/SA 1 was taken and revealed:

YES: 38.

NO: Representative Jonkiert - 1.

ABSENT: Representatives Amick, Mack - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 278 w/SA 1 was returned to the Senate.

Representative Roy brought HB 421, jointly sponsored by Senator Sharp & Representatives Carey, Oberle, Taylor, Jonkiert & B. Ennis & Senators Cook, McBride, Venables, Knox & Hauge, before the House for consideration.

HB 421 - An Act to Amend Volume 69, Laws of Delaware, Chapter 77, Being the 1994 Bond and Capital Improvements Act of the State of Delaware. (3/4 bill)

Representatives Roy & George made comments.

The roll call on HB 421 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, HB 421 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle moved to lift HB 397 w/HA 1 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Oberle brought HB 397 w/HA 1, jointly sponsored by Representatives Wagner & Banning & Senator Voshell & cosponsored by Representative Lofink, before the House for consideration.

HB 397 - An Act to Amend Chapter 43, Title 11 of the Delaware Code Relating to Sentencing, Probation, Parole and Pardons and Notification Requirements.

Representative Oberle introduced and brought HA 3 to HB 397 before the House for consideration.

Representative Oberle made comments.

HA 3 to HB 397 was adopted by voice vote.

Representative Oberle made comments.

The roll call on HB 397 w/HA 1 & 3 was taken and revealed:

YES: 40.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority, HB 397 w/HA 1 & 3 was sent to the Senate for concurrence.

Representatives Bennett & Quillen were granted the privilege of the floor for comments regarding Conrail's Dover operations.

Mr. Speaker Spence made an announcement regarding Representative Amick.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 65, 66, 68, 69, 70, SJR 29, HB 313, HCR 46, HCR 53 & HB 410.

The Majority Leader moved to recess to the call of the Chair at 5:25 p.m.

17th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
April 19, 1994

Mr. Speaker Spence called the House to order at 2:13 p.m.

The Reading Clerk read the following communications into the record:

United States Bankruptcy Court
District of Delaware
April 8, 1994
Ms. Joann M. Hedrick
Chief Clerk of the House

Mr. Bernard J. Brady
Secretary of the Senate

Legislative Hall
Dover, Delaware 19901

Legislative Hall
Dover, Delaware 19901

Dear Ms. Hedrick and Mr. Brady:

Thank you for sending me a copy of Senate Concurrent Resolution No. 63.

Please express to the members of the Senate and the House my appreciation for this honor.

Sincerely,
Helen S. Balick

HSB/nh

April 6, 1994

LEGISLATIVE ADVISORY #39

The following legislation was signed by Governor Thomas R. Carper on the dates indicated:

3/29/94 - SB 139 aab SA 2. 3/31/94 - HB 21 aab HA 1 & HA 1 to HA 1, HB 212 aab HA 1, HB 170 aab HA 1, HB 24 aab HA 1, SB 173 aab SA 1 & SB 282. 4/01/94 - HB 410.

The following legislation became effective on the date indicated without the signature of the Governor. 3/29/94 - HJR 9.

April 12, 1994

LEGISLATIVE ADVISORY #40

The following legislation was signed by Governor Thomas R. Carper on the dates indicated:

4/11/94 - HB 379 aab HA 1, HJR 14, HB 313, SB 140, SB 57, SB 278 aab SA 1, SB 274 & SB 273 aab SA 1. 4/12/94 - HB 405 & SB 258 aab SA 2.

April 15, 1994

LEGISLATIVE ADVISORY #41

The following legislation was signed by Governor Thomas R. Carper on the date indicated:

4/15/94 - SJR 31.

The Majority Leader moved to adjourn at 2:15 p.m., thereby ending the current legislative day. The House reconvened at 2:16 p.m.

The Chief Clerk called the roll.

Members Present: 39.

Members Absent: Representatives Amick, West - 2.

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 out-of-session prefiled legislation was introduced:

HS 1 to HB 219 - B. ENNIS; SENATOR VAUGHN; REPRESENTATIVES BANNING, HOUGHTON, WEST - R & F: An Act to Amend Chapter 30, Title 30, Delaware Code Relating to Motor Vehicle Dealer License Fee.

HB 438 - MARONEY, SPENCE, PETRILLI, QUILLEN, BUCKWORTH, CAREY, CAULK, DAVIS, DIPINTO, EWING, LEE, LOFINK, SMITH, SORENSON, WAGNER, BANNING, DILIBERTO, B. ENNIS, HOUGHTON, PLANT, WEST, WOJEWODZKI; SENATOR KNOX - R & F: An Act to Amend Titles 30 and 31 of the Delaware Code Relating to the Federal Earned Income Tax Credit.

HB 439 - BUCKWORTH & SENATOR SHARP - CORR: An Act to Amend Section 4322(a), Chapter 43, Title 11 of the Delaware Code Relating to Protection of Records.

HB 440 - SMITH, GILLIGAN, GEORGE, BRADY - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Intentional Cruelty to Animals.

HB 441 - GEORGE & SENATOR MCDOWELL; REPRESENTATIVE HOLLOWAY - SUBS ABUSE: An Act to Amend Chapter 71 of Title 10, Delaware Code Relating to Illegal Drug Activity and Nuisance.

HB 442 - B. ENNIS, JONKIERT, D. ENNIS, BRADY, CLARK, VANSANT, BANNING, DIPINTO, DILIBERTO, WEST, WOJEWODZKI, HOUGHTON, AMICK - HOUSING & COM AFF: An Act to Amend Chapters 13, 44 and 63 of Title 9, Delaware Code Requiring Building Inspectors in All Three Counties to be Nationally Certified and Amending Title 29 of the Delaware Code by Placing the Certification Process Under the Auspices of the Division of Professional Regulation.

HB 443 - OBERLE, GILLIGAN, QUILLEN, SPENCE; SENATORS ADAMS, SHARP - H/ADM: An Act to Amend Chapter 48, Title 29, Delaware Code, Relating to Coin-Operated-Lotteries at Racetracks, and to Amend Chapter 101, Title 3 and Chapter 4, Title 28, Delaware Code, Relating to Horse Racing and Chapter 100, Title 3 Relating to Harness Horse Racing.

HCR 54 - BRADY & SMITH & SENATORS VOSHELL & BAIR; REPRESENTATIVES BANNING, BRADLEY, BUCKWORTH, BUNTING, CAREY, CAULK, CLARK, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, EWING, FALLON, HOUGHTON, JONKIERT, PETRILLI, QUILLEN, REYNOLDS, SCHROEDER, SORENSON, SPENCE, TAYLOR, VANSANT, WAGNER, WEST; SENATORS ADAMS, BLEVINS, COOK, CONNOR, MCBRIDE, NEAL, STILL, VAUGHN;

REPRESENTATIVE MACK - ED: Creating a School Tax Equity Task Force to Study and Report on Alternatives to Property Taxes for Funding the Local Portion of Public School Funding.

HA 6 to HB 331 - MARONEY - DEFERRED: Placed with the bill.

HA 1 to HB 416 - B. ENNIS - AGENDA: Placed with the bill.

SB 283 w/SA 3 - VOSHELL, ADAMS, BLEVINS, MARSHALL, MARTIN, MCDOWELL, SOKOLA, TORBERT, VENABLES, BAIR, HAUGE, KNOX, NEAL & STILL; REPRESENTATIVES CAREY, BUCKWORTH, DIPINTO, D. ENNIS, EWING, FALLON, LEE, MARONEY, OBERLE, PETRILLI, QUILLEN, REYNOLDS, ROY, SMITH, SORENSON, SPENCE, TAYLOR, WAGNER, BANNING, BENNETT, BRADLEY, BRADY, BUNTING, CLARK, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOLLOWAY, HOUGHTON, JONKIERT, LOFINK, PLANT, SCHROEDER, WEST & WOJEWODZKI - ED: An Act to Amend Title 14 of the Delaware Code Relating to Absentee Voters in School District Elections.

SJR 29 - MCBRIDE & REPRESENTATIVE SCHROEDER; SENATORS KNOX, SOKOLA, VOSHELL; REPRESENTATIVES MACK, REYNOLDS, BRADLEY, DIPINTO, LOFINK - ENVIR & NAT RES: Providing for the Establishment of a Blue Ribbon Task Force to Study and Make Recommendations to the Governor and the Delaware General Assembly for a Statewide, Comprehensive Policy on Recycling Efforts Throughout the State.

SCR 66 - VAUGHN; REPRESENTATIVES BANNING, B. ENNIS - TRANS & INFRA: Urging Governor Thomas R. Carper and Members of the Delaware Congressional Delegation to Seek Assurances From the United States Corps of Engineers That the St. George's Bridge on U.S. 13 Will Not be Closed or Abandoned.

The following prefiled legislation was introduced:

HA 7 to HB 331 - MARONEY - AGENDA: Placed with the bill.

Representatives Maroney, Carey, B. Ennis, VanSant & Spence were granted personal privilege of the floor for the introduction of guests.

The Reading Clerk read the following communications into the record:

April 19, 1994

TO: THE HONORABLE TERRY SPENCE

SPEAKER OF THE HOUSE

FROM: REP. CHARLES P. WEST

DUE TO AN ILLNESS IN THE FAMILY I WILL NOT BE ABLE TO ATTEND SESSION TODAY.

The Majority Leader moved to recess for caucus at 2:23 p.m.

The House reconvened at 4:16 p.m.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #46

DATE: April 19, 1994

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>
H137-800	Schroeder	3/31/94	T	Patricia Rockett/President/DE Fed. of Democratic Organz.
H137-801	Carey	4/05/94	T	McDonald's/Dover/Appreciation Award/Kent-Sussex Industries
H137-802	Carey	4/05/94	T	Diamond State Tool/ /Appreciation Award/K.S.I.
H137-803	Carey	4/05/94	T	Baltimore Aircoil/Milford/ Appreciation Award/K.S.I.
H137-804	Carey	4/05/94	T	Milford Lions Club/Appreciation Award/K.S.I.
H137-805	Carey	4/05/94	T	L.D. Caulk/Milford/Appreciation Award/K.S.I.
H137-806	Carey	4/05/94	T	Scott Paper Co./Dover/ Appreciation Award/K.S.I.
H137-807	Carey	4/05/94	T	Playtex Apparel/Dover/Partnership Award/K.S.I.
H137-808	Carey	4/05/94	T	Intervet America/Millsboro/ Appreciation Award/K.S.I.
H137-809	Spence	4/09/94	T	Robert A. Walton/Eagle Scout
H137-810	Wagner	4/05/94	T	Judith F. Leaming/ Service/Capital School Board
H137-811	Quillen	4/09/94	T	David G. Jones/Retirement/25 Yrs./J.C. Penney National Bank

H137-812	Quillen	4/07/94	T	Harrington New Century Club/ 85 Yrs./Dedicated Service
H137-813	Oberle	4/08/94	T	Dieter Liede/Retirement/Robert Bosch/GMBH
H137-814	Bennett	4/18/94	T	Nacel Cultural Exchanges/April 18, 1994/Student Exchange Day
H137-815	Bennett	5/03/94	T	Randall Chang/Trip to Belgium

T - Tribute

Representatives Plant, Mack, Brady, Smith & Reynolds requested that they be marked present.

Representative Brady requested that HB 172 be stricken.

Representative Petrilli deferred to Representative Fallon.

Representative Fallon introduced HJR 16, jointly sponsored by Senator Venables & cosponsored by Representatives Ewing & Bennett.

Mr. Speaker appointed Representative Lofink to the Judiciary & Corrections Committees.

Representatives Holloway & Bradley requested that they be marked present.

HJR 16 - Relating to the Construction and Enforcement of Federal Child Pornography Law.

Mr. Speaker assigned HJR 16 to the Human Needs & Development Committee.

Representative Petrilli deferred to Representative Maroney.

Representatives Bennett & Schroeder requested that they be marked present.

Representative Maroney brought HB 331, jointly sponsored by Representative Gilligan & Senator Holloway & Representatives DiPinto, Jonkiert & Bradley, before the House for consideration.

HB 331 - An Act to Amend Chapter 93, Title 16, Delaware Code Relating to Health Planning and Resources Management.

Representative Maroney made comments.

Representative Maroney brought HA 1 to HB 331 before the House for consideration.

Representative Maroney made comments.

HA 1 to HB 331 was adopted by voice vote.

Representative Smith brought HA 2 to HB 331, jointly sponsored by Representative Amick, before the House for consideration.

Representatives Smith, Bennett, DiPinto, Davis, D. Ennis, Taylor, Bunting, Bradley, Bennett, Smith, Maroney & Sorenson made comments.

The roll call on HA 2 was taken and revealed:

YES: Representatives Bunting, Caulk, Davis, Oberle, Smith, Taylor - 6.

NO: 27.

NOT VOTING: Representatives Brady, Fallon, Plant - 3.

ABSENT: Representatives Amick, George, Reynolds, VanSant, West - 5.

Therefore, not having received a constitutional majority, HA 2 to HB 331 was declared defeated.

Representative Maroney brought HA 3 to HB 331 before the House for consideration.

Representative Maroney made comments.

HA 3 to HB 331 was adopted by voice vote.

Representative Maroney requested that HA 4 to HB 331 be stricken.

Representative Maroney brought HA 5 to HB 331 before the House for consideration.

Representative Maroney made comments.

HA 5 to HB 331 was adopted by voice vote.

Representative Maroney requested that HA 6 to HB 331 be stricken.

Representative Maroney brought HA 7 to HB 331 before the House for consideration.

Representative Maroney made comments.

HA 7 to HB 331 was adopted by voice vote.

Representative Maroney made comments.

Representative Bennett requested and was granted the privilege of the floor for Ernst Danneman, citizen working on health care.

Representatives Bunting, D. Ennis, Smith & Maroney made comments.

Representative Maroney introduced and brought HA 8 to HB 331 before the House for consideration.

Representative Maroney made comments.

HA 8 to HB 331 was adopted by voice vote.

The roll call on HB 331 w/HA 1,3,5,7 & 8 was taken and revealed:

YES: 33.

NO: Representatives Bunting, Caulk, Oberle, Smith, Taylor - 5.

NOT VOTING: Representative Banning - 1.

ABSENT: Representatives Amick, West - 2.

Therefore, having received a constitutional majority, HB 331 w/HA 1,3,5,7 & 8 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative B. Ennis.

Representative B. Ennis brought HS 1 to HB 199 w/SA 1, jointly sponsored by Representative Wagner & Senator Vaughn & Representatives Ewing, Lee, VanSant, Banning, West, Clark, Amick, Spence, Caulk, Davis, Lofink, Oberle, Petrilli, Sorenson, Taylor, DiPinto, Reynolds, Jonkiert & Gilligan & Senators Torbert, Blevins, Cook, Holloway, Sokola, Voshell, Bair & Knox, before the House for concurrence on SA 1.

HB 199 - An Act to Amend Chapter 9, Title 10, Delaware Code Relating to the Prosecution of Homicides Committed by Juveniles.

Representative B. Ennis made comments.

The roll call on HS 1 to HB 199 w/SA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, Buckworth, West - 3.

Therefore, having received a constitutional majority, HS 1 to HB 199 w/SA 1 was sent to the Governor.

Representative Petrilli deferred to Representative Lee.

Representative Lee moved to lift HB 127 w/HA 1 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Lee brought HB 127 w/HA 1, jointly sponsored by Representatives Amick, Buckworth & Ewing & Senator Vaughn, before the House for consideration.

HB 127 - An Act to Amend Chapter 43, Title 11 of the Delaware Code, Relating to the Compensation of Members of the Board of Parole. (F/N)

Representative Ewing attempted to strike HA 1 to HB 127. HA 1 is part of HB 127.

Representatives Lee, Plant & Jonkiert made comments.

The roll call on HB 127 w/HA 1 was taken and revealed:

YES: 24.

NO: Representatives Bennett, George, Gilligan, Houghton - 4.

NOT VOTING: Representatives Bradley, Bunting, Caulk, Clark, Davis, Holloway, Mack, Maroney, Sorenson, VanSant - 10.

ABSENT: Representatives Amick, Buckworth, West - 3.

Therefore, having received a constitutional majority, HB 127 w/HA 1 was sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Al O. Plant, Sr., do hereby request that my name be removed as Co-Sponsor of HB 411.

Date: 4/19/94.

Signed: Al O. Plant, Sr.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Al O. Plant, Sr., do hereby request that my name be removed as Co-Sponsor of HB 412.

Date: 4/19/94.

Signed: Al O. Plant, Sr.

The Majority Leader moved to recess to the call of the Chair at 5:20 p.m.

18th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
April 20, 1994

Mr. Acting Speaker Quillen called the House to order at 2:06 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: HB 205 w/HA 1.

The Majority Leader moved to adjourn at 2:07 p.m., thereby ending the current legislative day.

The House reconvened at 2:08 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Amick - 1.

A prayer was offered by Representative Richard F. Davis, Twenty-Sixth 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 444 - BUCKWORTH - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Crimes Affecting the Safety of Delaware Schools. (2/3 bill).

HA 1 to HB 391 - WAGNER - AGENDA: Placed with the bill.

HA 2 to HB 416 - JONKIERT & B. ENNIS - AGENDA: Placed with the bill.

HA 2 to SB 49 - BUCKWORTH - TRANS & INFRA: Placed with the bill.

HA 3 to SB 49 - BUCKWORTH - TRANS & INFRA: Placed with the bill.

HA 1 to SB 122 - OBERLE - AGENDA: Placed with the bill.

HA 1 to SB 179 - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

Representative Bradley was granted the privilege of the floor for the introduction of guests.

Representatives Bennett, West, Wojewodzki & DiLiberto requested that they be marked present.

The Majority Leader moved to recess for committee meetings at 2:12 p.m.

The House reconvened at 4:18 p.m.

Representatives Mack & Spence requested that they be marked present.

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

HUM NEEDS & DEV: HB 423 - 6M; HB 435 - 1F,5M; HB 436 - 6M; HJR 16 - 2F,4M.

P/S: HB 195 - 5M,1U; HB 433 - 4M.

CORR: HB 439 - 1F,5M; SJR 25 - 6M.

JUD: HB 434 - 1F,6M; HB 440 - 7M.

HOUSING & COM AFF: HB 387 - 5M.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #47

DATE: April 20, 1994

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
H137-816	Sorenson	4/21/94	T	Judith Drexler/Establish Links/ Religious/Ethnic/Racial
H137-817	Sorenson	4/15/94	T	Junior League of Wilmington/ Ground Breaking Ceremony
H137-818	Wagner	5/11/94	T	James A. Flood, Sr./Small Businessperson of Year
H137-819	Wagner	4/05/94	M	Reverend John Ross Hays
H137-820	B. Ennis	4/16/94	T	Mary Louise Conley/State President/VFW Auxiliary
H137-821	B. Ennis	3/30/94	T	Lt. Nelson Mesick/Retirement/ 28 Yrs./Smyrna Police Dept.
H137-822	Fallon	4/13/94	T	Wilma Jones/100th Birthday
H137-823	Maroney	4/21/94	T	Michael E. Norman, M.D./ Distinguished Serv./Children
H137-824	Fallon	4/21/94	T	Donna Harris/Successful Effort at Reviving Infant
H137-825	Bennett	4/20/94	T	Richard & Lillian Acosta/1993 USO Volunteers of Year
H137-826	B. Ennis	4/21/94	T	Eleanor Davis/1994 Governor's Outstanding Volunteer Award
H137-827	Reynolds & Mack	4/22/94	T	Harry Kutch/Samuel Greitzer Coaching Award
H137-828	Buckworth	4/22/94	T	Wyoming-Camden Round Table Club/93rd Anniversary
H137-829	DiPinto	4/27/94	T	Robert Erb, M.D./Physician's Hall of Fame/St. Francis
H137-830	DiPinto	4/27/94	T	Late P. Reed Walker, M.D./Physician's Hall of Fame/St. Francis
H137-831	DiPinto	4/27/94	T	William Duncan, M.D./ /Physican's Hall of Fame /St. Francis
H137-832	Carey	4/30/94	T	Evelyn Hopkins/Dist. Serv./ Milton Chamber of Commerce

T - Tribute

M - Memoriam

Mr. Speaker Spence resumed the Chair.

The following prefiled Consent Calendar #22 was introduced:

HR 69 - ROY ON BEHALF OF ALL REPRESENTATIVES - Congratulating the Parent Teacher's Association for Its Devotion to Delaware Schools.

HR 70 - SMITH - Bidding a Fond Fiscal Farewell to Director of Revenue, Robert Chasant.

HCR 55 - OBERLE & SENATOR SHARP - Recognizing April 28, 1994 as Workers Memorial Day on Behalf of Our Colleagues, Co-Workers, and Others Who Have Been Either Injured, Made Sick or Died on the Job.

SCR 65 - CONNOR, MCBRIDE; REPRESENTATIVES MACK, HOUGHTON - Expressing Condolences to the Family of Timothy M. Scott Who Was Tragically Killed on Sunday, March 13, 1994 While Working on I-95 With a Pothole-Filling Crew for DelDot.

SCR 68 - CONNOR; REPRESENTATIVE SPENCE; ALL MEMBERS OF THE SENATE; REPRESENTATIVES PETRILLI, QUILLEN - Acknowledging April 24-30, 1994, as Professional Secretaries Week and April 27, 1994, as Professional Secretaries Day.

SCR 69 - ADAMS; REPRESENTATIVE EWING - Recognizing the Historic Name Change of the Diamond State Telephone Company to Bell Atlantic-Delaware, Inc. on the Occasion of the Adoption of a Unified Brand Identity by All Bell Atlantic Companies.

SCR 70 - MCBRIDE & REPRESENTATIVE VANSANT; ALL SENATORS & ALL REPRESENTATIVES - Extending to General Motors Corporation the Heartfelt Thanks of the Citizens of Delaware for Their Decision to Study the Feasibility of Using the General Motors Boxwood Road Plant for Future New Car Production, Together With the Assurance of the Delaware General Assembly of Any and All Support for Their Efforts.

Consent Calendar #22 was adopted by voice vote and HCR 55 was sent to the Senate for concurrence and SCR 65, SCR 68, SCR 69 & SCR 70 were returned to the Senate.

Representatives Gilligan, Brady, Clark, B. Ennis, Reynolds & Holloway requested that they be marked present.

The Majority Leader moved to recess to the call of the Chair at 4:24 p.m.

19th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
April 21, 1994

Mr. Speaker Spence called the House to order at 2:22 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 71 & HB 82 w/SA 1.

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

ED: HB 414 - 1F,3M.

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

The Majority Leader moved to adjourn at 2:23 p.m., thereby ending the current legislative day.

The House reconvened at 2:24 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Amick, Lofink, Roy - 3.

A prayer was offered by Representative V. George Carey, Thirty-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.

The following prefiled legislation was introduced:

HB 445 - PETRILLI - JUD: An Act to Amend Chapter 81, Title 10 of the Delaware Code Relating to Personal Actions and Abolishing the Economic Loss Doctrine.

HA 1 to HB 431 - EWING - P/S: Placed with the bill.

Representative George requested that he be marked present.

Representatives Ewing, Fallon, Carey, Bunting, Wojewodzki, George & Buckworth introduced guests.

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

SUBS ABUSE: HB 441 - 1F,4M.

Representatives Taylor & DiPinto requested that they be marked present.

Representative Quillen introduced HB 446, jointly sponsored by Representative DiPinto & Senator McBride.

HB 446 - An Act to Amend Chapter 5, Title 29, of the Delaware Code Relating to State Historical Objects.

Mr. Speaker assigned HB 446 to the House Administration Committee.

Representative Bennett introduced HB 447, jointly sponsored by Representatives Lee, Schroeder & Spence & Senators Blevins, Sokola, Torbert & Voshell.

HB 447 - An Act to Amend Chapter 17, Title 14, Delaware Code Relating to Division II.

Mr. Speaker assigned HB 447 to the Education Committee.

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

The Majority Leader moved to recess for caucus at 2:40 p.m.

The House reconvened at 4:00 p.m.

Representative Petrilli deferred to Representative Banning.

Representative Banning introduced HB 448, jointly sponsored by Senator Vaughn &

Representatives B. Ennis, Lofink, Brady, Buckworth, Caulk, Clark, D. Ennis, Holloway & Jonkiert & cosponsored by Representative Quillen.

Representatives Brady, Plant, Mack, Reynolds & Jonkiert requested that they be marked present.

HB 448 - An Act to Amend Title 9 of the Delaware Code Relating to School Impact Fees. (3/5 bill)

Mr. Speaker assigned HB 448 to the Housing & Community Affairs Committee.

Representative Maroney introduced HB 449, jointly sponsored by Representatives Spence, Petrilli, Quillen, Buckworth, Carey, Davis, DiPinto, Ewing, Smith, Bennett, Bunting, Houghton, Jonkiert & VanSant & Senator Adams.

HB 449 - An Act to Amend Titles 18 and 24 of the Delaware Code Relating to Nursing by Changing the Qualifications and Authorization to Practice of Advanced Nurses.

Mr. Speaker assigned HB 449 to the Human Needs & Development Committee.

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

Representative Plant made comments.

The Reading Clerk read the following communication into the record at the request of

Representative Plant:

April 20, 1994

Dr. Charles Smailer
Office of Civil Rights
U.S. Department of Education
Region 3
3535 Market Street
Philadelphia, PA 19104-3326
Dear Dr. Smailer:

I write in furtherance of my March 14, 1994 complaint regarding discriminatory policies and practices in the public schools of the State of Delaware.

I am gravely concerned with the allegations that have been brought to the attention of the Coalition to Save Our Children. It is alleged that approximately ten to fifteen black professionals within all four of the districts under federal court order to desegregate are about to be terminated because of the Pre-Professional Skills Test (PPST). On the other hand, it has been alleged that several administrators in the Department of Public Instruction as well as some superintendents in the four districts have not even taken the test that is required by law. If these allegations are true, this would represent the epitome of discrimination. It appears that the overwhelming majority of professional staff being disenfranchised by the PPST throughout the state are black. However, those professionals hired within the Department of Public Instruction as well as superintendents in local districts who have not had to take the test are overwhelmingly white. If these allegations are substantiated, it poses an intolerable, fundamentally unfair, discriminatory practice. In this regard, your prompt investigation and intervention is necessitated to eliminate black professionals from being terminated while their white counterparts and employers are not held to the same standard.

Regrettably, state officials in Delaware cannot be trusted to substantiate or deny allegations of discrimination in the Delaware Public Schools. As proof of this, I am attaching to this letter a copy of a two-volume complaint filed with the State Office of Human Relations in 1992. The original complaint was filed in March 1992 by the Wilmington Branch of the NAACP. An amended complaint was filed by the Coalition to Save Our Children in July of 1992. A hearing was held in August of 1992. To date, the complaint has not been acted upon, and no findings or determinations have been made. Therefore, I am respectfully requesting that:

1. your office promptly investigate the allegations set forth in the preceding paragraphs regarding the PPST and the discriminatory practices pertaining thereto.
2. your office investigate the enclosed two-volume complaint regarding discriminatory practices in the Christina School District. Again, the State of Delaware has refused to act on this complaint since March 1992.

It is my firm belief that allegations of discriminatory practices should not have to wait two years to be acted upon. In short, black children and black professionals in the State of Delaware are in dire need of your assistance.

Thank you for your consideration.

Sincerely,
Al O. Plant, Sr.

State Representative
2nd District

AOP,Sr/hjv

cc: Senator William V. Roth, Jr. without enclosure

Senator Joseph R. Biden, Jr. without enclosure

Representative Michael N. Castle, without enclosure

County Executive Dennis Greenhouse, without enclosure

Mayor James H. Sills, Jr., without enclosure

Mr. Paul R. Fine, President, State Board of Education, without enclosure

Mr. Andrew Turner, Director State Human Relations Board, without enclosure

Mr. Keith Booker, President, Wilm. Branch NAACP, without enclosure

Mr. Jea Street, Chair, Coalition to Save Our Children, without enclosure

Representatives Plant, Davis & Gilligan made comments.

Representative Petrilli brought HB 82 w/SA 1, sponsored by Representatives Spence & Mack & Senator Sharp, before the House for concurrence on SA 1.

HB 82 - An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to Education.

Representative Petrilli made comments.

The roll call on HB 82 w/SA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, Lofink, Roy - 3.

Therefore, having received a constitutional majority, HB 82 w/SA 1 was sent to the Governor.

Representatives Bradley & Holloway requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HB 394 before the House for consideration.

HB 394 - An Act to Amend Section 2708, Chapter 27, Title 21 of the Delaware Code Relating to School Bus Driver Qualifications and Drug Testing.

Representative Wagner introduced and brought HA 1 to HB 394 before the House for consideration.

Representatives Wagner, DiPinto & Oberle made comments.

HA 1 to HB 394 was adopted by voice vote.

Representatives Wagner & Houghton made comments.

Representative Wagner requested and was granted the privilege of the floor for Harlan Tull, State Transportation Supervisor, Department of Public Instruction.

Representatives Houghton, Ewing, Wagner & Davis made comments.

The roll call on HB 394 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, Lofink, Roy - 3.

Therefore, having received a constitutional majority, HB 394 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HB 395 before the House for consideration.

HB 395 - An Act to Amend Section 2708, Chapter 27, Title 21 of the Delaware Code Relating to School Bus Driver Qualifications and a Conviction Relating to Drug Paraphernalia.

Representative Wagner introduced and brought HA 1 to HB 395 before the House for consideration.

Representative Wagner made a comment.

HA 1 to HB 395 was adopted by voice vote.

Representatives Wagner, Holloway, Plant & Houghton made comments.

Representative Houghton requested and was granted the privilege of the floor for Harlan Tull, State Transportation Supervisor, Department of Public Instruction.

Representatives Houghton, Plant, Wagner & Holloway made comments.

Representative Wagner moved to place HB 395 w/HA 1 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle brought SB 122, sponsored by Senator Vaughn & Representatives D. Ennis, Ewing, Houghton & Spence, before the House for consideration.

SB 122 - An Act to Amend Chapter 23, Subchapter III, Title 19, Delaware Code Relating to a Reasonable Fee to Claimant's Attorney for Services on an Appeal.

Representative Oberle brought HA 1 to SB 122 before the House for consideration.

Representative Oberle made comments.

HA 1 to SB 122 was adopted by voice vote.

Representatives Oberle, Bunting, Bennett, Oberle, Plant, Oberle & DiPinto made comments.

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

Representatives Plant, Bunting & Oberle made comments.

Representative Oberle requested and was granted the privilege of the floor for Ron Smith, House Attorney.

Representatives Bunting & Oberle made comments.

The roll call on SB 122 w/HA 1 was taken and revealed:

YES: 36.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Amick, Gilligan, Lofink, Roy - 4.

Therefore, having received a constitutional majority, SB 122 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Petrilli deferred to Representative Buckworth.

Representative Buckworth brought HB 439, jointly sponsored by Senator Sharp, before the House for consideration.

HB 439 - An Act to Amend Section 4322(A), Chapter 43, Title 11 of the Delaware Code Relating to Protection of Records.

Representative Buckworth introduced and brought HA 1 to HB 439 before the House for consideration.

Representative Buckworth made comments.

HA 1 to HB 439 was adopted by voice vote.

Representative Buckworth made comments.

The roll call on HB 439 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, Lofink, Roy - 3.

Therefore, having received a constitutional majority, HB 439 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle requested that action on SB 18 be deferred to a Day Certain, Thursday, May 19, 1994.

Representative Petrilli deferred to Representative B. Ennis.

Representative B. Ennis brought HB 416, jointly sponsored by Senators Torbert, Vaughn, Knox & Still & Representatives Banning, Bennett, Brady, Gilligan, VanSant, Caulk & Oberle, before the House for consideration.

HB 416 - An Act to Amend Subchapter III, Chapter 11, Title 28, Delaware Code Relating to Bingo and Charitable Games.

Representative B. Ennis brought HA 1 to HB 416 before the House for consideration.

Representative B. Ennis made comments.

HA 1 to HB 416 was adopted by voice vote.

Representative Jonkiert brought HA 2 to HB 416, jointly sponsored by Representative B. Ennis, before the House for consideration.

Representatives Jonkiert & Davis made comments.

Representative Jonkiert moved to place HA 2 to HB 416 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Jonkiert introduced and brought HA 3 to HB 416, jointly sponsored by Representative B. Ennis, before the House for consideration.

Representatives Jonkiert & Davis made comments.

Representative Jonkiert requested and was granted the privilege of the floor for Jackie Paradee-Mette, House Attorney.

Representative Davis made comments.

Mr. Speaker declared a recess at 5:24 p.m.

The House reconvened at 5:27 p.m.

Representative Davis made comments.

Representative Jonkiert moved to suspend the rules which interfere with action on HA 3 to HB 416. The motion was seconded by Representative B. Ennis and adopted by voice vote.

Representatives Davis, B. Ennis, Gilligan & Jonkiert made comments.

HA 3 to HB 416 was adopted by voice vote.

Representative B. Ennis made comments.

The roll call on HB 416 w/HA 1 & 3 was taken and revealed:

YES: 30.

NOT VOTING: Representatives Bunting, Carey, Ewing, Oberle, Smith, Sorenson, Taylor - 7.

ABSENT: Representatives Amick, DiPinto, Lofink, Roy - 4.

Therefore, having received a constitutional majority, HB 416 w/HA 1 & 3 was sent to the Senate for concurrence.

Representative Gilligan made comments.
 Representative Petrilli deferred to Representative Wagner.
 Representative Wagner brought HB 391 before the House for consideration.
HB 391 - An Act to Amend Chapter 29, Title 14 of the Delaware Code Relating to Transportation of Pupils.
 Representative Wagner brought HA 1 to HB 391 before the House for consideration.
 Representative Wagner made comments.
HA 1 to HB 391 was adopted by voice vote.
 Representatives Wagner, Plant, Holloway, VanSant & Clark made comments.
 Representative VanSant requested and was granted the privilege of the floor for Jackie Paradee-Mette & Charles Welch, House Attorneys.
 Representative VanSant made comments.
 Representative Holloway rose on a point of order. Mr. Speaker concurred.
 Representatives VanSant, Holloway & Plant made comments.
 Representative Plant requested and was granted the privilege of the floor for Harlan Tull, State Transportation Supervisor, Department of Public Instruction.
 Representative Plant made comments.
 The roll call on HB 391 w/HA 1 was taken and revealed:
 YES: 35.
 NO: Representatives Jonkiert, Plant - 2.
 ABSENT: Representatives Amick, DiPinto, Lofink, Roy - 4.
 Therefore, having received a constitutional majority, HB 391 w/HA 1 was sent to the Senate for concurrence.
 Representative Davis introduced HB 450, jointly sponsored by Representative Smith & Senator Cook & All Representatives & Senators Adams, Blevins, Henry, Martin, McBride, Sokola, Torbert, Vaughn, Venables, Voshell, Bair, Connor, Hauge, Neal & Still.
HB 450 - An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Exemptions.
 Mr. Speaker assigned HB 450 to the Revenue & Finance Committee.
 The Reading Clerk read the following communications into the record:
 April 21, 1994
 TO: House Speaker Terry R. Spence
 FROM: Representative Vincent A. Lofink
 Because of illness, I am unable to attend today's session.
 VALjsy
 The Senate wishes to inform the House that it has passed: SB 288 & SB 281 w/SA 1 & 2.
 The Chief Clerk read the following committee report into the record:
 APPRO: HCR 47 - 6M.
 The Majority Leader moved to recess to the call of the Chair at 5:58 p.m.

20th LEGISLATIVE DAY
 137th GENERAL ASSEMBLY
 Second Session
 April 26, 1994

Mr. Speaker Spence called the House to order at 2:12 p.m.
 The Reading Clerk read the following communication into the record:
 The Senate wishes to inform the House that it has passed: SCR 72.
 Representative Lofink requested that he be marked present for the current Legislative Day.
 Mr. Speaker assigned HB 436 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 Amick - 1.
 A prayer was offered by Representative Richard A. DiLiberto, Jr., Fourteenth Representative District.
 The Speaker led those present in a pledge of allegiance to the American Flag.
 Representative Smith introduced guests.
 Representatives Bennett, George, D. Ennis, B. Ennis, Gilligan & Davis requested that they be marked present.
 Representative Plant was granted personal privilege of the floor.

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

The following prefiled legislation was introduced:

HB 451 - PETRILLI & SPENCE, DAVIS, EWING, QUILLEN, BANNING, CLARK;
SENATORS KNOX, NEAL, ADAMS, SOKOLA, VAUGHN - ED: An Act to Amend Chapter 14, Title 14, Delaware Code, Relating to Teacher Certification.

HB 452 - CAREY, BUNTING; SENATOR VENABLES - ENV & NAT RES: An Act to Amend Chapter 23, Title 7 of the Delaware Code Relating to the Commercial Crab Pot License. (3/5 bill)

HB 453 - CAREY, BUNTING; SENATOR VENABLES - ENV & NAT RES: An Act to Amend Chapter 19, Title 7 of the Delaware Code Relating to the Commercial Crab Pot License.

HB 454 - SORENSON & SENATOR SOKOLA; REPRESENTATIVES CAREY, CAULK, D. ENNIS, EWING, FALLON, MARONEY, QUILLEN, REYNOLDS, TAYLOR, BENNETT, BRADY, PLANT, WOJEWODZKI; SENATORS BAIR, KNOX, NEAL, BLEVINS, VENABLES - ED: An Act to Amend Delaware Code, Title 14, Chapter 13, Relating to Prior Experience of Selected Categories of School Personnel.

HA 2 to HB 195 - DAVIS - AGENDA: Placed with the bill.

HA 2 to HB 395 - WAGNER - L.O.T.: Placed with the bill.

HA 1 to HCR 54 - BRADY - ED: Placed with the bill.

SB 281 w/SA 1 & 2 - MARTIN, MARSHALL, SOKOLA, BLEVINS, VOSHELL, BAIR & KNOX; REPRESENTATIVES TAYLOR, SORENSON, LEE, SMITH, PETRILLI, AMICK, BENNETT, BRADLEY, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, PLANT - P/S: An Act to Amend Title 11 of the Delaware Code Relating to the Possession of Handguns by Juveniles.

SB 288 - CORDREY, MARTIN, MARSHALL, COOK, SHARP, BAIR, CONNOR & NEAL; REPRESENTATIVES DIPINTO, BENNETT, PETRILLI, SPENCE, QUILLEN, DAVIS, ROY, SMITH, GEORGE, GILLIGAN - R & F: An Act to Amend Chapter 61, Title 29, Delaware Code, Regarding the Creation of the Twenty-First Century Fund. (F/N)

SCR 72 - MCBRIDE; REPRESENTATIVES WOJEWODZKI, DILIBERTO, BRADLEY; SENATOR VOSHELL - ECON DEV, B & I: Expressing the Delaware General Assembly's Intent That Insurance Coverage for Certain Periodic Mammographic Examinations, as Set Forth in 69 Laws of Delaware, Chapter 166 (Formerly Senate Bill No. 142) be Required of Self-Insured Companies as Well as Those Insurance Providers Mandated to Provide This Coverage Under 69 Laws of Delaware Chapter 166.

The Reading Clerk read the following communication into the record at the request of

Representative Plant:

United States Department of Education
Philadelphia, PA
Honorable Al O. Plant, Sr.
Delaware House of Representatives
Second District
Wilmington, Delaware 19802
Dear Mr. Plant:

This will acknowledge our March 29, 1994 receipt of your complaint dated March 14, 1994, to the Secretary, U.S. Department of Education, against all school districts in the State of Delaware that receive Federal funds. In your complaint, you alleged that these districts discriminate against students on the basis of race in the application of discipline and expulsion and in the placement of students in special education. Additionally, you alleged that the districts discriminate against African-American teachers in hiring and by using a discriminatory employment test.

The Office for Civil Rights (OCR), U.S. Department of Education (the Department), has responsibility for enforcing Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation, 34 C.F.R. Part 100, among recipients of Federal financing assistance from the Department. Title VI prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Because these districts receive Federal financial assistance, they are subject to the provisions of the Title VI regulation.

On April 18, 1994, Mr. Charles Smailer, of my staff, contacted you by telephone to discuss your complaint. As discussed, we have evaluated your complaint and determined that because of the scope of your complaint and the inclusion of the issue of overrepresentation of minority students in special education, which OCR regards as a priority issue, a massive amount of regional resources would be required to resolve the issues raised by your complaint. Thus, in accordance with OCR procedures, we are closing your complaint and will treat the issues under a compliance review. We will initiate the review as soon as possible and will notify you accordingly.

In order to assist us in framing the compliance review issues, we are requesting a copy of the court order referred to in your complaint from the U.S. District Court for the District of Delaware. Following our review of that document, we would like to include you or your staff in the process by which we determine which school districts and issues will be included in the compliance review.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

Please be assured that this decision has been carefully evaluated in accordance with the procedures under which OCR operates. If you have any questions, please call Mr. Charles Smailer, Division Director, at (215) 596-6804.

Sincerely,
Dr. Robert A. Smallwood
Regional Civil Rights Director
Region III

Representatives Plant & Bennett made comments.
Representative Fallon requested that she be marked present.
Representative Maroney requested that she be marked present.
Representative Maroney was granted personal privilege of the floor for an announcement.
Representative Petrilli made comments.
Representative Holloway requested that he be marked present.
Representative Holloway made comments.
Representative Brady requested that he be marked present.
Representatives DiLiberto & Maroney were granted personal privilege of the floor for the introduction of guests.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #48

DATE: April 26, 1994

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>
H137-833	Carey	4/30/94	T	Anna Athey/Distinguished Serv./Milton Chamber of Commerce
H137-834	Carey	4/30/94	T	Nora Martin/Dist. Serv./Milton Chamber of Com.
H137-835	Carey	4/30/94	T	Carol Webster/Dist. Serv./Milton Chamber of Commerce
H137-836	DiPinto	4/22/94	T	DE Theater Co./15 Yrs./Theatrical Performances
H137-837	Gilligan	4/23/94	T	Stanton/Newport Little League/25th Anniversary
H137-838	Fallon	4/20/94	T	Peg Gerard/Inducted/BPW Hall of Fame
H137-839	Mack & Reynolds	4/22/94	T	Marybeth Kessler/DE Assoc./Student Councils/Advisor of Yr.
H137-840	Carey	4/30/94	T	Senator Thurman Adams/Dist. Serv./Milton Chamber
H137-841	Carey	4/30/94	T	Radio Station WXPZ/Business of Year/Milton Chamber
H137-842	Carey	4/30/94	T	A. Pauline Wilson/Citizen of Year/Milton Chamber of Com.
H137-843	Carey	4/30/94	T	Milton Clipper Express/Com. Serv./Milton Chamber
H137-844	Carey	4/30/94	T	Jack Clark/Lifetime Achievement /Milton Chamber
H137-845	Quillen	4/23/94	T	DE State Fair/75th Anniversary
H137-846	DiPinto	4/24/94	T	Westminster Presbyterian Church/Renovations/Dedication
H137-847	Smith	4/23/94	T	N. Ray & Judith A. Hester/Preservation/Darley House
H137-848	Carey	4/30/94	T	DNREC/Certificate of Apprec. /Milton Chamber of Commerce

T - Tribute

The Majority Leader moved to recess for caucus at 2:33 p.m.

The House reconvened at 3:45 p.m. with Representative Quillen as Acting Speaker.

Representative Buckworth requested that he be marked present.

Representative Schroeder brought HB 417, jointly sponsored by Representative Bunting & Senators Cordrey & Voshell & cosponsored by Representative Buckworth, before the House for consideration.

HB 417 - An Act to Amend Subchapter VII, Chapter 5, Title 11 of the Delaware Code Relating to Bomb Threats.

Representative Schroeder introduced and brought HA 1 to HB 417 before the House for consideration.

Representative Schroeder made comments.

Representative Schroeder HA 1 to HB 417 was adopted by voice vote.

Representatives Schroeder, Petrilli, Davis & Schroeder made comments.

Representative Schroeder moved to place HB 417 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Brady requested that action on HB 433 be deferred to a Day Certain, Thursday, April 28, 1994.

Mr. Speaker Spence resumed the Chair.

Representative Brady brought HB 318, jointly sponsored by Representatives Schroeder, Banning, Bennett, Bradley, Bunting, Clark, B. Ennis, Houghton, Jonkiert, VanSant, West, Amick, Carey, Caulk, Davis, D. Ennis, Ewing, Lee, Lofink, Mack, Oberle, Quillen, Reynolds, Roy, Sorenson, Smith, Spence & Wagner & Senators Holloway, Sokola, Vaughn, Voshell, Knox, Neal & Still, before the House for consideration.

HB 318 - An Act to Amend Chapter 47, Title 29 of the Delaware Code Relating to DNA Analysis and Data Bank, and to Amend Chapter 35, Title 11 of the Delaware Code to Provide DNA Profile Admissibility. (2/3 bill)

Representative Brady made comments.

The roll call on HB 318 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,

HB 318 was sent to the Senate for concurrence.

Representatives Jonkiert, Mack, Reynolds, Roy, Schroeder & Taylor requested that they be marked present during the roll call.

Representative D. Ennis brought HB 356 before the House for consideration.

HB 356 - An Act to Amend Title 18 of the Delaware Code Relating to the Insurance Code to Limit the Amount of Surplus in a Single Investment.

Representative D. Ennis brought HA 1 to HB 356 before the House for consideration.

Representative D. Ennis made comments.

HA 1 to HB 356 was adopted by voice vote.

Representative D. Ennis made comments.

The roll call on HB 356 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Plant - 2.

Therefore, having received a constitutional majority, HB 356 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Fallon.

Representative Fallon brought HJR 16, jointly sponsored by Senator Venables & cosponsored by Representatives Ewing & Bennett, before the House for consideration.

HJR 16 - Relating to the Construction and Enforcement of Federal Child Pornography Law.

Representative Fallon made comments.

The roll call on HJR 16 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, Carey, Plant - 3.

Therefore, having received a constitutional majority, HJR 16 was sent to the Senate for concurrence.

Representative George brought HB 441, jointly sponsored by by Senator McDowell & cosponsored by Representative Holloway, before the House for consideration.

HB 441 - An Act to Amend Chapter 71 of Title 10, Delaware Code Relating to Illegal Drug Activity and Nuisance.

Representatives George & Oberle made comments.

Representative George requested and was granted the privilege of the floor for Jackie Paradee-Mette, House Attorney.

Representatives Oberle, DiPinto, Ewing, Holloway, Oberle & George made comments.

The roll call on HB 441 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Plant - 2.

Therefore, having received a constitutional majority, HB 441 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HB 435, jointly sponsored by Senator Blevins & Representatives Spence, Petrilli, Quillen, Buckworth, Davis, DiPinto, D. Ennis, Reynolds, Roy, Sorenson, Wagner, Bennett, Bradley, Brady, Bunting, Gilligan, Jonkiert, Plant & West & Senators Marshall, Venables, Voshell, Bair, Knox & Neal, before the House for consideration.

HB 435 - An Act to Amend Chapter 8, Title 13 of the Delaware Code Relating to Paternity; and Including Provisions for the Voluntary Acknowledgement of Paternity; and to Amend Chapter 31, Title 16 of the Delaware Code, Relating to Vital Statistics, to Provide for an In-Hospital Procedure for Voluntary Acknowledgement of Paternity; and to Amend Chapter 13, Title 13 of the Delaware Code Relating to Illegitimate Children.

Representatives Maroney, Oberle, Smith, Davis & Maroney made comments.

The roll call on HB 435 was taken and revealed:

YES: 38.

NOT VOTING: Representative Oberle - 1.

ABSENT: Representatives Amick, West - 2.

Therefore, having received a constitutional majority, HB 435 was sent to the Senate for concurrence.

Representative Schroeder moved to lift HB 417 w/HA 1 from the Speaker's table. The motion was seconded by Representative Holloway and adopted by voice vote.

Representative Schroeder brought HB 417 w/HA 1, jointly sponsored by Representative Bunting & Senators Cordrey & Voshell & cosponsored by Representative Buckworth, before the House for consideration.

HB 417 - An Act to Amend Subchapter VII, Chapter 5, Title 11 of the Delaware Code Relating to Bomb Threats.

Representative Schroeder introduced and brought HA 2 to HB 417 before the House for consideration.

Representative Schroeder made comments.

HA 2 to HB 417 was adopted by voice vote.

Representative Schroeder made comments.

The roll call on HB 417 w/HA 1 & 2 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority, HB 417 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Bennett requested that HB 357 be stricken.

The Reading Clerk read the following communications into the record:

TO: Terry R. Spence

Speaker of the House

DATE: April 26, 1994

FROM: Rep. Steven C. Taylor

RE: Absence from session

Due to a business commitment on Wednesday, April 27 and Thursday, April 28 I will be out of town and unable to attend session.

jk/cc: JoAnne Hedrick

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Terry R. Spence, do hereby request that my name be removed as Co-Sponsor of HB 449.

Date: 4/26/94.

Signed: Terry R. Spence.

Mr. Spence Spence made announcements.

The Majority Leader moved to recess to the call of the Chair at 4:48 p.m.

21st LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
April 27, 1994

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: HB 409, SB 285 & SB 299.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative G. Robert Quillen, do hereby request that my name be removed as Co-Sponsor of HB 449.

Date: April 26, 1994.

Signed: G. Robert Quillen.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Al O. Plant, Sr., do hereby request that my name be removed as Co-Sponsor of HB 449.

Date: April 26, 1994.

Signed: Al O. Plant, Sr.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Joseph R. Petrilli, do hereby request that my name be removed as Co-Sponsor of HB 449.

Date: April 26, 1994.

Signed: Joseph R. Petrilli.

Representative D. Ennis introduced & brought HA 1 to HB 373. HA 1 to HB 373 was placed with the bill.

The Majority Whip moved to adjourn at 2:18 p.m., thereby ending the current legislative day. The House reconvened at 2:19 p.m.

The Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Amick, Holloway, Taylor - 3.

A prayer was offered by Representative Jane Maroney, Tenth 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 455 - DIPINTO, D. ENNIS, LEE, B. ENNIS; SENATORS VAUGHN, STILL - HOUSING & COM AFF: An Act to Amend Title 16 of the Delaware Code Relating to Fees for Permits, Licenses, and Certifications by the State Fire Prevention Commission. (2/3 bill)

HB 456 - SMITH, LOFINK, WAGNER, BRADY, CLARK; SENATOR MCDOWELL - HUM NEEDS & DEV: An Act to Amend Chapter 6, Title 31 of the Delaware Code Relating to the Food Stamp Program.

HA 1 to HB 430 - SMITH - LABOR & HUM RES MAN: Placed with the bill.

HA 1 to HB 443 - DAVIS - H/ADM: Placed with the bill.

HA 2 to HB 443 - DAVIS - H/ADM: Placed with the bill.

HA 3 to HB 443 - DAVIS - H/ADM: Placed with the bill.

HCR 56 - SMITH & SENATOR VENABLES - R & F: Applying to the Congress of the United States to Call a Convention for the Purpose of Proposing an Amendment to the Constitution of the United States to Provide That No Federal Tax Shall be Imposed for the Period Before the Date of Enactment of the Tax.

HCR 57 - BENNETT; SENATOR TORBERT - TRANS & INFRA: Urgently Requesting Conrail, a Pennsylvania Corporation, to Comply Expeditiously With an Agreement Entered Into Back in 1979 With the City of Dover Concerning Switching Operations Within the City Limits During Certain Hours.

SB 285 - VAUGHN, MCBRIDE; REPRESENTATIVES SPENCE, B. ENNIS, BRADY, BANNING - H/ADM: An Act to Amend Chapter 87, Title 29 Delaware Code Relating to the Commission on Veterans' Affairs.

SB 299 - SOKOLA; REPRESENTATIVE SORENSON - ED: An Act to Amend Chapter 27, Title 14 of the Delaware Code Relating to Compulsory School Attendance Requirements.

Representative DiLiberto introduced guests.

Representative Bunting made comments.

Representative B. Ennis requested that he be marked present.

Representatives Houghton, Bradley & Wojewodzki requested that they be marked present.

Representative Quillen introduced guests.

Representative Wagner requested and was granted the privilege of the floor for the introduction of guests and for Jason Mooney, National Wrestling Champion.

Representative Bennett requested that he be marked present.

Representatives Bennett & Buckworth made comments.

Mr. Speaker Spence granted the privilege of the floor to guests.

Mr. Speaker Spence granted the privilege of the floor to Paul Truka, representing Tobin Foundation & Margie Dirlam, testifying on behalf of the blind.

Representatives Buckworth, Plant & Fallon made comments.

Representative D. Ennis made an announcement.

Representatives George, Wojewodzki & Maroney made comments.

Representative Brady requested that he be marked present.

Representative D. Ennis requested a moment of silence in memory of President Richard M. Nixon.

Representative Petrilli requested that he be marked present.

The Majority Leader moved to recess for committee meetings at 2:48 p.m.

The House reconvened at 5:07 p.m. with Representative Quillen as Acting Speaker.

Representative Mack requested that he be marked present.

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

HOUSING & COM AFF: SB 277 w/SA 1 - 6M.

ENVIR & NAT RES: HB 424 - 5M; SJR 29 - 1F,3M.

ECON DEV & B & I: HB 373 - 5M.

H/ADM: HB 407 - 5M; HB 443 - 2F,3M; HB 446 - 5M.

LABOR & HUM RES MAN: HB 427 - 1F,3M.

The following prefiled Consent Calendar #23 was introduced:

HR 71 - OBERLE ON BEHALF OF ALL REPRESENTATIVES - Commemorating the 25th Anniversary of the Margaret S. Sterck School, Delaware's Only School for the Deaf.

HR 72 - MARONEY - Proclaiming May 1-7, 1994, as Suicide Prevention Week in Delaware.

HR 73 - PETRILLI, SPENCE, QUILLEN, GEORGE & GILLIGAN; ON BEHALF OF ALL REPRESENTATIVES - Honoring All Mothers for Their Tireless Efforts in Raising and Nurturing Their Children.

HCR 58 - SPENCE ON BEHALF OF ALL REPRESENTATIVES & SENATOR CORDREY; ON BEHALF OF ALL SENATORS - Honoring Those Individuals Who Have Been Selected as Recipients of the Delaware Award for Excellence and Commitment in State Service.

HCR 59 - BRADLEY, BANNING, BENNETT, BRADY, BUCKWORTH, BUNTING, CAREY, CAULK, CLARK, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HOLLOWAY, HOUGHTON, JONKIERT, LEE, MACK, MARONEY, OBERLE, PETRILLI, PLANT, QUILLEN, SCHROEDER, SORENSON, SPENCE, TAYLOR, VANSANT, WAGNER, WEST, WOJEWODZKI; SENATORS BLEVINS, COOK, CONNOR, CORDREY, HENRY, NEAL, STILL, TORBERT, VAUGHN, VOSHELL - Recognizing National Nurses Week, May 6-7, 1994, and Honoring Nurses Everywhere for Their Unselfish Dedication as Health Care Professionals.

SCR 71 - BAIR & REPRESENTATIVE SORENSON; SENATORS NEAL, HENRY; REPRESENTATIVES MARONEY, PLANT, WOJEWODZKI; SENATORS MCDOWELL, MCBRIDE - Commending Judith Drexler, Harry L. Gardner and William Rodriguez, 1994 Recipients of the Delaware Region, National Conference of Christians & Jews Award, and Further Thanking the Delaware Region of the NCCJ for Its Outstanding and Dedicated Efforts Towards Bringing Persons of Diverse Backgrounds Into a Community of Understanding and Togetherness.

Consent Calendar #23 was adopted by voice vote and HCR 58 & HCR 59 were sent to the Senate for concurrence and SCR 71 was returned to the Senate.

Representative Jonkiert requested that he be marked present.

Mr. Speaker Spence resumed the Chair.

Representative Reynolds requested that he be marked present.

The Majority Leader moved to recess to the call of the Chair at 5:12 p.m.

22nd LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
April 28, 1994

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

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Buckworth, do hereby request that my name be removed as Co-Sponsor of HB

448.

Date: April 27, 1994.

Signed: Gerald A. Buckworth.

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

LABOR & HUM RES MAN: HB 353 - 4M.

HUM NEEDS & DEV: HB 437 - 5M; HB 449 - 3M,2U.

ED: HCR 54 - 1F,4M; SB 283 w/SA 3 - 1F,3M.

Mr. Acting Speaker assigned HB 353 to the Appropriations Committee.

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: 39.

Members Absent: Representatives Amick, Taylor - 2.

A prayer was offered by Richard Millman, Sergeant-at-Arms.

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

Representatives Buckworth & Gilligan requested that they be marked present.

Representative Smith introduced & brought HR 74, sponsored on Behalf of All Representatives, before the House for consideration.

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

HR 74 - Mourning the Loss of Richard Milhous Nixon, Elder Statesman and 37th President of the United States.

HR 74 was adopted by voice vote.

Representative Banning requested that he be marked present.

The following prefiled legislation was introduced:

HB 457 - JONKIERT & SENATOR MARSHALL - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Improper Labelling of Tapes, Records and Other Articles Which Contain Recorded Sounds.

HB 458 - ROY, PETRILLI, SPENCE, QUILLEN, BUCKWORTH, CAREY, CAULK, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, MACK, MARONEY, OBERLE, REYNOLDS, SMITH, SORENSON, TAYLOR, WAGNER, BANNING, BENNETT, BRADLEY, BRADY, BUNTING, CLARK, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, SCHROEDER, VANSANT, WEST, WOJEWODZKI & SENATORS BLEVINS, COOK, HENRY, SOKOLA, TORBERT, VAUGHN, NEAL, VENABLES, VOSHELL, BAIR, CONNOR, HAUGE, KNOX, STILL - JUD: An Act to Amend Title 11 of the Delaware Code by Creating the Offense of Home Improvement Fraud. (2/3 bill)

HA 1 to HB 436 - MARONEY & SENATORS BLEVINS, BAIR, MARSHALL, MCBRIDE, VENABLES, SOKOLA, MCDOWELL, MARTIN, NEAL, CONNOR - APPRO: Placed with the bill.

HA 4 to HB 443 - OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 448 - BANNING & VAUGHN - HOUSING & COM AFF: Placed with the bill.

Representative Roy requested and was granted the privilege of the floor for Jennifer Kaczmarczyk, Miss Delaware 1994.

Representatives Wojewodzki & Fallon introduced guests.

Representative DiLiberto made comments.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #49

DATE: April 27, 1994

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>
H137-849	Spence	4/27/94	T	Officers, Directors & Volunteers/Xmas in April/Wilm.
H137-850	Wagner	4/10/94	T	Jason Mooney/1994 Championship/High School National Wrestling
H137-851	Wagner	10/30/93	T	John Grant Armistead, IV & Ashley Elizabeth Brown/Marriage
H137-852	Bradley	10/04/94	T	Scott Mayne/Exemplary Scholar/Brandywine High School
H137-853	Bradley	5/04/94	T	Deborah M. Hughes/Exemplary Scholar/Mount Pleasant High
H137-854	Bradley	5/04/94	T	Jennie R. Perry/Exemplary Scholar/Mount Pleasant High
H137-855	Bennett	4/11/94	T	Wilson Reed/Outstanding Democrat/33rd Rep. District
H137-856	Bennett	4/11/94	T	Rocky Bushweller/Outstanding Democrat/31st Rep. District
H137-857	Bennett	4/11/94	T	Lawrence M. Talley/Outstanding Democrat/32nd Rep. District
H137-858	Reynolds,	3/29/94	T	Jenny Asbury/NAIA First Team/All-American Basketball

H137-859	Wojewodzki	4/27/94	T	Olan Thomas/Dedicated Serv./ Citizens of Newark
H137-860	George	4/25/94	T	Norman D. Griffiths/Outstanding Achiever/Private Industry
H137-861	Wagner	4/27/94	T	Jim Long/Retirement/32 Yrs./ Baseball Umpire
H137-862	VanSant	4/27/94	T	Pettinaro Assoc. Builders & Contractors/Charter Cup
H137-863	Bennett	4/11/94	T	Howard Seward/Outstanding Democrat/34th Rep. District

T - Tribute

Representatives Bennett, West & Clark requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:24 p.m.

The House reconvened at 3:45 p.m.

Mr. Speaker Spence resumed the Chair.

Representative Brady brought HB 433, jointly sponsored by Representatives Schroeder, Amick, Banning, Bennett, Bradley, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Jonkiert, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Sorenson, Smith, Spence, Taylor, VanSant, Wagner & West & Senators Adams, Bair, Blevins, Connor, Knox, Marshall, Martin, McBride, Sokola, Torbert, Vaughn & Voshell, before the House for consideration.

HB 433 - An Act to Amend Title 11 of the Delaware Code Relating to the Possession of Firearms by Criminals During Felonies. (F/N)

Representatives Bradley, Holloway, Jonkiert & Reynolds requested that they be marked present during the roll call.

Representative D. Ennis requested that he be marked present.

Mr. Speaker Spence introduced guests.

Representative Sorenson requested that she be marked present.

Representative Sorenson was granted the privilege of the floor for the introduction of guests.

Representatives Brady & Schroeder requested that they be marked present.

Mr. Speaker Spence introduced guests.

Representatives George & Mack requested that they be marked present.

The roll call on HB 433 was taken and revealed:

YES: 38.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Amick, Taylor - 2.

Therefore, having received a constitutional majority, HB 433 was sent to the Senate for concurrence.

Representative Oberle requested that action on HB 427 be deferred to a Day Certain, Thursday, May 12, 1994.

Representative Banning brought HB 434, jointly sponsored by Senator Vaughn & Representatives Bennett, Bradley, Bunting, Caulk, Clark, Davis, DiLiberto, B. Ennis, D. Ennis, Ewing, Fallon, Jonkiert, Lee, Lofink, Maroney, Plant, Quillen, Reynolds, Roy, Schroeder, Sorenson, VanSant & West, before the House for consideration.

HB 434 - An Act to Amend Title 11 and Title 29 of the Delaware Code Relating to Compensation for Innocent Victims of Crime, and Providing for Claims to be Filed by Claim Number.

The roll call on HB 434 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Taylor - 2.

Therefore, having received a constitutional majority, HB 434 was sent to the Senate for concurrence.

Representative Davis brought HB 195, jointly sponsored by Representatives Spence, Amick, Buckworth, DiPinto, Ewing, Lofink, Maroney, Oberle, Quillen, Taylor, Wagner & Houghton & Senators Venables & Voshell, before the House for consideration.

HB 195 - An Act to Amend Chapters 27 and 41, Title 21, Delaware Code Relating to Driver's License and Operation of a Vehicle While Under the Influence of Intoxicants. (2/3 bill)

Representative Davis requested and was granted the privilege of the floor for Tess DelTufo, representing Office of Highway Safety; Brandon Silveria, representing the Prom Promise Program and his father, Tony Silveria.

Representative Davis requested that HA 1 to HB 195 be stricken.

Representative Davis brought HA 2 to HB 195 before the House for consideration. HA 2 was adopted by voice vote.

Representative Davis requested and was granted the privilege of the floor for David Sockrider, Chemist, Delaware State Police.

Representative B. Ennis requested and was granted the privilege of the floor for Ron Smith, House Attorney.

The roll call on HB 195 w/HA 2 was taken and revealed:

YES: 29.

NOT VOTING: Representatives Banning, Brady, Clark, DiLiberto, B. Ennis, Holloway, Jonkiert, Plant, VanSant, West - 10.

ABSENT: Representatives Amick, Taylor - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 195 w/HA 2 was sent to the Senate for concurrence.

Representative Sorenson brought HB 423, jointly sponsored by Senator Blevins, before the House for consideration.

HB 423 - An Act to Amend Chapter 21, Title 13, Delaware Code Relating to the Domestic Violence Coordinating Council.

The roll call on HB 423 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Taylor - 2.

Therefore, having received a constitutional majority, HB 423 was sent to the Senate for concurrence.

Representative Oberle brought HB 443, jointly sponsored by Representatives Gilligan, Quillen & Spence & Senators Adams & Sharp, before the House for consideration.

HB 443 - An Act to Amend Chapter 48, Title 29, Delaware Code, Relating to Coin-Operated-Lotteries at Racetracks, and to Amend Chapter 101, Title 3 and Chapter 4, Title 28, Delaware Code, Relating to Horse Racing and Chapter 100, Title 3 Relating to Harness Horse Racing. (F/N)

Representative Davis brought HA 1 to HB 443 before the House for consideration.

Representative Davis made comments.

Representative Davis introduced & brought HA 1 to HA 1 to HB 443 before the House for consideration.

Representative Jonkiert rose on a point of order. Mr. Speaker did not concur.

Representatives Davis, Bunting & Oberle made comments.

HA 1 to HA 1 to HB 443 was adopted by voice vote. HA 1 w/HA 1 was adopted by voice vote.

Representative Davis brought HA 2 to HB 443 before the House for consideration. HA 2 was adopted by voice vote.

Representatives Davis & D. Ennis made comments.

Representative Davis brought HA 3 to HB 443 before the House for consideration. HA 3 was adopted by voice vote.

Representatives Davis & Oberle made comments.

Representative Oberle brought HA 4 to HB 443 before the House for consideration.

Representative Oberle made comments.

HA 4 to HB 443 was adopted by voice vote.

Representatives Oberle, Gilligan, Bunting, Oberle, Quillen, Ewing & Gilligan made comments.

Representative Gilligan requested and was granted the privilege of the floor for William Rickman, Jr., President, Delaware Park.

Representatives Ewing, Oberle, Bunting, Oberle, Mack, Davis, Smith, Clark, Ewing, Banning, Caulk & Bennett made comments.

Representative Clark requested and was granted the privilege of the floor for Dennis McGlynn, President, Dover Downs.

Representatives Clark, Plant & Oberle made comments.

The roll call on HB 443 w/HA 1 w/HA 1, HA 2,3 & 4 was taken and revealed:

YES: 24.

NO: Representatives Bradley, Bunting, Carey, Maroney, Schroeder, Smith, Sorenson, West, Wojewodzki - 9.

NOT VOTING: Representatives Clark, Davis, D. Ennis, Ewing, Fallon, Jonkiert - 6.

ABSENT: Representatives Amick, Taylor - 2.

Therefore, having received a constitutional majority, HB 443 w/HA 1 w/HA 1, HA 2,3 & 4 was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 6:15 p.m.

Mr. Speaker Spence called the House to order at 2:06 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 73, HCR 55, 58, 59, SB 294 w/SA 1 & HB 416 w/HA 1 & 3.

April 29, 1994

LEGISLATIVE ADVISORY #42

The following legislation was signed by Governor Thomas R. Carper on the date indicated:

4/28/94 - HB 205 aab HA 1, HS 1 to HB 199 aab SA 1, HB 82 aab SA 1 & HB 409.

Representative Taylor requested that he be marked present for the current Legislative Day.

The Majority Whip moved to adjourn at 2:07 p.m., thereby ending the current legislative day. The House reconvened at 2:08 p.m.

The Chief Clerk called the roll.

Members Present: 35.

Members Absent: Representatives Amick, Buckworth, Carey, Gilligan, Holloway, Mack - 6.

A prayer was offered by Representative G. Robert Quillen, Thirtieth 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 459 - D. ENNIS, SMITH, BENNETT & SENATOR VAUGHN; REPRESENTATIVES WAGNER, DIPINTO, JONKIERT, HOUGHTON - ECON DEV, B & I: An Act to Amend Chapter 11, Title 18 of the Delaware Code Relating to the Insurance Code and Assets and Liabilities.

HB 460 - SMITH & SENATOR VENABLES; REPRESENTATIVES PETRILLI, QUILLEN, SPENCE, BUCKWORTH, CAREY, DAVIS, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, OBERLE, REYNOLDS, ROY, WAGNER, BANNING, BENNETT, BRADY, CLARK, B. ENNIS, HOUGHTON, VANSANT, WEST; SENATORS ADAMS, CORDREY, TORBERT, VAUGHN, BAIR, CONNOR, HAUGE, NEAL, STILL - H/ADM: An Act to Amend Title 1 of the Delaware Code Relating to State Language.

HB 461 - LOFINK, SMITH, OBERLE - P/S: An Act to Amend Chapter 21, Title 21, Delaware Code Relating to Special License Plates for Surviving Spouses of Deceased Former Prisoners of War.

HB 462 - BUCKWORTH, BENNETT - ED: An Act to Amend Chapter 13, Title 14, Delaware Code, Relating to the Employment of Assistant Principals in Schools.

HB 463 - BUCKWORTH & SENATOR VAUGHN - HOUSING & COM AFF: An Act to Amend Title 25, Chapter 1, Section 158 of the Delaware Code Relating to the Enforceability of Certain Leases and Documents Pertaining to Lands and Tenements.

HB 464 - 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 465 - GEORGE - JUD: An Act to Amend Chapter 8, Title 11 of the Delaware Code, Relating to Crimes and Criminal Procedure.

HB 466 - VANSANT, BANNING, BENNETT, BRADLEY, BRADY, BUCKWORTH, BUNTING, CAREY, CAULK, CLARK, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GEORGE, GILLIGAN, HOLLOWAY, HOUGHTON, JONKIERT, LEE, LOFINK, MACK, PLANT, REYNOLDS, SCHROEDER, SORENSON, WAGNER, WEST; SENATORS BLEVINS, CONNOR, HAUGE, KNOX, SOKOLA, STILL, TORBERT, VOSHELL - P/S: An Act to Amend Chapter 35, Title 11 and Chapter 41 of Title 21 of the Delaware Code Relating to Chain of Custody.

HB 467 - BANNING, BUCKWORTH, CLARK, B. ENNIS, HOUGHTON, PLANT, VANSANT, WEST; SENATORS HENRY, SOKOLA, TORBERT, VAUGHN, VOSHELL - HOUSING & COM AFF: An Act to Amend Chapter 27, Title 25 of the Delaware Code Relating to Mechanics' Liens.

HJR 17 - SCHROEDER, BANNING, BENNETT, BRADLEY, BRADY, BUCKWORTH, BUNTING, CLARK, DILIBERTO, B. ENNIS, EWING, FALLON, HOUGHTON, PLANT, QUILLEN, VANSANT, WAGNER, WEST, WOJEWODZKI, SENATORS BLEVINS, CORDREY, MARSHALL, SOKOLA, VAUGHN, VOSHELL - LABOR & HUM RES MAN: Calling for Delaware Recognition of National Public Works Week, to be Recognized From May 15 Through May 21.

HJR 18 - BRADY, BANNING, BENNETT, BRADLEY, BUCKWORTH, BUNTING, CAREY, CLARK, DAVIS, DIPINTO, B. ENNIS, EWING, FALLON, HOUGHTON, JONKIERT, LEE, PLANT, QUILLEN, SCHROEDER, SMITH, VANSANT, WEST; SENATORS ADAMS, BAIR, COOK, CONNOR, HENRY, MARTIN, NEAL, STILL, TORBERT, VAUGHN, VENABLES, VOSHELL - HUM NEEDS & DEV: Directing the Department of Health and Social Services and the Department of Public Safety to Jointly Examine the Feasibility of Cross-Referencing the Names of Those Individuals Receiving Governmental Assistance Against the Names of Those Individuals With Outstanding Arrest Warrants.

HCR 61 - EWING; SENATOR CORDREY - TRANS & INFRA: Urgently Requesting the Department of Transportation to Re-Evaluate the State's Dirt Road Improvement Program Relative to Accelerating the Completion of the Project.

HA 1 to HB 62 - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

HA 1 to HB 306 - CLARK - TRANS & INFRA: Placed with the bill.

HA 2 to HB 387 - DIPINTO - READY LIST: Placed with the bill.

HA 1 to HB 407 - GEORGE - READY LIST: Placed with the bill.

HA 1 to HB 437 - MARONEY - READY LIST: Placed with the bill.

HA 1 to HB 447 - BENNETT - ED: Placed with the bill.

SB 294 w/SA 1 - VAUGHN, SHARP; REPRESENTATIVES B. ENNIS, DAVIS, LEE - CORR:

An Act to Amend Chapter 42, of Title 11, Delaware Code Relating to the Early Release From Incarceration of Convicted Offenders. (F/N)

SCR 73 - VOSHELL; REPRESENTATIVE DAVIS; SENATORS VAUGHN, BLEVINS, MARTIN, CONNOR, VENABLES, MCBRIDE, TORBERT; REPRESENTATIVES BANNING, LEE, BUCKWORTH, MACK, SPENCE, B. ENNIS, D. ENNIS, BENNETT, VANSANT, CAULK, OBERLE, PLANT, DILIBERTO, GILLIGAN, CLARK, BRADY, WEST - TRANS & INFRA: Supporting Federal Legislation (S.1842) Which Would Remove Certain Penalties of the Intermodal Surface Transportation Act (ISTEA) of 1991 for States Failing to Meet Requirements Relating to Motorcycle Helmet Laws if Said States Have in Effect a Motorcycle Safety Program, and Delay the Effective Date of Penalties for States That Fail to Meet Requirements for Motorcycle Safety and Seat Belt Laws.

Representative Quillen made an announcement.

Representatives VanSant & Davis requested that they be marked present.

The Reading Clerk read the following communications into the record:

May 2, 1994

The Honorable Terry R. Spence
Delaware House of Representatives
Legislative Hall
Dover, Delaware

Dear Speaker Spence,

Please excuse my absence from Session today, May 2nd, as I will be needed to attend to personal business.

Thank you.

Sincerely,
V. George Carey
State Representative
36th District

VGC:ltid

May 2, 1994

The Honorable Terry R. Spence
Speaker of the House
House of Representatives
Legislative Hall
Dover, DE

Dear Speaker Spence:

Due to personal business I will be unable to attend session today.

Sincerely,
Jeffrey G. Mack
State Representative
17th District

JGM/jm

May 2, 1994

LEGISLATIVE ADVISORY #43

The following legislation was signed by Governor Thomas R. Carper on the date indicated:

4/29/94 - HB 416 aab HA 1 & 3.

Representative B. Ennis requested that he be marked present.

The Majority Whip moved to recess for committee meetings at 2:14 p.m.

The House reconvened at 4:16 p.m. with Representative Quillen as Acting Speaker.

Representative Petrilli requested that he be marked present.

Mr. Speaker Spence resumed the Chair.

Representatives Brady, Bunting & George requested that they be marked present.

The following prefiled Consent Calendar #24 was introduced:

HCR 60 - VANSANT & SENATOR MCBRIDE; REPRESENTATIVES HOUGHTON, B. ENNIS; SENATORS SHARP, VAUGHN - Congratulating Major Sherry L. Freebery Upon Her Receipt of the President's Citation.

Consent Calendar #24 was adopted by voice vote and HCR 60 was sent to the Senate for concurrence.

Representatives Reynolds & Plant requested that they be marked present.

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

R & F: HS 1/HB 219 - 7M; HB 426 - 7M; HB 438 - 7M; SB 288 - 7M.

TRANS & INFRA: HCR 57 - 4M; SCR 66 - 4M.

JUD: HB 457 - 4M.

Representative Plant made comments.

Representatives Houghton, Jonkiert, West, DiLiberto & DiPinto requested that they be marked present.

The Reading Clerk read a communication into the record at the request of Representative Plant.

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

Mr. Speaker Spence ruled that the communication was out of order.

The Majority Whip moved to recess to the call of the Chair at 4:25 p.m.

24th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
May 3, 1994

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

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 280 w/SA 1, SB 287, SB 306, SB 307, HB 343 w/HA 1 & HB 129 w/HA 1.

Representatives Carey & Buckworth requested that they be marked present for the current Legislative Day.

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

HOUSING & COM AFF: HB 455 - 6M; HB 442 - 1F, 4M.

P/S: HB 266 - 4M.

APPRO: HS 1/HB 36 - 5M; HB 436 - 5M; SB 69 - 4F, 1M.

Mr. Speaker assigned HB 266, HB 426, HB 455 & SB 288 to the Appropriations Committee.

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: 40.

Member Absent: Representative Amick - 1.

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.

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

The following prefiled legislation was introduced:

HB 468 - PETRILLI - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 469 - EWING, FALLON; SENATOR ADAMS - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education. (3/4 bill)

HB 470 - EWING; SENATORS ADAMS, VOSHELL - ED: An Act to Amend Title 29 of the Delaware Code Relating to Health Care Insurance for School District Employees.

HB 471 - WAGNER & SENATOR TORBERT; REPRESENTATIVES QUILLEN, SPENCE, LOFINK, SMITH, EWING, DIPINTO, CAULK, CAREY, LEE, D. ENNIS, BUCKWORTH, OBERLE, DAVIS, BENNETT, HOUGHTON, PLANT, WEST, BANNING, BUNTING; SENATORS HENRY, STILL, HAUGE, CONNOR - LABOR & HUM RES MAN: An Act to Amend Chapter 59 of Title 29 of the Delaware Code Relating to the Merit System of Personnel Administration.

HA 1 to HB 247 - PETRILLI - APPRO: Placed with the bill.

HA 2 to HB 436 - MARONEY - READY LIST: Placed with the bill.

SB 280 w/SA 1 - BLEVINS, MCDOWELL, BAIR & KNOX; REPRESENTATIVES AMICK, SMITH, PETRILLI, SORENSON, BRADLEY, GEORGE, PLANT & WOJEWODZKI - P/S: An Act to Amend Chapter 5 of Title 11 of the Delaware Code Relating to the Purchase of Handguns.

Representative Plant requested that he be marked present.

Representative Buckworth requested that HB 325 be stricken.

Representative Bradley requested that she be marked present.

The Reading Clerk read the following communication into the record:

May 3, 1994

Dear Mr. Speaker:

It is my understanding that there is a desire to work House Bill 373 at the legislative session scheduled for Wednesday, May 4, 1994. Please be advised I have no objection to this bill being worked in my absence as it is of some importance to get it done promptly.

Hope to see you shortly.

Sincerely,

Steven H. Amick

State Representative

25th Representative District

Dictated over the phone to JoAnn Hedrick May 3, 1994

10:30 A.M.

SHA/gmr

HOUSE TRIBUTE ANNOUNCEMENT #50

DATE: May 3, 1994

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>
H137-864	Bunting	4/23/94	T	Clayton Ringler/Retirement/ 46 Yrs./Baltimore Trust Co.
H137-865	Bradley	5/04/94	T	Alexis Chiang/Exemplary Scholar/Brandywine High
H137-866	Bradley	5/06/94	T	Nurses/Foulk Manor North/ Nat. Nurses Week-May 6-12
H137-867	Bradley	5/06/94	T	Nurses/Leader Nursing & Rehabilitation Center/Nat. Nurses Week May 6-12, 94'
H137-868	Bradley	6/02/94	T	Career Nurses Assistants/ Leader Nursing & Rehab./
H137-869	Bradley	6/02/94	T	Career Nurse Assistants/ Foulk Manor North
H137-870	Wagner	6/09/94	T	Patty Hinchey/DSEA Student Brass Bell Awards
H137-871	Fallon	4/28/94	T	Rhonda Massey/Winning Essay/"Speak for Yourself
H137-872	Clark	4/27/94	T	Trooper "Max" Watkins /N.C. /Help Given
H137-873	Sorenson	5/01/94	T	Margaret S. Steck School/ 25th Anniversary
H137-874	Sorenson	4/29/94	T	Henrietta & Milton Clark/ 50th Wedding Anniversary
H137-875	Bunting	4/29/94	T	John Young/Retirement/30 Yrs./Education
H137-876	Caulk	4/29/94	T	Rob Voorhees/FFA'S Poultry & Egg Judging Team
H137-877	Caulk	4/29/94	T	Andy Jones/DE FFA'S Poultry & Egg Judging Team
H137-878	Caulk	4/29/94	T	Rebecca Voorhees/FFA'S Poultry & Egg Judging
H137-879	Buckworth	5/01/94	T	Don Dean/"Grand Old Party"/Dinner Show
H137-880	Buckworth	5/01/94	T	Don Blakey/"Grand Old Party" Dinner Show

T - Tribute

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

The House reconvened 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: SS 1 for SB 272, HB 374 w/HA 1 & 2 & SA 1 & HB 386 w/HA 1.

Representatives D. Ennis, Lofink, Wagner, Bennett, Brady & Wojewodzki requested that they be marked present.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HB 440, jointly sponsored by Representatives Gilligan, George & Brady, before the House for consideration.

HB 440 - An Act to Amend Title 11 of the Delaware Code Relating to Intentional Cruelty to Animals.

Representative Smith introduced and brought HA 1 to HB 440 before the House for consideration.

Representative Smith made comments.

HA 1 to HB 440 was adopted by voice vote.

Representatives Smith, Caulk, Schroeder, West, Plant & Banning made comments.

The roll call on HB 440 w/HA 1 was taken and revealed:

YES: 32.

NOT VOTING: Representatives Banning, Bennett, Bunting, Carey, Caulk, Clark, Schroeder, West - 8.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority, HB 440 w/HA 1 was sent to the Senate for concurrence.

Representatives Holloway, Jonkiert, Mack, Reynolds & Taylor requested that they be marked present during the roll call.

Representative Smith made comments.

Representative Petrilli deferred to Representative Clark.

Representative Clark requested that HR 49 be stricken.

Representative Clark made comments.

Representative Sorenson introduced and brought HCR 62, jointly sponsored by Senator Sokola On Behalf of All Representatives & Senators, before the House for consideration.

HCR 62 - Joining in Recognition of National Teacher Day, May 3, 1994, and Commending Delaware Teachers for Their Dedication in Performing the Significant Role of Educating Future Generations of Delawareans.

Representative Sorenson made comments.

HCR 62 was adopted by voice vote and sent to the Senate for concurrence.

Representative D. Ennis introduced & brought HR 75, cosponsored by Representatives Bennett & Caulk, before the House for consideration.

HR 75 - Honoring the Service Given by Major General John H. McDonald, Commanding General of the 261 Signal Command in Dover, Upon His Retirement From the Delaware Army National Guard.

Representative D. Ennis made comments.

HR 75 was adopted by voice vote.

Representative Petrilli deferred to Representative Quillen

Representative Quillen brought HCR 47, jointly sponsored by Representatives West, Ewing, Wagner, Schroeder, B. Ennis, Bennett & Carey & Senator Voshell & cosponsored by Representatives Caulk & Reynolds, before the House for consideration.

HCR 47 - Urging the Joint Finance Committee to Re-Examine Its Formula for Allocations of Grant-In-Aid Funds for Senior Centers Within the State.

Representatives Quillen, George, Oberle, Bennett, George, Oberle, Fallon, DiPinto, Bennett, Quillen, Fallon, DiLiberto, West, George, Davis & Quillen made comments.

HCR 47 was adopted by voice vote and sent to the Senate for concurrence.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto introduced & brought HCR 63, sponsored On Behalf of All Representatives & Senator Knox On Behalf of All Senators, before the House for consideration.

HCR 63 - Mourning the Death of Lillian Turner Peterson, Former First Lady of Delaware 1969-1973, and Wife of Former Governor Russell W. Peterson.

HCR 63 was adopted by voice vote and sent to the Senate for concurrence.

Representative DiPinto made comments.

The House observed a moment of silence in memory of Mrs. Peterson.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner moved to lift HB 395 w/HA 1 from the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Wagner brought HB 395 w/HA 1 before the House for consideration.

HB 395 - An Act to Amend Section 2708, Chapter 27, Title 21 of the Delaware Code Relating to School Bus Driver Qualifications and a Conviction Relating to Drug Paraphernalia.

Representative Wagner made comments.

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

Representative Wagner brought HA 2 to HB 395 before the House for consideration.

Representative Wagner made comments.

HA 2 to HB 395 was adopted by voice vote.

Representative Wagner made comments.

The roll call on HB 395 w/HA 1 & 2 was taken and revealed:

YES: 37.

NO: Representative Plant - 1.

NOT VOTING: Representatives Holloway, Jonkiert - 2.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority, HB 395 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Quillen.

Representative Quillen brought HB 446, jointly sponsored by Representative DiPinto & Senator McBride, before the House for consideration.

HB 446 - An Act to Amend Chapter 5, Title 29, of the Delaware Code Relating to State Historical Objects. (2/3 bill)

Representatives Quillen & Bunting made comments.

The roll call on HB 446 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 446 was sent to the Senate for concurrence.

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

H/ADM: SB 285 - 4M.

APPRO: SB 288 - 6F.

ED: HB 451 - 4M, 2U.

Mr. Speaker Spence made an announcement.

Representatives Bradley & Holloway made announcements.

The Majority Leader moved to recess to the call of the Chair at 5:15 p.m.

25th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
May 4, 1994

Mr. Acting Speaker Quillen called the House to order at 2:54 p.m.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed: SB 315 w/SA 1, SS 1 for SB 215 & HB 417 w/HA 1 & 2.

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

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative Amick - 1.

A prayer was offered by Representative Bruce C. Ennis, Twenty-Eighth Representative District.

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

Mr. Speaker Spence resumed the Chair.

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

The following prefiled legislation was introduced:

HB 472 - FALLON, PETRILLI, QUILLEN, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, LEE, LOFINK, REYNOLDS, SMITH, WAGNER, BENNETT, BRADY, B. ENNIS, HOUGHTON, JONKIERT, VANSANT, WOJEWODZKI; SENATORS MARTIN, SOKOLA, VOSHELL, VENABLES, NEAL, STILL, HAUGE - ED: An Act to Amend Chapter 6, Title 14 of the Delaware Code Relating to Education.

HB 473 - CAREY & SENATOR VAUGHN; REPRESENTATIVE MACK - HAZ WASTE MAN: An Act to Amend Chapter 74, Title 7 of the Delaware Code Relating to the Delaware Underground Storage Tank Act. (3/5 bill)

HB 474 - D. ENNIS, BENNETT - ECON DEV, B & I: An Act to Amend Chapter 72, Title 18 of the Delaware Code Relating to Small Employer Health Insurance.

HB 475 - D. ENNIS & BLEVINS; REPRESENTATIVES PETRILLI, QUILLEN, DAVIS, EWING, FALLON, LEE, LOFINK, MACK, REYNOLDS, BRADY, BRADLEY, BANNING, BUNTING, B. ENNIS, HOUGHTON, PLANT, VANSANT, WEST; SENATORS MARSHALL, MCBRIDE, SHARP, TORBERT, VAUGHN, HAUGE, STILL - H/ADM: An Act to Amend Chapter 21, Title 24 of the Delaware Code Relating to Optometry.

HB 476 - D. ENNIS & SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Regarding Uninsured and Underinsured Insurance Coverage.

HB 477 - BUCKWORTH, EWING & SENATOR MARTIN - JUD: An Act to Amend Chapter 5, Title 10 of the Delaware Code to Provide for Commissioners of the Superior Court and the Court of Common Pleas.

HB 478 - D. ENNIS & SENATOR VAUGHN; REPRESENTATIVES SMITH, DIPINTO, WAGNER, BENNETT, HOUGHTON, JONKIERT - ECON DEV, B & I: An Act to Amend Chapter 9, Title 18 of the Delaware Code Relating to the Standards for Credit for Reinsurance.

HB 479 - MARONEY & SENATOR BLEVINS; REPRESENTATIVES BUCKWORTH, TAYLOR, SMITH, BANNING; SENATORS SHARP, CONNOR - HUM NEEDS & DEV: An Act to Amend Titles 24 and 29 of the Delaware Code Relating to Occupations and Professions and Providing for the Certification of Dietitians/Nutritionists. (3/5 bill)

HB 480 - WAGNER & D. ENNIS, BUCKWORTH, CAREY, CAULK, DAVIS, DIPINTO, EWING, SMITH, SORENSON, BANNING, BENNETT, BRADLEY, BRADY, BUNTING, CLARK, JONKIERT, SCHROEDER, WEST, WOJEWODZKI; SENATORS VAUGHN, BAIR, HAUGE, KNOX, STILL - ECON DEV, B & I: An Act to Amend Chapter 3, Title 18 of the Delaware Code to Create Arbitration Panels to Hear and Decide Certain Disputes. (3/5 bill)

HB 481 - BUNTING & SENATOR CORDREY - LABOR & HUM RES MAN: An Act Awarding Special Pension Benefits to Ernest Keith, 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 482 - D. ENNIS & SENATOR VAUGHN; REPRESENTATIVES SMITH, WAGNER, DIPINTO, BENNETT, HOUGHTON, JONKIERT - 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 1 to HB 427 - SMITH - DEFERRED: Placed with the bill.

HA 1 to HB 452 - CAREY - ENV & NAT RES: Placed with the bill.

SS 1 to SB 215 - SOKOLA & REPRESENTATIVE MARONEY; REPRESENTATIVE SORENSON; SENATOR MCBRIDE - HUM NEEDS & DEV: An Act to Amend Chapter 9 and Chapter 11, Title 13 of the Delaware Code Relating to Adoption and Providing That Adoptees and Birth Parents Have Access to Certain Information. (3/5 bill)

SS 1 to SB 272 - VAUGHN, ADAMS; REPRESENTATIVES CAREY, CAULK, CLARK, B. ENNIS, BANNING, SCHROEDER - AG: An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to Valuation and Assessment of Property. (F/N)

SB 287 - VAUGHN; REPRESENTATIVES D. ENNIS, BENNETT, DIPINTO, SMITH & VANSANT - ECON DEV, B & I: An Act to Amend Chapter 27, Title 18 of the Delaware Code Relating to the Insurance Contract.

SB 306 - MARSHALL & REPRESENTATIVE OBERLE - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

SB 307 - MARSHALL & REPRESENTATIVE OBERLE - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

SB 315 w/SA 1 - VOSHALL; REPRESENTATIVE EWING - P/S: An Act to Amend Chapter 26, Title 21, Delaware Code Deleting Waiver of Test for the CDL License and Changing Late Fees. (3/5 bill)

The Reading Clerk read the following communication into the record:

May 4, 1994

Dear Speaker Spence:

On Wednesday, March 30, 1994 and again on Wednesday, April 27, 1994, Representative Herman M. Holloway was in attendance at the legislative sessions. He did not have an opportunity to be marked present and was not able to arrive in time the next days to be marked present before adjournment.

I have noted the above information so that the House record is complete.

Very truly yours,
JoAnn M. Hedrick
Chief Clerk of the House

JMH/gmr

Representative Holloway requested that he be marked present.

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

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

Representative Holloway introduced & brought HCR 64, jointly sponsored by Senator Marshall & Representatives Spence, George, Ewing, Quillen, Lee, Buckworth, Wagner, Caulk, Carey, VanSant, DiLiberto, Fallon, Jonkiert, D. Ennis, Mack, DiPinto, Bennett, Smith, Plant, B. Ennis, West, Lofink,

Houghton, Wojewodzki, Clark, Banning, Bradley, Schroeder, Bunting, Brady & Reynolds & cosponsored by Representative Petrilli & All Senators, before the House for consideration.

HCR 64 - Commending the New Castle County Police Under the Able Leadership of Colonel Thomas Gordon, and Especially Detectives Bruce Pinkett and Quinton Watson for Their Skillful Apprehension and Arrest of Larry Donald George, a Fugitive From Justice and One of America's Most Wanted Criminals.

Representatives Holloway & George made comments.

HCR 64 was adopted by voice vote.

Representative Holloway requested and was granted the privilege of the floor for Colonel Thomas Gordon; Detective Bruce Pinkett and Detective Quinton Watson.

Representatives Holloway & D. Ennis made comments.

Mr. Speaker Spence granted the privilege of the floor to Laura Randa, Executive Director, Delaware Teachers Academy for Service Learning & her students.

Representatives George, Taylor & Wagner made comments.

Representative Sorenson introduced and brought HCR 65, jointly sponsored by Senator Sokola on Behalf of All Representatives & Senators, before the House for consideration.

HCR 65 - Commending the Students Selected as State Superintendent's Scholars of 1994.

Representative Sorenson made comments.

HCR 65 was adopted by voice vote and sent to the Senate for concurrence.

Representative Sorenson introduced and brought HR 76, jointly sponsored by Representative Wagner on Behalf of All Representatives, before the House for consideration.

HR 76 - Mourning the Untimely Loss of Long-Time Republican Strategist, John Luther Stevens, Jr.

Representative Sorenson made comments.

HR 76 was adopted by voice vote.

The House observed a moment of silence in memory of John Stevens.

Representative Bradley introduced HB 483, jointly sponsored by Senator Blevins & Representatives Amick, Banning, Bennett, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Holloway, Houghton, Jonkiert, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sorenson, Smith, Spence, Taylor, VanSant, Wagner, West & Wojewodzki & Senators Adams, Cook, Cordrey, Hauge, Henry, Knox, Marshall, Martin, McBride, McDowell, Sokola, Still, Torbert, Vaughn & Voshell.

HB 483 - An Act to Amend Title 14 of the Delaware Code Relating to Early Childhood Education.

Representative Bradley made comments.

Mr. Speaker assigned HB 483 to the Education Committee.

Representative Wagner introduced and brought HCR 66, jointly sponsored by Senator Still & Representatives Buckworth, Caulk, Ewing, Quillen, Bennett, Clark & B. Ennis & Senators Cook, Torbert, Vaughn & Voshell, before the House for consideration.

HCR 66 - Celebrating the 25th Anniversary of the Modern Maturity Center.

Representatives Wagner & Bennett made comments.

HCR 66 was adopted by voice vote and sent to the Senate for concurrence.

Representative Fallon introduced HB 484, jointly sponsored by Representative Wojewodzki & Senators Blevins, Sokola & Henry.

HB 484 - An Act to Amend Chapter 87, Title 29, Delaware Code, Relating to the Division of Libraries.

Mr. Speaker assigned HB 484 to the Human Needs & Development Committee.

Representative Fallon made comments.

Representatives Brady, Mack & Reynolds requested that they be marked present.

Representative Petrilli deferred to Representative Bennett.

Representative Bennett brought HCR 57, jointly sponsored by Senator Torbert, before the House for consideration.

HCR 57 - Urgently Requesting Conrail, a Pennsylvania Corporation, to Comply Expeditiously With an Agreement Entered Into Back in 1979 With the City of Dover Concerning Switching Operations Within the City Limits During Certain Hours.

Representative Bennett made comments.

HCR 57 was adopted by voice vote and sent to the Senate for concurrence.

Representative Petrilli brought SB 285, sponsored by Senators Vaughn & McBride & Representatives Spence, B. Ennis, Brady & Banning, before the House for consideration.

SB 285 - An Act to Amend Chapter 87, Title 29 Delaware Code Relating to the Commission on Veteran's Affairs.

Representative Petrilli made comments.

The roll call on SB 285 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority, SB 285 was returned to the Senate.

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

Representative Petrilli introduced a guest.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle requested that action on HS 1 to HB 183 be deferred to a Day Certain, Thursday, May 12, 1994.

Representative Petrilli requested that action on HB 451 be deferred to a Day Certain, Thursday, May 12, 1994.

Representative Petrilli deferred to Representative Buckworth.

Representative Buckworth brought HB 373, jointly sponsored by Representative Amick & Senator Sharp & Representatives Ewing, Plant, Brady, Spence, Houghton, DiLiberto & VanSant & Senators Torbert, Vaughn, Blevins, Holloway, Marshall, Martin, McBride, Knox, Connor, Hauge & McDowell, before the House for consideration.

HB 373 - An Act to Amend Chapter 39, Title 18 of the Delaware Code Pertaining to Underinsured Motorist Coverage.

Representative Buckworth deferred to Representative D. Ennis.

Representative D. Ennis brought HA 1 to HB 373 before the House for consideration.

Representatives D. Ennis & Bennett made comments.

HA 1 to HB 373 was adopted by voice vote.

The roll call on HB 373 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority, HB 373 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative George.

Representative George brought HB 407, before the House for consideration.

HB 407 - An Act to Amend Chapter 63, Title 18 of the Delaware Code Relating to Health Service Corporations.

Representative George brought HA 1 to HB 407 before the House for consideration.

Representative George moved to place HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative George introduced and brought HA 2 to HB 407 before the House for consideration.

Representatives George, D. Ennis, B. Ennis & Davis made comments.

Representative George requested and was granted the privilege of the floor for Marla Tocker, attorney.

Representatives George, Davis & Bennett made comments.

HA 2 to HB 407 was adopted by voice vote.

The roll call on HB 407 w/HA 2 was taken and revealed:

YES: 28.

NO: Representatives DiPinto, Jonkiert, Lee, Smith, Taylor - 5.

NOT VOTING: Representatives Carey, Caulk, D. Ennis, Maroney, Petrilli, Quillen, Sorenson - 7.

ABSENT: Representative Amick - 1.

Therefore, having received a constitutional majority, HB 407 w/HA 2 was sent to the Senate for concurrence.

Representative Maroney brought HB 436, jointly sponsored by Senators Blevins & Bair & Representatives Petrilli, Quillen, Spence, D. Ennis, Reynolds, Roy, Wagner, DiPinto, Ewing, Buckworth, Davis, Sorenson, Bradley, Brady, Bunting, Gilligan, Jonkiert & West & Senators Marshall, McBride, Venables, Sokola, McDowell, Martin, Neal & Connor, before the House for consideration.

HB 436 - An Act to Amend Chapter 5, Title 16 of the Delaware Code Relating to Tuberculosis Control. (F/N)

Representative Maroney requested that HA 1 to HB 436 be stricken.

Representative Maroney brought HA 2 to HB 436 before the House for consideration. HA 2 was adopted by voice vote.

The roll call on HB 436 w/HA 2 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, Jonkiert - 2.

Therefore, having received a constitutional majority, HB 436 w/HA 2 was sent to the Senate for concurrence.

Mr. Speaker Spence requested that HJR 11, HB 419 & HB 155 be stricken.
The Majority Leader moved to recess to the call of the Chair at 4:42 p.m.

26th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
May 10, 1994

Mr. Speaker Spence called the House to order at 2:02 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 57, HCR 60, HCR 65, HCR 66, SB 291, SCR 74, HCR 62, HCR 63, HCR 64, SB 300 w/SA 1, SB 301 w/SA 1, SB 314 w/SA 1, SB 321 & HB 413 w/SA 1.

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: 39.

Members Absent: Representatives Amick, D. Ennis - 2.

A prayer was offered by Representative Steven C. Taylor, Twenty-First 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 485 - SMITH & SENATOR BLEVINS - HUM NEEDS & DEV: An Act to Amend Chapter 11, Title 24, of the Delaware Code Relating to the Board of Dental Examiners.

HJR 19 - WAGNER & D. ENNIS - ECON DEV, B & I: Creating a Smart Card Task Force to Investigate and Report on Opportunities Available to the State of Delaware to Use Smart Card Technology in State Operations and to Attract Smart Card Industry Employment Opportunities.

HA 1 to HB 393 - VANSANT - P/S: Placed with the bill.

SB 291 - MCBRIDE & REPRESENTATIVE CAREY - ENV & NAT RES: An Act to Amend Chapter 60, Title 7, Delaware Code Relating to the Environmental Appeals Board.

SB 300 w/SA 1 - SHARP; REPRESENTATIVE DIPINTO - JUD: An Act to Amend Chapter 1, Title 8, Section 136, of the Delaware Code Relating to Resignation of Corporation Registered Agents Not Coupled With Appointment of Successor. (2/3 bill)

SB 301 w/SA 1 - SHARP; REPRESENTATIVE DIPINTO - JUD: An Act to Amend Chapter 1, Title 8, Section 371, of the Delaware Code Relating to Qualification to Do Business in State. (2/3 bill)

SB 314 w/SA 1 - SHARP; REPRESENTATIVE DIPINTO - JUD: An Act to Amend Chapter 1, Title 8, of the Delaware Code Relating to General Corporation Law. (2/3 bill)

SB 321 - VAUGHN; REPRESENTATIVE EWING - H/ADM: An Act to Amend Chapters 3 and 17, Title 15, Delaware Code to Eliminate the Disqualification of Voters Who Did Not Vote in the Last Two (2) Preceding General Elections.

Representative West requested that he be marked present.

Representative Fallon made comments.

Representative Holloway requested that he be marked present.

Representative Holloway introduced guests.

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

The House reconvened at 3:55 p.m. with Representative Quillen as Acting Speaker.

Representatives Mack & Jonkiert requested that they be marked present.

Representative Jonkiert brought HB 457, jointly sponsored by Senator Marshall, before the House for consideration.

HB 457 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to the Improper Labelling of Tapes, Records and Other Articles Which Contain Recorded Sounds.

Representatives Jonkiert & Davis made comments.

Representatives DiLiberto & Schroeder requested that they be marked present.

Representatives Plant & Wagner made comments.

Representatives Bennett & Maroney made comments.

The roll call on HB 457 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, D. Ennis, Reynolds - 3.

Therefore, having received a constitutional majority, HB 457 was sent to the Senate for concurrence.

Representatives Brady, Buckworth, Clark, DiPinto & Smith requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 398 before the House for consideration.
HB 398 - An Act to Amend Subchapter III, Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

Representatives Oberle & Ewing made comments.

Representative Ewing requested and was granted the privilege of the floor for Chuck Welch, House Attorney.

Representatives Ewing & Oberle made comments.

The roll call on HB 398 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 398 was sent to the Senate for concurrence.

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

Representative Petrilli brought HB 374 w/HA 1 & 2 & SA 1, sponsored by Representatives VanSant, Houghton, B. Ennis, West, Brady, Oberle, Lee & Senator Vaughn & cosponsored by Representative Ewing, before the House for concurrence on SA 1.

HB 374 - An Act to Amend Title 11 and Title 16 of the Delaware Code Relating to Involuntary Commitment Record Checks for Sales of Firearms. (F/N)

Representative Petrilli made comments.

The roll call on HB 374 w/HA 1 & 2 & SA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Amick, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 374 w/HA 1 & 2 & SA 1 was sent to the Governor.

Representative Banning brought HB 424, jointly sponsored by Senator Vaughn & Representatives B. Ennis, Fallon, West & Wojewodzki & Senators Bair & Hauge, before the House for consideration.

HB 424 - An Act to Amend Section 730, Title 7 of the Delaware Code Relating to the Discharge of a Firearm Near an Occupied Dwelling.

Representative Banning introduced and brought HA 1 to HB 424 before the House for consideration. HA 1 was adopted by voice vote.

Representative Ewing requested and was granted the privilege of the floor for Jackie Paradee-Mette, House Attorney.

Representative Banning moved to place HB 424 w/HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative B. Ennis brought HS 1 to HB 219, jointly sponsored by Senator Vaughn & Representatives Banning, Houghton & West, before the House for consideration.

HB 219 - An Act to Amend Chapter 30, Title 30, Delaware Code, Relating to Motor Vehicle Dealer License Fee. (F/N)

The roll call on HS 1 to 219 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, D. Ennis, Plant - 3.

Therefore, having received a constitutional majority, HS 1 to 219 was sent to the Senate for concurrence.

Representative B. Ennis brought HB 442, jointly sponsored by Representatives Jonkiert, D. Ennis, Brady, Clark, VanSant, Banning, DiLiberto, West, Wojewodzki, Houghton & Amick & cosponsored by Representative DiPinto, before the House for consideration.

HB 442 - An Act to Amend Chapters 13, 44 and 63 of Title 9, Delaware Code Requiring Building Inspectors in All Three Counties to be Nationally Certified and Amending Title 29 of the Delaware Code by Placing the Certification Process Under the Auspices of the Division of Professional Regulation

Representative B. Ennis introduced and brought HA 1 to HB 442 before the House for consideration. HA 1 was adopted by voice vote.

The roll call on HB 442 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, D. Ennis, Taylor - 3.

Therefore, having received a constitutional majority, HB 442 w/HA 1 was sent to the Senate for concurrence.

Representative Brady brought HCR 54, jointly sponsored by Representative Smith & Senators Voshell & Bair & Representatives Banning, Bradley, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto, DiPinto, B. Ennis, Ewing, Fallon, Houghton, Jonkiert, Petrilli, Quillen, Reynolds, Schroeder, Sorenson, Spence, Taylor, VanSant, Wagner & West & Senators Adams, Blevins, Cook, Connor, McBride, Neal, Still & Vaughn & cosponsored by Representative Mack, before the House for consideration.

HCR 54 - Creating a School Tax Equity Task Force to Study and Report on Alternatives to Property Taxes for Funding the Local Portion of Public School Funding.

Representative Brady brought HA 1 to HCR 54 before the House for consideration.

Mr. Speaker Spence resumed the Chair.

HA 1 to HCR 54 was adopted by voice vote.

HCR 54 w/HA 1 was adopted by voice vote and sent to the Senate for concurrence.

Representative Schroeder moved to suspend the rules which interfere with action on HJR 17. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Schroeder brought HJR 17, jointly sponsored by Representatives Banning, Bennett, Bradley, Brady, Buckworth, Bunting, Clark, DiLiberto, B. Ennis, Ewing, Fallon, Houghton, Plant, Quillen, VanSant, Wagner, West & Wojewodzki & Senators Blevins, Cordrey, Marshall, Sokola, Vaughn & Voshell, before the House for consideration.

HJR 17 - Calling for Delaware Recognition of National Public Works Week, to be Recognized From May 15 Through May 21.

The roll call on HJR 17 was taken and revealed:

YES: 38.

ABSENT: Representatives Amick, DiPinto, D. Ennis - 3.

Therefore, having received a constitutional majority, HJR 17 was sent to the Senate for concurrence.

Representative Buckworth requested that action on SB 69 be deferred to a Day Certain, Tuesday, May 17, 1994.

Representative Buckworth requested that HB 187 be stricken.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: Representative Terry R. Spence

Speaker of the House

FROM: Representative David H. Ennis

RE: Absence from Session

DATE: May 10, 1994

Due to personal business on Tuesday, May 10, I will be unable to attend session.

Thank you for your attention to this matter.

cc: JoAnn M. Hedrick

Chief Clerk

DHE/gmr

The Majority Leader moved to recess to the call of the Chair at 5:16 p.m.

27th LEGISLATIVE DAY 137th GENERAL ASSEMBLY Second Session May 11, 1994

Mr. Acting Speaker Quillen called the House to order at 2:25 p.m.

The Majority Leader moved to adjourn at 2:26 p.m., thereby ending the current legislative day.

The House reconvened at 2:27 p.m.

The Chief Clerk called the roll.

Members Present: 37.

Members Absent: Representatives Amick, George, Holloway, Taylor - 4.

A prayer was offered by Representative Peggy G. Bradley, Eleventh 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 486 - OBERLE & SENATOR MARSHALL - LABOR & HUM RES MAN: An Act to Amend Chapter 69, Section 6912, Title 29, Delaware Code, Relating to Public Works Contracts and Prevailing Wage Rates.

HB 487 - DAVIS & VANSANT, PETRILLI, SPENCE, QUILLEN, GEORGE, GILLIGAN; SENATORS BLEVINS, MCDOWELL, VAUGHN, STILL - H/ADM: An Act to Amend Chapter 45 and Chapter 49 of Title 15 of the Delaware Code Relating to Certificates of Election.

HB 488 - DAVIS - JUD: An Act to Amend Title 10 of the Delaware Code Relating to Victim-Offender Mediation Centers.

HB 489 - DAVIS, D. ENNIS, DIPINTO, OBERLE, JONKIERT, VANSANT; SENATORS BLEVINS, MCDOWELL, VAUGHN, STILL - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Insurance and Creating the HIV Testing for Insurance Act.

HB 490 - MARONEY & SENATOR VOSHELL; REPRESENTATIVES SPENCE, PETRILLI, BUCKWORTH, CAREY, DAVIS, DIPINTO, D. ENNIS, MACK, REYNOLDS, ROY, SORENSON, TAYLOR, BANNING, BRADLEY, BUNTING, GEORGE, GILLIGAN, PLANT, SCHROEDER, WOJEWODZKI, SENATORS BLEVINS, SOKOLA, BAIR, NEAL, HENRY, KNOX - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Child Restraint Laws.

HB 491 - SMITH & SENATOR VENABLES; REPRESENTATIVES PETRILLI, SPENCE, BUCKWORTH, CAREY, CAULK, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, MARONEY, OBERLE, REYNOLDS, ROY, SORENSON, TAYLOR, WAGNER, BANNING, BENNETT, BRADLEY, BRADY, BUNTING, CLARK, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, PLANT, VANSANT; SENATORS BLEVINS, VOSHELL, SOKOLA, VAUGHN, BAIR, CONNOR, HAUGE, HENRY, KNOX, NEAL, STILL - R & F: An Act to Amend Laws of Delaware, Volume 68, Chapter 80, Relating to Chapters 23, 25, 27, 29 and 43, Title 30 of the Delaware Code and Occupational and Business Licenses and Taxes.

HB 492 - HOLLOWAY, JONKIERT; SENATOR MARSHALL - SM BUS: An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Disorderly Conduct Outside of Facilities and/or Establishments That Are Licensed to Serve Alcohol Beverages.

HA 1 to HB 400 - OBERLE - JUD: Placed with the bill.

HA 2 to HB 427 - MARONEY - DEFERRED: Placed with the bill.

HA 1 to HB 455 - DIPINTO - APPRO: Placed with the bill.

SB 252 w/SA 1 - CORDREY - HOUSING & COM AFF: An Act to Amend Subchapter 11, Chapter 29, Title 24, Delaware Code Relating to Regulation of Real Estate Appraisers.

SB 260 - CONNOR & REPRESENTATIVES SPENCE, LOFINK & SENATORS MCBRIDE, NEAL, MARTIN, VAUGHN; REPRESENTATIVES DAVIS, MACK, OBERLE, REYNOLDS - H/ADM: An Act to Amend Chapter 13, Title 9, of the Delaware Code Relating to the New Castle County Planning Board.

Representatives Maroney, Banning & West requested that they be marked present.

Representative Maroney requested and was granted the privilege of the floor for Ann Grunert, Executive Director, Delaware Special Olympics.

Representative Bennett requested that he be marked present.

The Reading Clerk read the following communications into the record:

May 10, 1994

LEGISLATIVE ADVISORY #44

The following legislation was signed by Governor Thomas R. Carper on the date indicated:

The Governor signed the following legislation on the dates indicated: 5/04/94 - HB 129 aab HA 1. 5/10/94 - SB 122 aab HA 1, HB 343 aab HA 1, HB 386 aab HA 1 & HB 413 aab HA 1.

The Senate wishes to inform the House that it has passed: SB 260 & SB 252 w/SA 1.

Representative Mack requested that he be marked present.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #51

DATE: May 11, 1994

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>
H137-881	Quillen	5/03/94	T	William G. Jester/Excellence & Commitment/State Serv.
H137-882	Ewing	5/03/94	T	Robert L. Ragin/Excellence & Commitment/State Serv.
H137-883	DiLiberto	5/03/94	T	Neil S. Semmel/Excellence & Commitment/State Serv.
H137-884	Wagner	5/07/94	T	Carol Latourett & Thomas Roberts, III/Marriage
H137-885	Wagner	5/03/94	M	John Luther Stevens, Jr./Loyal Republican
H137-886	D. Ennis	5/03/94	T	Maj. Gen. John H. McDonald/Retire/DE Army Nat. Guard
H137-887	Banning	3/31/94	T	Rebecca Lynn Usilton/Miss Goldey-Beacom College
H137-888	Bunting	5/03/94	T	Allen & Wilma Burbage/50th Wedding Anniversary
H137-889	B. Ennis	5/06/94	T	Harry E. Warner/President/DE Vol. Firemen's Assoc.

H137-890	B. Ennis	5/06/94	T	Robert E. Quillen, Jr./Pres. /Del Mar Va Vol. Firemen
H137-891	B. Ennis	5/06/94	T	Philip M. Hurlock/President/ Maryland State Firemen's
H137-892	B. Ennis	5/04/94	M	Walter J. Reed
H137-893	Gilligan	5/12/94	T	Daniel Kahler/1st Place/ National Art Awards Competition.
H137-894	Mack	5/15/94	T	Christian S. Aument/Eagle Scout
H137-895	Bennett	4/30/94	M	Barbara E. DiSabatino
H137-896	Carey	5/04/94	M	E. Crerar Bennett/Champion of Delaware Agriculture
H137-897	DiPinto	5/08/94	M	Lillian Turner Peterson/ Former First Lady of DE
H137-898	Gilligan	5/14/94	T	Charles A. Boyd/Deputy Chief Emeritus
		cosponsors: Roy		
T - Tribute				
M - Memoriam				

Representative Plant introduced HB 493.

HB 493 - An Act to Amend Chapter 41, Title 14 of the Delaware Code Relating to General Regulatory Provisions.

Mr. Acting Speaker assigned HB 493 to the Education Committee.

The Majority Leader moved to recess for committee meetings at 2:40 p.m.

The House reconvened at 4:42 p.m.

Representative Reynolds requested that he be marked present.

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

H/ADM: HB 408 - 3M; HB 460 - 3M.

ECON DEV, B & I: HB 355 - 6M; HB 459 - 6M; SB 287 - 6M.

JUD: SB 300 w/SA 1 - 6M; SB 301 w/SA 1 - 6M; SB 314 w/SA 1 - 6M.

R & F HCR 56 - 5M.

P/S: HB 466 - 5M.

Representatives Spence & D. Ennis requested that they be marked present.

Mr. Speaker Spence resumed the Chair.

Representative Brady requested that he be marked present.

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

ED: HB 447 - 5M; SB 299 - 5M.

Representative Bennett introduced and brought SCR 74, jointly sponsored by Senator Torbert On Behalf of All Senators & On Behalf of All Representatives, before the House for consideration.

SCR 74 - Congratulating Dr. Mahadeo P. Verna, Director of Delaware's Public Health Laboratories, On His Selection as Laboratorian of the Year by the Delaware Laboratorians Association and Recognizing His Dedication and Timeless Efforts Directed Toward Quality Practice of Laboratory Medicine.

SCR 74 was adopted by voice vote and returned to the Senate.

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

HUM NEEDS & DEV: HB 456 - 5M; HB 484 - 4M.

The Acting Majority Leader moved to recess to the call of the Chair at 4:50 p.m.

28th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
May 12, 1994

Mr. Speaker Spence 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: SB 339, SB 340, SB 338 & HJR 17.

Mr. Speaker assigned SB 339, SB 340 & SB 338 to the Public Safety Committee.

Mr. Speaker assigned HB 447 to the Appropriations Committee.

Mr. Speaker removed HB 455 from the Appropriations Committee.

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.

The following prefiled legislation was introduced:

HB 494 - 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)

HA 1 to HB 312 - JONKIERT - JUD: Placed with the bill.

HA 2 to HB 424 - BANNING - L.O.T.: Placed with the bill.

HA 3 to HB 427 - MARONEY - AGENDA: Placed with the bill.

HA 2 to HB 431 - EWING - P/S: Placed with the bill.

HA 1 to HB 451 - DAVIS - AGENDA: Placed with the bill.

HA 1 to HB 479 - MARONEY - HUM NEEDS & DEV: Placed with the bill.

SB 338 - ADAMS; REPRESENTATIVES EWING, LEE; SENATORS VENABLES, VOSHELL, CORDREY - H/ADM: An Act to Amend Chapter 70 of Title 9 of the Delaware Code Relating to the Limitation on Sussex County in the Procurement of Services and Supplies.

SB 339 - CORDREY; REPRESENTATIVES EWING & LEE; SENATORS ADAMS, VENABLES, VOSHELL - H/ADM: An Act to Amend Subchapter I, Chapter 69 of Title 29 of the Delaware Code Relating to the Rental and Purchase of Motor Vehicles and Exceptions Thereto.

SB 340 - CORDREY; REPRESENTATIVES EWING, LEE; SENATORS ADAMS, VOSHELL - H/ADM: An Act to Amend Chapter 87 of Title 9 of the Delaware Code Relating to Collection of Delinquent Taxes and Providing for Attorney Fees Incurred by Sussex County to be Taxed in All Proceedings Under Subchapter II Thereof.

HA 1 to SB 217 - DAVIS - AGENDA: Placed with the bill.

Representatives Roy, Davis, Buckworth, West & Houghton requested that they be marked present.

Representative Petrilli brought HB 451, jointly sponsored by Representatives Spence, Davis, Ewing, Quillen, Banning & Clark & Senators Knox, Neal, Adams, Sokola & Vaughn, before the House for consideration.

HB 451 - An Act to Amend Chapter 14, Title 14, Delaware Code, Relating to Teacher Certification.

Representative Davis brought HA 1 to HB 451 before the House for consideration. HA 1 was adopted by voice vote.

Representatives Banning, Brady, B. Ennis, George, Gilligan, Oberle & Wojewodzki requested that they be marked present.

The roll call on HB 451 w/HA 1 was taken and revealed:

YES: 34.

ABSENT: Representatives DiPinto, Holloway, Jonkiert, Mack, Maroney, Reynolds, Taylor - 7.

Therefore, having received a constitutional majority, HB 451 w/HA 1 was sent to the Senate for concurrence.

Representative Oberle requested that action on HB 427 be deferred to a Day Certain, Thursday, May 19, 1994.

Representative Smith brought SB 288, jointly sponsored by Senators Cordrey, Martin, Marshall, Cook, Sharp, Bair & Connor & Representatives Petrilli, Spence, Quillen, Davis, Roy, George & Gilligan & cosponsored by Senator Neal & Representatives DiPinto & Bennett, before the House for consideration.

SB 288 - An Act to Amend Chapter 61, Title 29, Delaware Code, Regarding the Creation of the Twenty-First Century Fund. (F/N)

Representative Smith requested and was granted the privilege of the floor for Sarah Jackson, Secretary, Department of Finance.

The roll call on SB 288 was taken and revealed:

YES: 39.

ABSENT: Representatives Holloway, Taylor - 2.

Therefore, having received a constitutional majority, SB 288 was returned to the Senate.

Representative Oberle brought HS 1 to HB 183, jointly sponsored by Senator McDowell & Representatives Spence & Bennett & Senator Still, before the House for consideration.

HB 183 - An Act to Amend Chapter 14, Title 14 of the Delaware Code Relating to Fair Dismissal of Teachers. (F/N)

Representative DiLiberto announced that he will not be voting on HS 1 to HB 183 because of a possible conflict of interest.

Representative Buckworth announced that he will not be voting on HS 1 to HB 183 because of a possible conflict of interest.

Representative Oberle brought HA 1 to HS 1 to HB 183 before the House for consideration. HA 1 was adopted by voice vote.

Representative Oberle brought HA 2 to HS 1 to HB 183 before the House for consideration. HA 2 was adopted by voice vote.

Representative Ewing introduced and brought HA 3 to HS 1 to HB 183, jointly sponsored by Representative Fallon, before the House for consideration.

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

Representative Ewing moved to suspend the rules which interfere with action on HA 3. The motion was seconded by Representative Quillen and adopted by voice vote.

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

Representative Ewing requested and was granted the privilege of the floor for Ron Smith, House Attorney.

The Majority Leader moved to recess at 3:08 p.m.

The House reconvened at 3:12 p.m.

HA 3 to HS 1 to HB 183 was defeated by voice vote.

The Reading Clerk read the following communication into the record at the request of Representative Wagner:

Devon L. Cairns
704 N. Bradford St.
Dover DE 19901

The Honorable Nancy Wagner
House of Representatives
Legislative Hall
Dover, DE 19901
Dear Representative Wagner,

I am writing this letter in support of House Bill 183. I feel I can offer testimony as to why this bill needs to be passed as a result of what happened to me during the spring of 1993.

For three years, I worked for the Capital School District. During that time I worked under three different principals. I was evaluated eight times throughout the three years and received consistently positive written evaluations as well as positive oral comments concerning my performance.

On April 20, one day before the Capital board met to grant tenure to teachers with three years of experience, I was told by my building principal, and her supervisor, that I would not be granted tenure or rehired. I questioned both parties immediately as to the reason and was told that I would not be given a reason. Furthermore, I never received a third evaluation during this year that is required of all non-tenured teachers. I had been told to prepare for that evaluation by my building principal a few weeks prior. Everything seemed to be proceeding as normal. I bring up this point for two reasons. First, because upon reflection, it makes the entire situation even more confusing and incomprehensible. Second, because it seems that if my ability were in question, a third evaluation would have been appropriate. Furthermore, I was never, during my three years in the school district, evaluated by anyone but the building principal. It is a fact, however, that other non-tenured teachers in the District were evaluated by district office personnel in addition to their regular evaluations. Also, the district has an established improvement plan, however, I was at no time told I needed to improve nor was I ever placed on this plan. On April 23, 1993, I scheduled a meeting with the superintendent to request a reason for my dismissal. Again, I was denied a reason.

After applying in nearly every district in Delaware last summer, I remain unemployed. I can't help but feel that this is largely due to the fact that I have no explanation to offer potential employers as to why I did not remain at my previous position. I know of no other working sector in society where employees are treated so unfairly. Forty-seven other states offer reasons to non-tenured teachers who have been terminated. I strongly urge the passing of House Bill 183 so that other non-tenured teachers would not have to suffer similar indignities.

Respectfully,
Devon L. Cairns

Representative Oberle requested and was granted the privilege of the floor for Sheldon Sandler, Attorney, representing Delaware State Education Association.

Representative Holloway requested that he be marked present.

Representative Houghton requested and was granted the privilege of the floor for Dr. Wayne C. Bastian, Superintendent, Delmar School District.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Davis rose on a point of order. Mr. Acting Speaker concurred.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker declared a recess at 4:55 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:00 p.m.

Representative Sorenson introduced HB 495, jointly sponsored by Senator Sokola.

HB 495 - An Act to Amend Title 14 of the Delaware Code Relating to the State Appropriations.
Mr. Speaker assigned HB 495 to the Education Committee.

Representative Davis introduced HB 496, jointly sponsored by Representatives Ewing & Lee & Senator Vaughn.

HB 496 - An Act to Amend Title 11 of the Delaware Code Relating to Inmate Furloughs.
Mr. Speaker assigned HB 496 to the Corrections Committee.

Representative Bennett introduced HB 497, jointly sponsored by Senator Blevins & Representatives Buckworth, Caulk, Oberle & B. Ennis & Senators Martin, Sokola & Voshell.

HB 497 - An Act to Amend Title 24 of the Delaware Code Relating to Prescriptive Authority and Scope of Practice of Licensed Physician's Assistants.

Mr. Speaker assigned HB 497 to the Labor & Human Resource Management Committee.

Representative Holloway introduced HB 498.

HB 498 - An Act to Amend Title 11, Delaware Code Relating to the Limitations for Prosecution of Sexual Harassment.

Mr. Speaker assigned HB 498 to the Judiciary Committee.

Representative Holloway introduced HB 499, jointly sponsored by Representatives Spence & Jonkiert & Senator Marshall.

HB 499 - An Act to Amend Chapter 41, Title 14, Delaware Code Relating to Permission of Nonsectarian, Nonproselytizing, Student-Initiated Voluntary Prayer on Public School Property, Other Public Property or Other Property at School-Related Activities, Including Student Sporting Events, Graduation or Commencement Ceremonies and Other Student Assemblies and Events.

Mr. Speaker assigned HB 499 to the Education Committee.

Representative Gilligan requested and was granted the privilege of the floor for Ray Christian, representing the Delaware School Board Association.

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

Representative Petrilli requested and was granted the privilege of the floor for Ron Smith, House Attorney.

The roll call on HS 1 to HB 183 w/HA 1 & 2 was taken and revealed:

YES: 31.

NO: Representatives Amick, Clark, Jonkiert, Lee, Quillen - 5.

NOT VOTING: Buckworth, Bunting, DiLiberto, George, Sorenson - 5.

Therefore, having received a constitutional majority, HS 1 to HB 183 w/HA 1 & 2 was sent to the Senate for concurrence.

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

SS 1/SB 272 - 1F,5M.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #52

DATE: May 12, 1994

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>
H137-899	DiPinto	5/10/94	T	The Nurses of Parkview/ National Nurses Week
H137-900	DiPinto	5/10/94	T	Nurses of Kentmere Center/Nat. Nurses Week
H137-901	DiPinto	5/10/94	T	Nurses of Southpark Ter./Nat. Nurses Week
H137-902	DiPinto	5/10/94	T	Nurses/St. Francis /National Nurses Week
H137-903	DiPinto	5/10/94	T	Nurses/Franciscan Center/Nat. Nurses Week
H137-904	West	5/06/94	T	Mrs. Florence Daisey/90th Birthday/
H137-905	DiPinto	5/22/94	T	Lino Fabris/Eagle Scout
H137-906	B. Ennis	5/22/94	T	D. Matthew Surles/Eagle Scout Award
H137-907	Petrilli	5/15/94	T	Alex Funk/Confirmation
H137-908	Gilligan	4/10/94	T	Horace & Sarah Ingram/ 60th Wedding Anniversary
H137-909	Wagner	5/14/94	T	Jennifer Lawrence & Glen D. Jones/Marriage
H137-910	Fallon	5/11/94	T	Nancy Jane Sherlock/NASA Community Involvement

H137-911	Fallon	5/11/94	T	Barbara Radding Morgan /NASA Community Inv.
H137-912	Oberle	5/11/94	T	Keith Kowanick/Recovery/ Return to Baseball
H137-913	Banning	5/11/94	T	Erik Evans Baker/Eagle Scout
H137-914	Banning	4/28/94	T	Earl Walker/Male Athlete of Year/Boston University
H137-915	Carey	4/23/94	T	Phillip Bowman/Milton/1993 Employee/Year
H137-916	Carey	4/23/94	T	Donald W. Mills/Milton 1993 Employee of Year

T - Tribute

M - Memoriam

The Majority Leader moved to recess to the call of the Chair at 5:33 p.m.

29th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
May 17, 1994

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 359 w/HA 2 & SA 2, HB 433, HS 1 for HB 305 w/HA 1 & HB 439 w/HA 1.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Al O. Plant, Sr., do hereby request that my name be removed as Co-Sponsor of HB 460.

Date: May 12, 1994.

Signed: Al O. Plant, Sr.

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: 41.

A prayer was offered by Representative Wayne A. Smith, 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:

HS 1 to HB 454 - SORENSON & SENATOR SOKOLA - ED: An Act to Amend Delaware Code, Title 14, Chapter 13, Relating to Prior Experience of Selected Categories of School Personnel.

HB 500 - BUCKWORTH, EWING, SPENCE, REYNOLDS, WAGNER, BENNETT, BRADLEY; SENATORS TORBERT, VOSHELL - ED: An Act to Amend, Title 11 and Title 14 of the Delaware Code Relating to Arrest Without Warrant and Reporting of the Criminal Activity of Students.

HB 501 - AMICK - HUM NEEDS & DEV: An Act to Amend Chapter 7, Title 13, 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.

HB 502 - SMITH & SENATOR VAUGHN - R & F: An Act to Amend Chapter 23, Title 12 of the Delaware Code Relating to Accounting and Distribution.

HB 503 - SMITH & SENATOR VAUGHN - R & F: An Act to Amend Chapter 13, Title 30 of the Delaware Code Relating to Inheritance Tax.

HB 504 - MARONEY & SENATOR BLEVINS; REPRESENTATIVES BUCKWORTH, DAVIS, DIPINTO, D. ENNIS, EWING, LEE, QUILLIN, REYNOLDS, SMITH, SORENSON, WAGNER, BANNING, BRADLEY, BUNTING, B. ENNIS, HOUGHTON, SCHROEDER, VANSANT, WOJEWODZKI - HUM NEEDS & DEV: An Act Proposing the Deletion of Article XII of the Delaware Constitution of 1897, as Amended, Relating to the State Board of Health. (2/3 bill)

HB 505 - GEORGE - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code, Relating to Crimes and Criminal Procedure.

HB 506 - SCHROEDER, BRADLEY, BUCKWORTH, CAREY, DILIBERTO, EWING, HOUGHTON, JONKIERT, SPENCE, WAGNER; SENATORS COOK, KNOX - ENV & NAT RES: An Act to Amend Chapter 60, Title 7, Delaware Code Relating to Environmental Control. (3/5 bill)

HA 2 to HB 363 - AMICK, WOJEWODZKI - HOUSING & COM AFF: Placed with the bill.

HA 1 to HB 460 - BENNETT - AGENDA: Placed with the bill.

HA 2 to HB 460 - BENNETT - AGENDA: Placed with the bill.

HA 1 to HB 466 - VANSANT - READY LIST: Placed with the bill.

Mr. Speaker Spence introduced guests.

The Reading Clerk read the following communications into the record:

May 13, 1994

LEGISLATIVE ADVISORY #45

The following legislation was signed by Governor Thomas R. Carper on the date indicated:

5/12/94 - SB 288.

May 16, 1994

LEGISLATIVE ADVISORY #46

The following legislation was signed by Governor Thomas R. Carper on the date indicated:

5/13/94 - HB 417 aab HA 1 & 2.

Representatives Bennett, Amick, Lee, Plant, Gilligan & B. Ennis requested that they be marked present.

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

The House reconvened at 3:34 p.m.

Representative Lee made an announcement regarding the Police Services Task Force Report.

Representatives Bennett, Bunting, Fallon, Caulk, Quillen & Spence made comments.

Representatives Reynolds & Mack requested that they be marked present.

Representative George requested that HB 465 be stricken.

Representatives Schroeder, Taylor & DiLiberto requested that they be marked present.

Representative Wagner brought HB 359 w/HA 2 & SA 2, jointly sponsored by Senator Venables & Representatives Spence, Quillen, Buckworth, Caulk, Davis, D. Ennis, Ewing, Lee, Mack, Carey, Fallon, Amick, Reynolds, Lofink, Taylor, Oberle, DiPinto, Smith, Sorenson, DiLiberto, Bennett & Wojewodzki & Senators Blevins, Torbert, Connor & Still & cosponsored by Representatives Brady & Bunting, before the House for concurrence on SA 2.

HB 359 - An Act to Amend Title 18, Delaware Code Relating to the Pharmacy Access Act.

The roll call on HB 359 w/HA 2 & SA 2 was taken and revealed:

YES: 40.

ABSENT: Representative Maroney - 1.

Therefore, having received a constitutional majority, HB 359 w/HA 2 & SA 2 was sent to the Governor.

Representatives Brady, Holloway, Wojewodzki, Bradley & Jonkiert requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought SB 21 w/SA 1, sponsored by Senators Torbert & Still & Representative Wagner, before the House for consideration.

SB 21 - An Act to Amend Chapter 51, Title 29, Delaware Code, Relating to Protection of Public Employees Reporting Suspected Violation of Law.

Representatives Oberle & Wagner made comments.

The roll call on SB 21 w/SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 21 w/SA 1 was returned to the Senate.

Representative Maroney requested that she be marked present during the roll call.

Representative Petrilli deferred to Representative Smith.

Representative Smith requested that action on HB 460 be deferred to a Day Certain, Thursday, May 19, 1994.

Representative George requested that action on HB 364 be deferred to a Day Certain, Tuesday, May 31, 1994.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto brought SB 277 w/SA 1, sponsored by Senators Vaughn, Voshell & McBride & Representatives B. Ennis, Brady & Spence & cosponsored by Representatives Roy & Bradley, before the House for consideration.

SB 277 - An Act to Amend Chapter 87, Title 29 Delaware Code Relating to the Delaware Commission on Veterans' Affairs. (F/N).

Representative DiPinto made comments.

The roll call on SB 277 w/SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 277 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative Carey.

Representative Carey brought SJR 29, sponsored by Senator McBride & Representative Schroeder & Senators Knox, Sokola & Voshell & Representatives Mack, Reynolds, Bradley, DiPinto & Lofink, before the House for consideration.

SJR 29 - Providing for the Establishment of a Blue Ribbon Task Force to Study and Make Recommendations to the Governor and the Delaware General Assembly for a Statewide, Comprehensive Policy on Recycling Efforts Throughout the State.

Representative Carey made comments.

The roll call on SJR 29 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SJR 29 was returned to the Senate.

Representative Buckworth brought SB 300 w/SA 1, sponsored by Senator Sharp & cosponsored by Representative DiPinto, before the House for consideration.

SB 300 - An Act to Amend Chapter 1, Title 8, Section 136, of the Delaware Code Relating to Resignation of Corporation Registered Agents Not Coupled With Appointment of Successor. (2/3 bill)

Representatives Buckworth & Amick made comments.

The roll call on SB 300 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 300 w/SA 1 was returned to the Senate.

Representative Buckworth brought SB 301 w/SA 1, sponsored by Senator Sharp & cosponsored by Representative DiPinto, before the House for consideration.

SB 301 - An Act to Amend Chapter 1, Title 8, Section 371, of the Delaware Code Relating to Qualifications to Do Business in State. (2/3 bill)

Representative Buckworth made comments.

The roll call on SB 301 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 301 w/SA 1 was returned to the Senate.

Representative Buckworth brought SB 314 w/SA 1, sponsored by Senator Sharp & cosponsored by Representative DiPinto, before the House for consideration.

SB 314 - An Act to Amend Chapter 1, Title 8, of the Delaware Code Relating to General Corporation Law. (2/3 bill)

Representative Buckworth made comments.

The roll call on SB 314 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 314 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative D. Ennis.

Representative D. Ennis brought SB 287, jointly sponsored by Senator Vaughn & Representatives Bennett, DiPinto, Smith & VanSant, before the House for consideration.

SB 287 - An Act to Amend Chapter 27, Title 18 of the Delaware Code Relating to the Insurance Contract.

Representatives D. Ennis & George made comments.

The roll call on SB 287 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 287 was returned to the Senate.

Representative Banning moved to suspend the rules which interfere with lifting HB 424 w/HA 1 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HB 424 w/HA 1, jointly sponsored by Senator Vaughn & Representatives B. Ennis, Fallon, West & Wojewodzki & Senators Bair & Hauge, before the House for consideration.

HB 424 - An Act to Amend Section 730, Title 7 of the Delaware Code Relating to the Discharge of a Firearm Near an Occupied Dwelling. (2/3 bill)

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HA 2 to HB 424 before the House for consideration.

Representative Banning made comments.

HA 2 to HB 424 was adopted by voice vote.

The roll call on HB 424 w/HA 1 & 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 424 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Maroney made an announcement regarding the committee meeting.

Representative Petrilli deferred to Representative Amick.

Representative Amick brought SB 69, sponsored by Senator Sharp & Representative Spence & Senators Blevins, Holloway, McBride & Vaughn, before the House for consideration.

SB 69 - An Act to Amend Chapter 39, Title 11, and Chapter 9, Title 10, Delaware Code, to Provide for Mandatory Human Immunodeficiency Virus Testing of Certain Sex Crime Offenders.

Representative Amick made comments.

Representative Amick requested and was granted the privilege of the floor for Colonel Thomas Gordon, New Castle County Police Department.

Representatives Amick, Ewing, Wojewodzki, Davis, Sorenson & Ewing made comments.

Representative Amick requested and was granted the privilege of the floor for Thomas J. Quinn, Executive Director, Criminal Justice Council.

Representatives Sorenson, Schroeder, Amick, D. Ennis, Plant, B. Ennis, Amick & Plant made comments.

The roll call on SB 69 was taken and revealed:

YES: 40.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority, SB 69 was returned to the Senate.

Representative Roy brought HB 355 before the House for consideration.

HB 355 - An Act to Amend Chapter 7, Title 24, Delaware Code, Relating to Insurance and the Board of Chiropractic.

Representative Roy made comments.

The roll call on HB 355 was taken and revealed:

YES: 40.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority, HB 355 was sent to the Senate for concurrence.

Representative Smith brought HB 456, jointly sponsored by Representatives Lofink, Wagner, Brady & Clark & Senator McDowell, before the House for consideration.

HB 456 - An Act to Amend Chapter 6, Title 31 of the Delaware Code Relating to the Food Stamp Program.

Representatives Smith & B. Ennis made comments.

The roll call on HB 456 was taken and revealed:

YES: 40.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority, HB 456 was sent to the Senate for concurrence.

Representative D. Ennis brought HB 459, jointly sponsored by Representatives Smith & Bennett & Senator Vaughn & Representatives Wagner, DiPinto, Jonkiert & Houghton, before the House for consideration.

HB 459 - An Act to Amend Chapter 11, Title 18 of the Delaware Code Relating to the Insurance Code and Assets and Liabilities.

Representative D. Ennis made comments.

The roll call on HB 459 was taken and revealed:

YES: 40.

ABSENT: Representative Petrilli - 1.

Therefore, having received a constitutional majority, HB 459 was sent to the Senate for concurrence.

The Majority Whip moved to recess to the call of the Chair at 5:05 p.m.

30th LEGISLATIVE DAY 137th GENERAL ASSEMBLY

Second Session

May 18, 1994

Mr. Speaker Spence called the House to order at 2:23 p.m.

The Reading Clerk read the following communication into the record:

May 17, 1994

The Honorable Terry R. Spence

Speaker of the House

Legislative Hall

Dover, Delaware

Dear Mr. Speaker:

Please be advised that I will be unable to attend legislative session on Wednesday, May 18, 1994, and Thursday, May 19, 1994, due to family business.

Thank you.

Sincerely,
Orlando J. George, Jr.
Minority Leader

OJG,Jr./rmh

The Majority Leader moved to adjourn at 2:24 p.m., thereby ending the current legislative day.
The House reconvened at 2:25 p.m.

The Chief Clerk called the roll.

Members Present: 40.

Member Absent: Representative George - 1.

A prayer was offered by Representative Tina K. 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:

HS 2 for HB 7 - OBERLE, ROY; SENATOR SOKOLA - LABOR & HUM RES MAN: An Act to Amend Title 21 of the Delaware Code Relating to Rules of the Road. (2/3 bill)

HB 507 - RESERVED.

HB 508 - PETRILLI, SPENCE, CAREY, CAULK, DAVIS, DIPINTO, EWING, FALLON, LEE, LOFINK, MACK, MARONEY, OBERLE, QUILLEN, REYNOLDS, ROY, SMITH, SORENSON, WAGNER, BANNING, BENNETT, BRADLEY, BRADY, BUNTING, CLARK, DILIBERTO, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, SCHROEDER, VANSANT, WEST, WOJEWODZKI; SENATORS MARSHALL, MARTIN, VAUGHN, BAIR, CONNOR, HAUGE, HENRY, KNOX, NEAL, STILL - APPRO: An Act to Amend Title 29, Delaware Code, Relating to Accountability and Establishing Priorities in the State Government Regulatory Process.

HB 509 - PETRILLI, QUILLEN, AMICK, BUCKWORTH, CAREY, CAULK, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, LEE, LOFINK, MARONEY, REYNOLDS, ROY, SORENSON, SMITH, WAGNER, BANNING, BRADLEY, BRADY, BUNTING, CLARK, DILIBERTO, B. ENNIS, HOUGHTON, JONKIERT, PLANT, VANSANT, WEST; SENATORS SOKOLA, HAUGE, HENRY, KNOX, NEAL, STILL - APPRO: An Act Proposing an Amendment to Article VIII of the Delaware Constitution of 1897, as Amended, Relating to Revenue and Taxation. (2/3 bill)

HB 510 - EWING & SENATOR ADAMS; REPRESENTATIVES SPENCE, PETRILLI, QUILLEN, LOFINK, OBERLE; SENATOR SHARP; REPRESENTATIVE LEE - P/S: An Act to Redesignate Existing Chapter 74A of Title 16 of the Delaware Code as Chapter 100 of Title 16 of the Delaware Code, and to Add a New Chapter 101 to Title 16 of the Delaware Code to Provide Authority for Each County of This State to Establish and Operate a Fund to be Used to Reimburse County and Local Governmental Costs Associated With 911 Emergency Reporting Systems Fund.

HB 511 - EWING, AMICK, BANNING, CLARK, DILIBERTO, B. ENNIS, GILLIGAN, HOUGHTON, JONKIERT, VANSANT, WEST; SENATORS BLEVINS, VOSHALL - P/S: An Act to Amend Title 29 of the Delaware Code Relating to Duties of the Secretary of Public Safety.

HB 512 - SCHROEDER, CAREY & SENATOR MCBRIDE; REPRESENTATIVES BRADLEY, BUNTING, CLARK, WOJEWODZKI, JONKIERT, AMICK; SENATORS SOKOLA, CORDREY, KNOX, VOSHALL - ENV & NAT RES: An Act to Amend Titles 7, 16 and 29 of the Delaware Code Relating to the Transfer of Certain Responsibilities From the State Board of Health to the Department of Natural Resources and Environmental Control.

HB 513 - CLARK, BANNING, BENNETT, BUNTING, CAREY, CAULK, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, EWING, FALLON, HOUGHTON, LEE, PLANT, QUILLEN, SMITH, SPENCE, VANSANT, WAGNER - ENV & NAT RES: An Act to Amend Title 25 Delaware Code Relating to Drainage Trespass. (2/3 bill)

HJR 20 - ROY & SENATOR COOK; REPRESENTATIVES SPENCE, PETRILLI, OBERLE, TAYLOR, GEORGE, GILLIGAN; SENATORS MARTIN, SOKOLA, BAIR; REPRESENTATIVES BENNETT, FALLON, BRADY, AMICK, LOFINK, CAREY, D. ENNIS, SORENSON, WAGNER - TRANS & INFRA: Directing the Department of Transportation to Name the Kirkwood Highway Bridge Over Red Clay Creek in Honor of the Late John T. Davis.

HJR 21 - MARONEY & SORENSON & SENATOR SOKOLA; REPRESENTATIVES PETRILLI, BUCKWORTH, CAREY, SMITH, BANNING, BRADLEY, DILIBERTO, B. ENNIS, HOUGHTON, PLANT, WOJEWODZKI; SENATORS SOKOLA, TORBERT, BAIR, HAUGE, HENRY, NEAL - ED: Creating a Public School Election Task Force to Study and Report on the Optimal Method for Conducting Elections of Public School Boards and School Tax Referenda.

HA 1 to HB 281 - LEE - L.O.T.: Placed with the bill.

HA 3 to HB 431 - EWING - P/S: Placed with the bill.

HA 2 to HB 452 - GILLIGAN, VANSANT, OBERLE, BANNING, MACK, B. ENNIS - ENV & NAT RES: Placed with the bill.

HA 1 to HB 469 - EWING - ED: Placed with the bill.

HA 1 to HB 480 - WAGNER - ECON DEV, B & I: Placed with the bill.

HA 2 to HB 480 - WAGNER - ECON DEV, B & I: Placed with the bill.

HA 1 to HB 490 - MARONEY - P/S: Placed with the bill.

Representative Houghton requested that he be marked present.

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

Representative Lee requested that HA 1 to HB 281 be stricken.

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

Representatives Holloway, D. Ennis, Buckworth & Bennett requested that they be marked present.

Representative Roy made an announcement.

Representatives West & B. Ennis requested that they be marked present.

Representative West made comments.

The following communication was made a part of the record at the request of Representative

West:

DELAWARE Small Game Mis-Management

The operation of the Delaware Division of Fish and Wildlife for the past two decades with respect to small game can at best be described as negligent neglect and mismanagement of a valuable resource.

Chapter 5B of Title 16 of the United States Code provides state funding for wildlife restoration from the excise taxes imposed on firearms and ammunition. For 1993 the state received over \$600,000 from this fund. The law provides that these monies be used for "the selection, restoration, rehabilitation and improvement of areas of land or water adaptable as feeding, resting or breeding places for wildlife".

The plain reading of this provision indicates that Congress wanted these funds to be used for wildlife habitat development and improvement. This provision has been in effect since 1937. Over \$2.5 Billion has been generated by this provision over the years.

The State of Delaware has received millions of dollars for "Wildlife Restoration". What wildlife has been restored? NONE in most cases; Very little in a very few others.

Section 518 (d) (2) of Title 7 of the Delaware Code provides that 50% of the Duck Stamp Account "Shall be used for the purpose of protecting, preserving, restoring, enhancing and developing waterfowl habitat in Delaware". This fund generates in excess of \$60,000 per year. Let's look at the duck situation. In Delaware it is virtually impossible for a duck to hatch a brood. The crow, racoon, possum and Skunk will steal and eat the eggs and the young. If a hen does get a brood into the water the Grey gull or the turtles will feast on the remains. While the state will take positive action on the elimination of predators to protect a few nesting Plovers nothing is done to protect the nesting ducks. This is a negligent disregard of the stewardship responsibilities of the Fish and Wildlife Division and disregard of the provisions of the Delaware Code.

Now let's look at the Small Game situation. Quail hunters and quail habitat have shown a steady decline since 1970. The Fish and Wildlife Division records indicate a decline in Quail population during the same period. For 20 long years what has the Division done? NOTHING. No plan for the replenishment of Quail or the development or protection of habitat. The same is true of the Cottontail Rabbit. What we need is habitat improvements and development and not more regulations.

So what does the Division of Fish and Wildlife use the monies for? Primarily for SALARIES for studies-make work projects for wildlife biologists. The Snow Goose has been studied repeatedly. His flight pattern, his feeding area, his roosting area-and he is counted-this is wildlife monitoring, not restoration. The same is true for the Osprey, Eagle, Plover, Whitetail deer, Fox Squirrel, etc. In fact, from July 1, 1993 to June 30, 1994 over one million two hundred thousand dollars in Federal funds will be spent by the Division on salaries and other administrative items. NOTHING for the restoration of wildlife.

Without any credible evidence or any field work to support the decision, Mr. Alexander has wanted to close the February season to Quail hunting. How does he justify this without any pertinent DELAWARE knowledge? Simple. Have a symposium of carefully selected OUT OF STATE wildlife biologists-whose conclusions are well documented-tell him what he wants to hear. They have their brief cases with them, so they are "experts". None of them, however, has kicked a briar patch or followed a bird dog in DELAWARE! The conclusion he wanted was to close the February season. This symposium certainly was a cost to the taxpayer, but that was not enough. A Quail committee was appointed. The secretary of the committee was an employee of Mr. Alexander's. The committee met on a number of occasions during 1993. On September 29, 1993 Mr. Alexander issued a two page memo to his employee-the committee secretary-directing the content of the report he wanted-CLOSE the February season. His dutiful employee followed his directions and on January 25, 1994 the committee report was released. The two people on the committee that are truly knowledgeable about Quail refused to sign the report because of lack of credible evidence to support the recommended closure.

Meetings were held to outline the committee report. In Kent County two people showed up. In Sussex County over 30 quail hunters were present. On show of hands all but one opposed the proposed closure. Mr. Alexander plans to go through the regulatory process and close the season.

"Wildlife Restoration" in Delaware is the joke of the Fish and Wildlife Division. We study it-that is, what we want to study-and we repeat the study each year and we spend all the money we can on salaries and expenses, and NO wildlife is restored. But we are concerned-we study it!

What is the other side of the coin? In a few short years Quail Unlimited and the Wild Turkey Foundation have done more for wildlife habitat than the State has ever done. Quail hunters find that there are more quail in the last two years than in the last ten. They find that there are about as many quail as the habitat will support.

They find that when habitat is enhanced the Quail increase as does other small game.

Mr. John Standt, Wildlife Director for Maryland Department of Natural Resources, states that the Bob White appears to be stabilizing and may be even slightly gaining in numbers-thanks mainly to interested landowners and Quail Unlimited.

For years New Jersey has released over 15,000 Quail each year. Last year it also released 55,000

Pheasant. Maryland, just East of Federalsburg has a wildlife management area that is a model for the use of Pittman Robinson money in restoring wildlife. To do something for "Wildlife Restoration" the Division need not look far-an adjoining state will do. But look IN the state-the people who really know-the landowner, the farmer, the hunter-were they contacted? No! Apparently what the Division does is Desk Top Management in Dover and attend seminars in Alaska and other resort sights (LOTS Of Quail in Alaska), all the while "Restoring Wildlife" with Federal funds in Delaware! What the Division has done with regard to wildlife restoration is a disgrace, and what it has NOT done is shocking!

The Division certainly needs a new direction and a dedication to the stewardship that has been entrusted to it and a wise use of the funds generated by the hunter to put some meaning into "Wildlife Restoration". The time is long past due for us to witness a dedicated effort in this regard.

The Federal Fish and Wildlife Division is limited to 8% of their funds for administrative expenses-would it not be reasonable for the State Fish and Wildlife Division to have the same restriction? All of the studies (monitoring) done last year recommended that the studies continue, and that the study was underfunded and, of course, understaffed!! Unless something is done, all the funds will be used for salaries and administrative expenses, and NO wildlife will be restored.

A new direction is desperately needed to assure that Federal and State Funds are used as the statutes direct.!

William Crewe
Chairman
Sussex County Chapter
Quail Unlimited

Representative Petrilli deferred to Representative VanSant.

Representative VanSant introduced and brought HR 77, sponsored on Behalf of All

Representatives, before the House for consideration.

HR 77 - Recognizing Florence "Flo" Herrman for All of Her Hard Work and Welcoming Her Back From Her Stay in the Hospital.

WHEREAS, Florence "Flo" Herrman has served the Democratic Caucus of the House of

Representatives faithfully for over twelve years; and

WHEREAS, her years of service are appreciated by everyone; and

WHEREAS, she continually maintains a food supply for the Democratic Caucus; and

WHEREAS, she maintains her dignity throughout the storms the General Assembly weathers; and

WHEREAS, she keeps her head when all those around her are losing theirs; and

WHEREAS, unlike others who commute to Dover daily, she abides by the speed limit; and

WHEREAS, as nice a person as she is, she was in the hospital for three days for treatments for an embolism in her leg; and

WHEREAS, she recovered beautifully at home with her beloved Bill who takes wonderful care of her; and

WHEREAS, she has returned to the hallowed halls of the General Assembly with more vigor than ever.

NOW, THEREFORE:

BE IT RESOLVED that the House of Representatives extends it appreciation to Flo Herrman and wishes her good health.

Representatives Jonkiert & Wojewodzki requested that they be marked present.

HR 77 was adopted by voice vote.

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

Representative Quillen made an announcement.

Representatives Plant & Holloway made comments.

Representative Plant introduced HB 514, jointly sponsored by Representative Holloway & Senator Henry.

HB 514 - An Act to Amend Title 14 of the Delaware Code Relating to General Regulatory Provisions.

Mr. Speaker assigned HB 514 to the Education Committee.

Representatives Spence & Plant made comments.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #53

DATE: May 18, 1994

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>
H137-917	Holloway	5/10/94	T	Joseph Lindsay/Outstanding Family Man
H137-918	Gilligan	5/14/94	T	Lawrence E. Mergenthaler/Chief Emeritus
	cosponsors: Roy, Taylor			
H137-919	Roy	5/16/94	T	Cynthia Spence/Edmund S. Glenn Memorial Award
H137-920	Ewing	5/13/94	T	Mildred & Noah Cain/50th Wedding Anniversary
H137-921	Ewing	5/14/94	T	Rev. W. McCarl Roberts/Community Prayer Breakfast
H137-922	VanSant	5/12/94	T	Chief Patrick J. Ramone/24 Yrs. Ded. Serv./Elsmere
H137-923	Fallon	6/4/94	T	Luther Steinbiss/Eagle Scout
H137-924	Fallon	5/17/94	T	Marilyn Simpler/Adult Education Teacher of Year
H137-925	VanSant	9/18/94	T	Louise & James Fry, Sr./50th Wedding Anniversary
H137-926	Mack	5/17/94	T	Coach Bob Hannah/800th Career Baseball Victory
	cosponsor: Taylor			
H137-927	VanSant	4/11/94	T	Hyland & Elsie Mae Price/50th Wedding Anniv.
H137-928	VanSant	4/29/94	T	Mary E. & James C. Moffett, Jr./50th Wedding Anniv.
H137-929	DiLiberto	5/12/94	T	Brittany Rene Leoni/Birth
H137-930	Banning	5/18/94	T	Lawrence Webber/Elected to Town Council/Townsend
H137-931	Lee	5/18/94	T	Henrietta Koch/1994 Laurel Citizen of Year
H137-932	D. Ennis	5/16/94	T	Prabhu & Nirupama/Marriage
H137-933	VanSant	5/21/94	T	Michael R. Schaal/Member of Year/Elsmere Fire Co.
H137-934	VanSant	5/21/94	T	Alice Brock/Woman of Year/Elsmere Fire Co.
H137-935	VanSant	5/21/94	T	Elsmere Fire Co./No. 1 for 1993

T - Tribute

The Majority Leader moved to recess for committee meetings at 2:44 p.m.

The House reconvened at 5:04 p.m.

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

R & F: HB 450 - 7M; HB 491 - 7M.

P/S: HB 431 - 1F,3M; SB 281 w/SA 1 & 2 - 1F,3M; SB 315 w/SA 1 - 4M; SB 338 - 2F,2M; SB 339 - 4M; SB 340 - 2F,2M.

H/ADM: HB 475 - 2M,1U; HB 487 - 4M; SB 199 - 4M; SB 321 - 4M.

LABOR & HUM RES MAN: HB 471 - 3M; HB 481 - 3M; HB 486 - 3M; SB 179 w/SA 1 - 3M; SB 208 - 3M; SB 209 - 3M.

ED: HS 1/HB 454 - 5M; HB 462 - 4M; HB 495 - 4M.

HAZ WASTE MAN: HB 473 - 4M.

HUM NEEDS & DEV: HB 485 - 4M; HB 479 - 4M; SS 1/SB 215 - 4M.

ECON DEV, B & I: HB 474 - 7M; HB 482 - 7M; HJR 19 - 7M.

HOUSING & COM AFF: HB 363 - 7M; HB 467 - 6M.

ENV & NAT RES: HB 453 - 5M.

JUD: HB 477 - 5F; HB 488 - 5M; HB 505 - 5M.

SMALL BUS: HB 492 - 8M.

Representatives Maroney, Mack & Reynolds requested that they be marked present.

Mr. Speaker assigned HB 450 & HB 491 to the Appropriations Committee.

Representative DiPinto introduced & brought HR 78 before the House for consideration.

HR 78 - Welcoming the Private Investment Firm of Rutherford, Brown & Chatherwood, Inc., to the First State.

HR 78 was adopted by voice vote.

The Majority Leader moved to recess to the call of the Chair at 5:11 p.m.

31st LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
May 19, 1994

Mr. Speaker Spence called the House to order at 2:05 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HB 11 w/HA 1 & 2 & SA 1 & SB 333 w/SA 1.

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 Assistant Chief Clerk called the roll.

Members Present: 38.

Members Absent: Representatives Caulk, George, Jonkiert - 3.

A prayer was offered by Representative V. George Carey, Thirty-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.

The following prefiled legislation was introduced:

HB 515 - OBERLE & SENATOR MARSHALL - LABOR & HUM RES MAN: An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to Public Work Contracts.

HB 516 - EWING & SENATOR VOSHELL - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Motor Carrier Safety.

HB 517 - MACK & CAREY; SENATOR MCBRIDE - HAZ WASTE MAN: An Act to Amend Chapter 74, Title 7 of the Delaware Code Relating to Underground Storage Tanks.

HB 518 - WAGNER & OBERLE & SENATOR MARSHALL; REPRESENTATIVES SPENCE, PETRILLI, BUCKWORTH, CAREY, CAULK, DAVIS, DIPINTO, D. ENNIS, FALLON, MACK, QUILLEN, REYNOLDS, SORENSON, BANNING, BENNETT, BRADLEY, BRADY, BUNTING, CLARK, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, PLANT, VANSANT, WEST, WOJEWODZKI - LABOR & HUM RES MAN: An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to the Establishment of a Merit Employee Relations Board and the Administration of the Merit System.

HB 519 - DIPINTO, SPENCE & SENATOR SHARP - SMALL BUS: An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to Licenses and Taxes. (3/5 bill)

HJR 22 - FALLON & SENATOR ADAMS - ED: Relating to the First Sussex County Economy and Education Conference to Determine a Path Forward From School to Work for Students of All Ages.

HA 1 to HB 463 - BUCKWORTH - HOUSING & COM AFF: Placed with the bill.

HA 1 to HB 506 - SCHROEDER - ENVIR & NAT RES: Placed with the bill.

HA 1 to HJR 18 - BRADY - HUM NEEDS & DEV: Placed with the bill.

HA 1 to SB 281 - READY LIST: Placed with the bill.

SB 333 w/SA 1 - BAIR & REPRESENTATIVE B. ENNIS; SENATORS CONNOR, MARTIN, TORBERT, VOSHELL; REPRESENTATIVES BRADY, CAULK, HOUGHTON, QUILLEN, SMITH - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Certain Required Registrations. (2/3 bill)

Representative West requested that he be marked present.

Mr. Speaker assigned HB 462, HB 477, HB 486 & HB 488 to the Appropriations Committee.

Representative Clark made comments.

Representative Clark introduced and brought HR 79, jointly sponsored by Representative B. Ennis, before the House for consideration.

HR 79 - Congratulating the Smyrna High School Chapter of Business Professionals of America Upon Their Outstanding Performance at Their Recent National Conference Held in San Francisco.

HR 79 was adopted by voice vote.

Mr. Speaker Spence introduced a guest.

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

The House reconvened at 3:28 p.m. with Representative Quillen as Acting Speaker.

Representatives Davis, Wagner, Reynolds, Mack, Bennett & DiLiberto 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: SS 1 for SB 198.

MEMORANDUM

TO: The Honorable Terry R. Spence

Speaker of the House

FROM: The Honorable G. Wallace Caulk, Jr.

DATE: May 19, 1994

RE: Absence from session

Please excuse my absence from session of the House of Representatives today, May 19, 1994. My mother passed away last night.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Senator John C. Still, do hereby request that my name be removed as Co-Sponsor of HS 1 to HB 344.

Date: May 19, 1994.

Signed: John Still.

Representative Fallon made comments.

Representative Plant requested that he be marked present.

Representative Petrilli brought HB 11 w/HA 1 & 2 & SA 1, sponsored by Representative Maroney & Senator Holloway, before the House for concurrence on SA 1.

HB 11 - An Act to Amend Chapter 6, Title 13, Delaware Code Relating to Uniform Interstate Family Support. (F/N)

Representative Petrilli made comments.

The roll call on HB 11 w/HA 1 & 2 & SA 1 was taken and revealed:

YES: 36.

ABSENT: Representatives Caulk, George, Holloway, Jonkiert, Wojewodzki - 5.

Therefore, having received a constitutional majority, HB 11 w/HA 1 & 2 & SA 1 was sent to the Governor.

Representatives Brady, Maroney, Oberle & Taylor requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle requested that action on SB 18 be deferred to a Day Certain, Thursday, June 9, 1994.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney introduced HB 507, jointly sponsored by Senator Blevins & Representatives Sorenson & Bradley & Senators Henry & Sokola.

HB 507 - An Act to Amend Chapter 20, Title 16, Delaware Code Relating to Uniform Health Data.

Mr. Acting Speaker assigned HB 507 to the Human Needs & Development Committee.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HB 460, jointly sponsored by Senator Venables & Representatives Petrilli, Quillen, Spence, Buckworth, Carey, Davis, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Oberle, Reynolds, Roy, Wagner, Banning, Bennett, Brady, Clark, B. Ennis, Houghton, VanSant & West & Senators Adams, Cordrey, Torbert, Vaughn, Bair, Connor, Hauge, Neal & Still, before the House for consideration.

HB 460 - An Act to Amend Title 1 of the Delaware Code Relating to State Language.

Representative Bennett brought HA 1 to HB 460 before the House for consideration.

Representative Bennett requested that HA 1 to HB 460 be stricken.

Representative Bennett requested that HA 2 to HB 460 be stricken.

Representative Bennett introduced and brought HA 3 to HB 460 before the House for consideration.

Representatives Bennett, Maroney & Smith made comments.

HA 3 to HB 460 was adopted by voice vote.

Representatives Smith, Schroeder, Davis, Bennett, Schroeder, Bunting, Smith & Plant made comments.

Representative Smith requested and was granted the privilege of the floor for Vanessa Dixon, representing the United States English Association.

Representatives Plant, Fallon, Sorenson, VanSant & Wojewodzki made comments.

Representative Wojewodzki requested and was granted the privilege of the floor for Carmen Nazario, Secretary, Department of Health and Social Services.

Representatives Wojewodzki, Plant, Smith, Davis, Plant, Wojewodzki & Wagner made comments.

Mr. Speaker Spence resumed the Chair.

Representatives DiPinto, West, Sorenson, Plant, Wojewodzki, Smith & Plant made comments.
Mr. Speaker Spence resumed the Chair.

Representatives DiPinto, West, Sorenson, Plant, Wojewodzki, Smith & Plant made comments.
Representative Sorenson requested and was granted the privilege of the floor for Ron Smith,

House Attorney.

Representatives Sorenson, Davis, Schroeder, Plant, Bennett, Wojewodzki & Smith made comments.

Representative Wojewodzki requested and was granted the privilege of the floor for Fran Tracy-Mumford, representing the Department of Public Instruction.

Representatives Plant, Wojewodzki, Smith, Maroney, Sorenson & Plant made comments.

The roll call on HB 460 w/HA 3 was taken and revealed:

YES: 35.

NO: Representatives Plant, Wojewodzki - 2.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Caulk, George, Jonkiert - 3.

Therefore, having received a constitutional majority, HB 460 w/HA 3 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 427, jointly sponsored by Representatives Amick, Spence, Petrilli, Caulk, Ewing, Lee, D. Ennis, Fallon, Carey, Reynolds, Lofink, Smith, Banning, Bennett, Bradley, Brady, B. Ennis & Wojewodzki & Senators McBride, Sokola, Neal & Connor & cosponsored by Representative DiPinto, before the House for consideration.

HB 427 - An Act to Amend Titles 18 and 24 of the Delaware Code Relating to Nursing by Changing the Qualifications and Authorization to Practice of Advanced Nurses.

Representative Smith requested that HA 1 to HB 427 be stricken.

Representative Maroney requested that HA 2 to HB 427 be stricken.

Representative Maroney requested that HA 3 to HB 427 be stricken.

Representative Oberle moved to suspend the rules which interfere with introduction of and action on HA 4 to HB 427. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Oberle introduced and brought HA 4 to HB 427, jointly sponsored by Representatives Maroney & Amick, before the House for consideration.

Representative Oberle made comments.

HA 4 to HB 427 was adopted by voice vote.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representatives Oberle, Bennett & Maroney made comments.

Representative Oberle requested and was granted the privilege of the floor for Judy Hendricks, representing the Board of Nursing and Dr. Mark Meister, Executive Director, Medical Society of Delaware.

Representative Bennett made comments.

Representative Oberle requested and was granted the privilege of the floor for Dr. Michael Bradley.

Representatives Bennett, Ewing, Oberle, Houghton, Clark, Maroney, Amick & Oberle made comments.

The roll call on HB 427 w/HA 4 was taken and revealed:

YES: 38.

ABSENT: Representatives Caulk, George, Jonkiert - 3.

Therefore, having received a constitutional majority, HB 427 w/HA 4 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner introduced HR 80, jointly sponsored by Representatives Smith, Petrilli, Quillen, Amick, Carey, Davis, DiPinto, Ewing, Lee, Lofink, Maroney, Reynolds, Roy, Sorenson, Taylor, Bennett, Bradley, Brady, DiLiberto, Gilligan, Holloway & Houghton.

HR 80 - Encouraging the Expansion of English as a Second Language Program and the Teaching of Foreign Languages in Delaware's Public Schools.

Mr. Acting Speaker assigned HR 80 to the Education Committee.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #54

DATE: May 19, 1994

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
H137-936	Smith	5/18/94	M	Sue Aitchison

H137-937	DiLiberto	5/20/94	T	Mark Brainard/Law Degree
	cosponsors: Democratic Caucus			
H137-938	Gilligan	5/21/94	T	George Williamson/ Fireman of Year/Minquas
	cosponsor: VanSant			
H137-939	Gilligan	5/21/94	T	Douglas Myers/1994 Fireman of Year/Minquas Fire Company
	cosponsor: VanSant			
H137-940	Gilligan	5/21/94	T	Hugh Ross/1994 Fireman of Year/Minquas Fire Company
H137-941	Gilligan	5/21/94	T	Richard Thompson/1994 Fireman of Year/Minquas
	cosponsor: VanSant			
H137-942	Gilligan	5/21/94	T	Frank Jones/1994 Fireman of Year/Minquas Fire Company
	cosponsor: VanSant			
H137-943	Sorenson	5/18/94	T	DE Teachers Center/ Dedication to Teachers
H137-944	Wagner	5/25/94	T	Dover Modern Maturity Center/25th Anniversary
H137-945	Wagner	5/10/94	T	Aaron O. Knopf/Service as Mayor/1992-1994
H137-946	Maroney	5/21/94	T	Leah Roedel/Receiving N.C.C. Civic League Good Gov. Award
H137-947	Sorenson	5/18/94	T	Mable Wyatt/90th Birthday
H137-948	Bradley	5/19/94	T	Hanby Junior High School/ "Magic Me" Project
H137-949	Smith	5/21/94	T	Town of Arden/Historic Marker/5/21/94
H137-950	Buckworth	5/27/94	T	Ms. Laurie Whitby/Teacher of Year/Maj. George S. Welch Elementary School
H137-951	Wagner	5/19/94	T	Pat Thompson/English Teacher of Year
H137-952	Fallon	5/19/94	T	Amy C. Wick/Educator of Year/Ferris School

T - Tribute

M - Memoriam

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

LABOR & HUM RES MAN: HB 468 - 3M.

ED: HJR 22 - 4M.

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

Representative Petrilli made an announcement.

Mr. Speaker Spence made comments.

Representative Davis made an announcement.

The Majority Leader moved to recess to the call of the Chair at 5:40 p.m.

32nd LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
May 31, 1994

Mr. Speaker Spence resumed the Chair and called the House to order at 2:07 p.m. The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 75, SB 336, SB 309 w/SA 1 & HB 394 w/HA 1.

The Majority Leader moved to adjourn at 2:08 p.m., thereby ending the current legislative day. The House reconvened at 2:09 p.m.

The Chief Clerk called the roll.

Mr. Speaker assigned HB 411, HB 412, SB 280 & SB 229 to the Appropriations Committee.

Members Present: 39.

Members Absent: Representatives Buckworth, Clark - 2.

Representative Fallon made comments.

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

The following prefiled legislation was introduced:

HB 520 - QUILLEN & SENATOR COOK - H/ADM: An Act to Amend an Act Entitled "An Act to Reincorporate the Town of Felton", Being Chapter 349, 63 Laws of Delaware. (2/3 bill)

HB 521 - AMICK, SMITH, SORENSON, PLANT, BANNING; SENATORS BLEVINS, SOKOLA, VOSHELL, BAIR, HAUGE - HAZ WASTE MAN: An Act to Amend Title 7 and Title 29 of the Delaware Code Relating to the Solid Waste Authority; and Requiring That the Authority be Subject to the Provisions of Administrative Procedures Act and the Freedom of Information Act.

HB 522 - GILLIGAN, AMICK, BRADLEY, BUCKWORTH, BUNTING, CAULK, DAVIS, DIPINTO, EWING, HOLLOWAY, LOFINK, MACK, PETRILLI, REYNOLDS, ROY, SPENCE, WAGNER, WOJEWODZKI - P/S: An Act to Amend Section 4177, Title 21 of the Delaware Code, Relating to Penalties for a Third Conviction of Driving Under the Influence.

HB 523 - VANSANT, AMICK, BANNING, BRADLEY, CLARK, B. ENNIS, EWING, GILLIGAN, HOUGHTON, JONKIERT, WEST; SENATORS TORBERT, VOSHELL - P/S: An Act to Amend Titles 4 and 29 of the Delaware Code Relating to the Transfer of the Alcoholic Beverage Control Commission to the Department of Public Safety.

HB 524 - BRADY & SCHROEDER, BANNING, BENNETT, BRADLEY, BUCKWORTH, BUNTING, CAREY, CAULK, CLARK, B. ENNIS, D. ENNIS, EWING, GILLIGAN, HOLLOWAY, HOUGHTON, JONKIERT, LOFINK, PLANT, SORENSON, SMITH, SPENCE, VANSANT, WAGNER, WEST, WOJEWODZKI; SENATORS BLEVINS, HENRY, KNOX, SOKOLA, STILL, VAUGHN, VOSHELL - P/S: An Act to Amend Title 11 of the Delaware Code Relating to the Possession of Firearms by Certain Prohibited Individuals.

HB 525 - HOLLOWAY - JUD: An Act to Amend Chapter 21, Title 11, Delaware Code Relating to Release of Persons Accused of Crimes.

HB 526 - DILIBERTO, AMICK; SENATORS SHARP, VAUGHN, BAIR - JUD: An Act to Amend Subsection 5301(a), Title 11 of the Delaware Code Relating to Juries in Criminal Trials in the Court of Common Pleas in New Castle County.

HB 527 - DILIBERTO, AMICK; SENATORS SHARP, VAUGHN, BAIR - JUD: An Act to Amend Subsection 1314, Title 10 of the Delaware Code Relating to the Amount in Controversy for Civil Jurisdiction of the Court of Common Pleas.

HB 528 - OBERLE & SENATOR MARSHALL - LABOR & HUM RES MAN: An Act to Amend Section 6912, Title 29 of the Delaware Code, Relating to Prevailing Wage.

HA 1 to HB 467 - BANNING - AGENDA: Placed with the bill.

HA 1 to HB 492 - HOLLOWAY - READY LIST: Placed with the bill

HR 81 - HOLLOWAY, JONKIERT - LABOR & HUM RES MAN: Urgently Requesting the Governor Through the Office of State Personnel or by Any Other Means Available to the Executive Branch of Government, to Commence an Agency by Agency Counseling Program for All State Employees, to Include Upper Management Level Employees, Concerning the Very Highly Sensitive, Misunderstood and Controversial Subject of Sexual Harassment in the Work Place.

SS 1 to SB 198 - VOSHELL & KNOX; REPRESENTATIVES AMICK & BRADLEY; SENATORS ADAMS, BAIR, BLEVINS, CONNOR, COOK, HAUGE, HENRY, MARSHALL, MARTIN, MCBRIDE, MCDOWELL, NEAL, SOKOLA, STILL & TORBERT; REPRESENTATIVES BENNETT, BUCKWORTH, BUNTING, DAVIS, DILIBERTO, D. ENNIS, EWING, FALLON, MACK, MARONEY, PETRILLI, PLANT, REYNOLDS, ROY, SCHROEDER, SORENSON, SPENCE, TAYLOR, WAGNER & WOJEWODZKI - H/ADM: An Act to Amend Chapters 16, 25, and 58, Title 29, Delaware Code and Chapter 417, Volume 67, Laws of Delaware by Establishing the State Public Integrity Commission and Defining Its Laboratory and Responsibilities, and the Duties of Persons Subject to Its Authority. (F/N)

SB 309 w/SA 1 - MCBRIDE & REPRESENTATIVE SPENCE; SENATORS ADAMS, BAIR, BLEVINS, CONNOR, COOK, HAUGE, HENRY, KNOX, MARSHALL, MARTIN, MCDOWELL, NEAL, SOKOLA, TORBERT, VAUGHN, VENABLES, VOSHELL; REPRESENTATIVES BANNING, BENNETT, BRADLEY, BRADY, BUCKWORTH, CLARK, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, GEORGE, HOUGHTON, JONKIERT, MACK, MARONEY, OBERLE, SMITH, SORENSON, VANSANT, WAGNER, WEST, WOJEWODZKI - JUD: An Act to Amend Chapter 94, Title 11 of the Delaware Code Relating to Victims' Bill of Rights.

SB 336 - MARSHALL; REPRESENTATIVE OBERLE; SENATORS MARTIN, BLEVINS - LABOR & HUM RES MAN: An Act to Amend Title 19 of the Delaware Code Relating to Changing Criminal Penalties to Civil Penalties for Violations of Labor Laws.

HA 2 to SB 281 - AMICK - READY LIST: Placed with the bill.

The Reading Clerk read the following communications into the record:

MEMORANDUM

TO: Speaker Spence
 FROM: Rep. Gerald Buckworth
 DATE: May 31, 1994
 RE: Absence From Session

Due to illness, I will not be attending Legislative Session today, May 31, 1994.

GAB/dlc

The Honorable Terry Spence
 Speaker of the House
 May 31, 1994

Due to illness I will be unable to attend session today, May 31, 1994. I hope to be in tomorrow.

Donald M. Clark

State Representative

May 20, 1994

LEGISLATIVE ADVISORY #47

The following legislation was signed by Governor Thomas R. Carper on the date indicated:

5/20/94 - HB 374 aab HA 1,2 & SA 1, SB 285, HJR 17 & HB 439 aab HA 1.

May 27, 1994

LEGISLATIVE ADVISORY #48

The following legislation was signed by Governor Thomas R. Carper on the dates indicated:

5/26/94 - HB 359 aab HA 2 & SA 2 & SB 277 aab SA 1. 5/27/94 - HB 433, SB 21 aab SA 1, SB 69, SB 287, SB 300 aab SA 1, SB 301 aab SA 1, SB 314 aab SA 1, SJR 29 & HB 394 aab HA 1.

HOUSE TRIBUTE ANNOUNCEMENT #55

DATE: May 31, 1994

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>
H137-953	Banning	5/19/94	T	Middletown High Baseball Team/Flight B Champs
H137-954	Banning	5/19/94	T	Richard Green/Baseball Coach/Flight B Champs
H137-955	Bradley	5/19/94	T	Burnett Elementary/"Magic Me" Project
H137-956	Buckworth	6/12/94	T	C. Fred Fifer, III/President /Lions Eye Bank
H137-957	Bradley	5/19/94	T	Charlotte Brainard/Perseverance & Dedication
H137-958	Holloway	5/21/94	T	Southbridge Queens Drill Team/5th Place/Nat. Championship
H137-959	Holloway	5/21/94	T	Eastside High Steppers/Nat. Drill Team Championship
H137-960	Holloway	5/18/94	M	Kenya Frazier
H137-961	Holloway	5/18/94	M	Prentiss Owen
H137-962	Wagner	5/15/94	M	Martin E. Moffitt
H137-963	Smith	5/31/94	T	Steven H. Amick/Recogn. /8 Yrs./Chairman/Joint Sunset
H137-964	Buckworth	6/15/94	T	James R. Fennemore/1994 Teacher of Year/Frear Elementary School & Caesar Rodney School District
H137-965	Buckworth	6/15/94	T	Sharon Krasley/1994 Teacher of Year/Arnold Elementary
H137-966	Buckworth	6/15/94	T	Maureen Irvin/1994 Teacher of Year/W.B. Simpson Elementary School
H137-967	Holloway	5/22/94	T	Linda Henry & Daughters of Faith/9th Anniversary
H137-968	Buckworth	5/23/94	T	Jason Badell/Charles Pyott Unsung Hero Award/Lions Club

H137-969 Buckworth/6/18/94

T

Claude G. Tisinger,
Jr./Retirement/C.R. School
District

T - Tribute

M - Memoriam

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

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

Representative Petrilli deferred to Representative Carey.

Representative Carey brought HB 473, jointly sponsored by Senator Vaughn & cosponsored by Representative Mack, before the House for consideration.

HB 473 - An Act to Amend Chapter 74, Title 7 of the Delaware Code Relating to the Delaware Underground Storage Tank Act. (3/5 bill)(F/N)

Representative Carey made comments.

Representatives Maroney, Brady, Bradley, DiLiberto, George, Bunting, Wojewodzki, Holloway, Reynolds, Bennett & Jonkiert requested that they be marked present:

The roll call on HB 473 was taken and revealed:

YES: 37.

NO: Representative Gilligan - 1.

ABSENT: Representatives Buckworth, Clark, D. Ennis - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House,

HB 473 was sent to the Senate for concurrence.

Representatives Mack & Taylor requested that they be marked present during the roll call.

Representative George requested that action on HB 364 be deferred to a Day Certain, Thursday, June 2, 1994.

Representative George was granted personal privilege of the floor for an announcement and comments.

The House observed a moment of silence in memory of staff member Babe Nagle and his family.

Representative Petrilli deferred to Representative Plant.

Representative Plant introduced HCR 67, jointly sponsored by Senator Henry.

HCR 67 - Requesting the Governor and the Leadership in the General Assembly to Take a Strong Role of Leadership in Affirmative Action in the State of Delaware.

Mr. Acting Speaker assigned HCR 67 to the House Administration Committee.

Representative Petrilli deferred to Representative Fallon.

Representative Fallon brought HB 484, jointly sponsored by Representative Wojewodzki & Senators Blevins, Sokola & Henry, before the House for consideration.

HB 484 - An Act to Amend Chapter 87, Title 29, Delaware Code, Relating to the Division of Libraries.

Representatives Fallon, Bennett & Wojewodzki made comments.

The roll call on HB 484 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, Caulk - 2.

Therefore, having received a constitutional majority, HB 484 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative Caulk.

Representative Caulk brought SS 1 to SB 272, jointly sponsored by Senators Vaughn & Adams & Representatives Carey, Clark, B. Ennis, Banning & Schroeder, before the House for consideration.

SB 272 - An Act to Amend Chapter 83, Title 9 of the Delaware Code Relating to Valuation and Assessment of Property. (F/N)

Representative Caulk made comments.

The roll call on SS 1 to SB 272 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, Clark - 2.

Therefore, having received a constitutional majority, SS 1 to SB 272 was returned to the Senate.

Representative Petrilli brought SB 199, sponsored by Senator Vaughn & Representative Spence, before the House for consideration.

SB 199 - An Act to Amend Chapter 31, Title 15, Delaware Code, Relating to Nominations of Candidates by Parties.

Representative Petrilli made comments.

The roll call on SB 199 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, Clark - 2.

Therefore, having received a constitutional majority, SB 199 was returned to the Senate. Representative Petrilli brought SB 321, sponsored by Senator Vaughn & Representative Ewing, before the House for consideration.

SB 321 - An Act to Amend Chapters 3 and 17, Title 15, Delaware Code to Eliminate the Disqualification of Voters Who Did Not Vote in the Last Two (2) Preceding General Elections.

Representative Petrilli made comments.

Representative Petrilli requested and was granted the privilege of the floor for Don McArdle, State Elections Commissioner.

Representatives Davis, Amick & Mack made comments.

The roll call on SB 321 was taken and revealed:

YES: 22.

NO: Representative Gilligan - 1.

NOT VOTING: Representatives Amick, Bennett, Carey, Caulk, Davis, D. Ennis, Holloway, Houghton, Maroney, Petrilli, Plant, Smith, Sorenson, Taylor, Mr. Acting Speaker Quillen - 15.

ABSENT: Representatives Buckworth, Clark, Roy - 3.

Representative Petrilli deferred to Representative Amick.

Therefore, having received a constitutional majority, SB 321 was returned to the Senate.

Representative Amick brought HS 1 for HB 36 before the House for consideration.

HB 36 - An Act Concurring in a Proposed Amendment to Article IV of the Constitution of the State of Delaware by Creating the Judicial Office of Senior Judge. (2/3 bill)(F/N)

Representative Amick made comments.

Representative Amick requested and was granted the privilege of the floor for Richard E. Poole, representing the Delaware Courts Planning Committee.

Representatives Bennett & Jonkiert made comments.

The roll call on HS 1 for HB 36 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Clark, Roy - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HS 1 for HB 36 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HB 467, jointly sponsored by Representatives Buckworth, Clark, B. Ennis, Houghton, Plant, VanSant & West & Senators Henry, Sokola, Torbert, Vaughn & Voshell, before the House for consideration.

HB 467 - An Act to Amend Chapter 27, Title 25 of the Delaware Code Relating to Mechanics' Liens.

Representative Banning brought HA 1 to HB 467 before the House for consideration.

Representatives Banning & Smith made comments.

HA 1 to HB 467 was adopted by voice vote.

Representatives Banning, Oberle & Houghton made comments.

The roll call on HB 467 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, Clark - 2.

Therefore, having received a constitutional majority, HB 467 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative D. Ennis

Representative D. Ennis requested that action on HB 475 be deferred to a Day Certain, Thursday, June 2, 1994.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HB 479, jointly sponsored by Senator Blevins & Representatives Buckworth, Taylor, Smith & Banning & Senators Sharp & Connor, before the House for consideration.

HB 479 - An Act to Amend Titles 24 and 29 of the Delaware Code Relating to Occupations and Professions and Providing for the Certification of Dietitians/Nutritionists. (3/5 bill)(F/N)

Representative Maroney brought HA 1 to HB 479 before the House for consideration.

Representative Maroney made comments.

Mr. Speaker Spence resumed the Chair.

HA 1 to HB 479 was adopted by voice vote.

Representatives Maroney & Amick made comments.

The roll call on HB 479 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, Clark - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 479 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Spence declared a recess at 5:23 p.m. for the purpose of changing the recording tape. The House reconvened at 5:26 p.m.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney requested that action on HB 437, be deferred to a Day Certain, Tuesday, June 7, 1994.

The Majority Leader moved to recess to the call of the Chair at 5:28 p.m.

33rd LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
June 1, 1994

Mr. Speaker Spence called the House to order at 2:09 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 345, HB 264, SB 350, HB 308 w/SA 1, HB 318 w/SA 1 aab SA 1 & SA 2, SB 329 w/SA 1, HB 378 w/HA 1 & HB 441 w/SA 2.

MEMORANDUM

TO: The Honorable Terry R. Spence
Speaker of the House
FROM: Representative Jane Maroney
RE: ABSENCE FROM SESSION
DATE: May 31, 1994

Please be advised that, due to personal reasons, I will be absent from session on Tuesday, June 7, 1994.

JM/scg

Chief Clerk

MEMORANDUM

TO: REPRESENTATIVE TERRY SPENCE

Speaker of the House
FROM: REPRESENTATIVE R.A. DiLiberto, Jr.
RE: Absence from Session

Please excuse my absence from session on Wednesday, June 1, 1994. I will be attending the annual Bench and Bar conference in Newark.

Thank you for your consideration in this matter.

Representative Maroney made an announcement.

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: 40.

Member Absent: Representative DiLiberto - 1.

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 529 - AMICK & SENATOR SHARP - JUD: An Act to Amend Title 6 of the Delaware Code by Providing for Certain Amendments to the Uniform Commercial Code.

HB 530 - OBERLE & SENATOR SHARP - LABOR & HUM RES MAN: An Act to Amend Title 29, Delaware Code, by Adding Thereto a New Chapter Authorizing a Leave of Absence With Pay for State Employees Participating in Specialized Disaster Relief Services for the American Red Cross. (2/3 bill)

HB 531 - BENNETT (BY REQUEST) - LABOR & HUM RES MAN: An Act to Amend Chapter 11, Title 19 of the Delaware Code Relating to Wage Payment and Collection.

HA 3 to HB 452 - CAREY - ENV & NAT RES: Placed with the bill.

HA 2 to HB 490 - MARONEY - P/S: Placed with the bill.

SB 329 w/SA 1 - VAUGHN; REPRESENTATIVE D. ENNIS - ECON DEV, B & I: An Act to Amend Title 18, Delaware Code, to Include Health Maintenance Organizations Under the Insurance Code's Holding Company System Registration Act.

SB 345 - CORDREY & REPRESENTATIVE D. ENNIS - ECON DEV, B & I: An Act to Amend Chapter 33, Title 12 Relating to Investment Advisers.

SB 350 - BLEVINS & REPRESENTATIVE GEORGE - H/ADM: An Act to Amend the Statutory Provisions of Subsection 106(a), Title 13, of the Delaware Code Relating to the Marriage of Kimberly Faith Oberly and Steven B. Lacorte-Kennedy.

HA 3 to SB 78 - MARONEY - L.O.T.: Placed with the bill.

HA 1 to SB 340 - EWING - READY LIST: Placed with the bill.

Representatives Bennett, Carey, Fallon & Houghton requested that they be marked present.

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

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

The Reading Clerk read the following communication into the record at the request of

Representative Plant:

WITH LOVE, SON

ON YOUR BIRTHDAY

As the years have passed,
many things about our relationship
have changed.

We've learned to accept
each other as individuals
and to respect
one another's feelings and ideas
even though we may not always agree.

Many things have changed,
but one thing
will always be the same--
You're loved so very much.

HAPPY BIRTHDAY

MRS. AL OLLIS PLANT, SR. FROM YOUR MOTHER LOVE TO ALL.

Representative Oberle introduced HB 532, jointly sponsored by Representatives Petrilli, Quillen, Amick, Carey, Caulk, Davis, DiPinto, Ewing, Lee, Lofink, Mack, Maroney, Reynolds, Roy, Smith, Wagner, Banning, Bennett, Bradley, Brady, DiLiberto, B. Ennis, Holloway, Houghton, Jonkiert, Plant, Schroeder & VanSant.

HB 532 - An Act to Amend Title 30 of the Delaware Code, Relating to Personal Income Tax of Resident Individuals.

Mr. Speaker assigned HB 532 to the Revenue & Finance Committee.

The Reading Clerk read the following communications into the record:

June 1, 1994

TO: Speaker Terry R. Spence

FROM: Representative Gerald A. Buckworth

SUBJECT: Absence from Session

For medical reasons, I am unable to attend session on Thursday, June 2, 1994.

GAB:jsy

June 1, 1994

LEGISLATIVE ADVISORY #49

The following legislation was signed by Governor Thomas R. Carper on the date indicated:

5/31/94 - HS 1/HB 305 aab HA 1 & HB 11 aab HA 1 & 2 & SA 1.

Representative Bradley requested that she be marked present.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #56

DATE: June 1, 1994

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>
H137-970	Buckworth	5/23/94	T	Stacy May Alexander/ Teenager of Year/Lions Club
H137-971	Buckworth	5/23/94	T	Chad Edward Harrison /Teenager of Year/Lions Club
H137-972	Wagner	5/31/94	T	Dr. Charlotte Zaback/Ph.D./ Temple University
H137-973	DiLiberto	6/5/94	T	Lillian Rossi Zanolini/ Coal Crackers Reunion
H137-974	Bennett	5/31/94	T	Brigadier General W. Douglas Boyce/Promotion/Nat. Guard
H137-975	Bennett	5/23/94	M	Mrs. Ruth Anna White Holt
H137-976	Fallon	5/31/94	T	Jeffrey Smith/Fallon Foreign Language Award
H137-977	Fallon	5/31/94	T	Christopher Breeding/Young Environmentalist of Year

H137-978	Sorenson	5/25/94	M	Robert W. O'Brien
	cosponsor: Bennett			
H137-979	Smith	5/31/94	T	Leslie Segall/Inductee/ RealEstate Hall of Fame
H137-980	Roy	6/12/94	T	Richard F. Gilpin, Jr./ Eagle Scout
H137-981	Quillen	5/28/94	T	Fulton & Madeline Lynch/65 Years of Marriage
H137-982	B. Ennis	5/07/94	T	Amy Gearhart/Nat. Conf. of School Bus. Professionals
H137-983	B. Ennis	5/07/94	T	Karen McKay/Nat. Conf. of School Bus. Professionals
H137-984	B. Ennis	5/08/94	T	Brian Sheppard/9th Place/Nat. Conf. School Bus. Professionals
H137-985	B. Ennis	5/08/94	T	Catherine Steele/9th Place/ /Nat. Conf. School Bus. Professionals
H137-986	Fallon	5/31/94	T	Col. William Welser, III/ NASA Com. Involvement Program

T - Tribute

M - Memoriam

The Majority Leader moved to recess for committee meetings at 2:23 p.m.

The House reconvened at 5:15 p.m. with Representative Quillen as Acting Speaker.

Representatives Mack, Roy, Taylor, Reynolds, Jonkiert, DiPinto & Holloway requested that they be marked present.

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

P/S: HB 393 - 5M; HB 510 - 5M; HB 511 - 5M; HB 516 - 5M.

ENV & NAT RES: HB 506 - 1F,3M; HB 512 - 2F,3M; HB 513 - 4M.

CORR: HB 496 - 4M.

H/ADM: HB 520 - 4M; SB 275 - 4M; SB 350 - 4M.

HUM NEEDS & DEV: HB 501 - 4M; HB 504 - 4M; HB 507 - 4M.

TRANS & INFRA: SCR 61 - 5M; HJR 20 - 5M; SCR 73 - 5M.

ED: HB 499 - 1F,1M,2U.

HAZ WASTE MAN: HB 517 - 4M.

LABOR & HUM RES MAN: HS 2 for HB 7 - 4M; HB 62 - 4M; HB 515 - 4M; HB 528 - 4M.

JUD: HB 272 - 2F,3M,1U; HB 498 - 5M,1U; SB 333 w/SA 1 - 5M,1U.

The following prefiled Consent Calendar #25 was introduced:

HR 82 - SPENCE, PETRILLI, QUILLEN, GEORGE, GILLIGAN - Commending E. I. DuPont De Nemours and Company, Inc., and Delaware Plastics Trading Company, Inc., for Their Achievements in Recycling Polyester Elastomeric Wastes.

HR 83 - SPENCE, PETRILLI, QUILLEN, GEORGE, GILLIGAN - Commending Chrysler Corporation's P.Q.I. Material Packaging Team for Their Innovations in Reducing Landfill Waste.

HCR 68 - BENNETT, SORENSON; SENATORS TORBERT, COOK, BLEVINS; REPRESENTATIVE SORENSON - In Memory of Robert O'Brien Who Passed Away on Saturday, May 21, 1994 at the Age of 59 Years.

SCR 75 - BLEVINS & REPRESENTATIVE MARONEY - Commending Albert Lee Barker and Robert R. Osgood, 1994 Recipients of the Second Annual Mary Custis "Custie" Straughn Memorial Award in Recognition of Their Service to Disabled Delawareans.

Consent Calendar #25 was adopted by voice vote and HCR 68 was sent to the Senate for concurrence and SCR 75 was returned to the Senate.

Representative Petrilli deferred to Representative Roy.

Representative Roy requested and was granted the privilege of the floor for Alan Sokolow, representing the Council of State Governments Eastern Regional Conference.

Representative Roy made an announcement.

Mr. Speaker Spence resumed the Chair.

Representative Brady requested that he be marked present.

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

ECON DEV, B & I: HS 1/HB 344 - 7M; HB 476 - 5M; HB 478 - 6M; SB 345 - 6M;

SCR 72 - 6M.

Representative Maroney made an announcement.

Mr. Speaker Spence announced that HB 411 & HB 412 have been removed from the Appropriations Committee & returned to the Ready List at the request of the committee Chairman.

The Majority Leader moved to recess to the call of the Chair at 5:28 p.m.

34th LEGISLATIVE DAY
137th GENERAL ASSEMBLY

Second Session

June 2, 1994

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 353 w/SA 1, HCR 54 w/HA 1, SB 346 & HS 1 for HB 219.

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

SM BUS: HB 519 - 6M.

HUM NEEDS & DEV: HJR 18 - 1F,3M.

R & F: HB 503 - 4M; HB 502 - 6M.

Representative DiLiberto requested that he be marked present for the current Legislative Day.

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: 40.

Member Absent: Representative Buckworth - 1.

A prayer was offered by Representative Jane Maroney, Tenth 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 533 - AMICK & SENATOR SHARP, REPRESENTATIVE DILIBERTO, SENATORS VAUGHN & BAIR - JUD: An Act to Amend Titles 2,3,7,10,11,16, 17, 24 and 31 of the Delaware Code, to Provide That Appeals From the Justice of the Peace Courts Shall be Vested in the Court of Common Pleas.

HB 534 - AMICK & SENATOR BLEVINS, REPRESENTATIVE BUCKWORTH - H/ADM: An Act to Amend Chapter 51 of Title 24, and Chapters 88 and 101 of Title 29 of the Delaware Code Relating to the Board of Cosmetology and Barbering and the Certification of Aestheticians.

HB 535 - DAVIS - HUM NEEDS & DEV: An Act to Amend Chapter 5, Title 13 of the Delaware Code Relating to Desertion and Support.

HB 536 - BENNETT & SENATOR BLEVINS, REPRESENTATIVES BUCKWORTH, CAULK, OBERLE, B. ENNIS, SENATORS MARTIN, SOKOLA, VOSHELL - HUM NEEDS & DEV: An Act to Amend, Chapter 17, Title 24 of the Delaware Code Relating to the Physician's Assistant Regulatory Council, Prescriptive Authority and Scope of Practice of Licensed Physician's Assistants.

HB 537 - BUNTING - H/ADM: An Act to Waive the Statutory Provisions of Subsection 107(a), Title 13, of the Delaware Code Relating to the Marriage of Robert Christian Ackerman and Karen Smolskis.

HB 538 - PETRILLI, AMICK, BANNING, BRADLEY, BRADY, BUNTING, CLARK, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, SCHROEDER, VANSANT, WEST, WOJEWODZKI, SENATORS BLEVINS, TORBERT, VOSHELL, BAIR - H/ADM: An Act to Amend Titles 3, 14, 19, 23, 24, 28 & 29, Delaware Code Relating to the Powers and Duties of the Secretary of State and the Transfer of Divisions, Councils, Offices, Boards, Commissions, Agencies and Functions to the Department of State.

HB 539 - PETRILLI, AMICK, BANNING, BRADLEY, BRADY, BUNTING, CLARK, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, SCHROEDER, VANSANT, WEST, WOJEWODZKI, SENATORS BLEVINS, TORBERT, VOSHELL, BAIR - H/ADM: An Act to Amend Titles 7, 11, 14, 16, 21, 24 and 29 of the Delaware Code Relating to the Dissolution of the Department of Administrative Services, the Transfer of Its Functions and the Creation of the Department of Information and Administrative Services.

HA 2 to HB 393 - VANSANT - AGENDA: Placed with the bill.

HA 4 to HB 431 - EWING - READY LIST: Placed with the bill.

HA 2 to HB 448 - BANNING - HOUSING & COM AFF: Placed with the bill.

HA 1 to HB 475 - OBERLE - AGENDA: Placed with the bill.

HA 2 to HB 475 - OBERLE - AGENDA: Placed with the bill.

HA 3 to HB 475 - OBERLE - AGENDA: Placed with the bill.

HA 4 to HB 475 - AMICK - AGENDA: Placed with the bill.

HA 3 to HB 490 - MARONEY - P/S: Placed with the bill.

SB 346 - CORDREY, ADAMS, SHARP, STILL; REPRESENTATIVES DAVIS, SPENCE, PETRILLI - ECON DEV, B & I: An Act to Amend Title 21 of the Delaware Code Regarding Uninsured Motorists.

SB 353 w/SA 1 - ADAMS; REPRESENTATIVES CAREY, WEST - H/ADM: An Act to Amend an Act, Being Chapter 276, Volume 65, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Georgetown" to Establish the Monition Method as a Procedure for the Collection of Delinquent Taxes and Other Charges Due the Town of Georgetown. (2/3 bill)

HA 1 to SB 336 - OBERLE - LABOR & HUM RES MAN: Placed with the bill.

Representative Ewing made an announcement.

Representative George introduced HA 2 to HB 364.

Representative Amick requested that he be marked present.

HA 2 was placed with the bill on the Agenda.

Representative Petrilli deferred to Representative Sorenson.

Representative Sorenson made comments.

Representative Sorenson introduced & brought HCR 69, jointly sponsored by Senator Sokola on Behalf of All Representatives and Senators, before the House for consideration.

HCR 69 - Commending Patrice Buchanan for Being Selected Delaware Teacher of the Year, 1994.

Representative Sorenson requested and was granted the privilege of the floor for Patrice Buchanan, Delaware Teacher of the Year and the following local Teachers of the Year: Cynthia B. Clay, Appoquinimink School District; Sheila F. Crumley, Caesar Rodney School District; Nancy L. Battaglini, Cape Henlopen School District; Jo-Ann Tindall, Colonial School District; Otelia K. Oliver, Indian River School District; Emily S. Brownson, Lake Forest School District; Diane K. Pase, Laurel School District; Allen R. Bernstein, Red Clay School District; Diane E. Sterling, Smyrna School District; Becky J. King, Sussex County Vo-Tech School District & Edna K. Turner, Woodbridge School District.

HCR 69 was adopted by voice vote and sent to the Senate for concurrence.

Representatives Fallon, Ewing, Amick & George made comments.

Representative Petrilli introduced a guest and made a comment.

Representative Davis requested that he be marked present.

Representative Maroney made an announcement.

Representatives Brady & B. Ennis requested that they be marked present.

Representative Schroeder introduced HB 540, jointly sponsored by Representatives Bunting, Carey, Ewing, Fallon, Lee & West & Senators Cordrey, Venables & Voshell.

HB 540 - An Act to Amend Title 7 of the Delaware Code Relating to the Preservation of Inland Bays, and Creating the Inland Bays' Watershed Enhancement Act.

Mr. Speaker assigned HB 540 to the Environment & Natural Resources Committee.

Representative Petrilli deferred to Representative Lee.

Representative Lee brought SJR 25, sponsored by Senators McBride, Holloway, Adams, Blevins, Cook, Cordrey, Marshall, Martin, McDowell, Sharp, Sokola, Torbert, Vaughn, Venables & Voshell & cosponsored by Senator Bair, before the House for consideration.

SJR 25 - Authorizing and Directing the Commissioner of Corrections, Robert J. Watson, to Name the Women's Correctional Institution Located at 660 Baylor Boulevard, New Castle, Delaware as the Delores J. Baylor Women's Correctional Institution.

Representative Lee made comments.

The roll call on SJR 25 was taken and revealed:

YES: 36.

ABSENT: Representatives Buckworth, Clark, Holloway, Jonkiert, VanSant - 5.

Therefore, having received a constitutional majority, SJR 25 was returned to the Senate.

Representatives Bradley, Mack, Oberle & Reynolds requested that they be marked present during the roll call.

Mr. Speaker Spence introduced and granted the privilege of the floor to Dave Baylor.

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

The Majority Leader moved to recess for caucus at 2:50 p.m.

The House reconvened at 4:45 p.m.

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

LABOR & HUM RES MAN: SB 306 - 3M; SB 307 - 3M.

Mr. Speaker reassigned HB 536 to the Labor & Human Resource Management Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: HCR 69, SB 310, SB 311, SB 312, SB 322, SB 323, SB 324, SB 325 & SB 357.

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

Representatives Holloway & Clark requested that they be marked present.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought HJR 20, jointly sponsored by Senator Cook & Representatives Spence, Petrilli, Oberle, Taylor, George & Gilligan & Senators Martin, Sokola & Bair & cosponsored by Representatives Bennett, Fallon, Brady, Amick, Lofink, Wagner, Soresnon, D. Ennis & Carey, before the House for consideration.

HJR 20 - Directing the Department of Transportation to Name the Kirkwood Highway Bridge Over Red Clay Creek in Honor of the Late John T. Davis.

Representative Roy made comments.

The roll call on HJR 20 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Jonkiert, VanSant - 3.

Therefore, having received a constitutional majority, HJR 20 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative George.

Representative George brought HB 364 before the House for consideration.

HB 364 - An Act to Amend Subchapter II, Title 11 of the Delaware Code Relating to Death or Serious Physical Injury Caused by a Driver of a Motor Vehicle.

Representative George requested that HA 1 to HB 364 be stricken.

Representative George brought HA 2 to HB 364 before the House for consideration.

Representatives George & Amick made comments.

HA 2 to HB 364 was adopted by voice vote.

Representative George made comments.

Representative George requested and was granted the privilege of the floor for William L. George, Jr., Deputy Attorney General.

Representatives George, Oberle, Bennett, Plant, Ewing, George & Ewing made comments.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

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

The roll call on HB 364 w/HA 2 was taken and revealed:

YES: 38.

NO: Representative Amick - 1.

NOT VOTING: Representative B. Ennis - 1.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 364 w/HA 2 was sent to the Senate for concurrence.

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

Representative D. Ennis requested that action on HB 475 be deferred to a Day Certain, Wednesday, June 8, 1994.

Mr. Speaker Spence resumed the Chair.

The Majority Leader moved to recess to the call of the Chair at 5:55 p.m.

35th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
June 7, 1994

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SCR 76 & HCR 68.

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: 39.

Members Absent: Representatives Maroney, Oberle - 2.

A prayer was offered by Representative George H. Bunting, Jr., Thirty-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 541 - QUILLEN & LEE - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Election of Members of the School Boards of Any Reorganized Vocational-Technical School Districts in This State.

HB 542 - QUILLEN & SPENCE - ED: An Act to Amend Title 14 of the Delaware Code Relating to Education.

HB 543 - AMICK, DILIBERTO; SENATORS VAUGHN & BAIR - JUD: An Act to Amend Title 10, Chapter 5, Subchapter III of the Delaware Code Relating to the Jurisdiction of the Superior Court.

HB 544 - AMICK & SENATOR SHARP; REPRESENTATIVE DILIBERTO; SENATORS VAUGHN & BAIR - JUD: An Act to Amend Title 10 of the Delaware Code to Raise the Civil Jurisdiction of the Justice of the Peace Court From \$5,000 to \$15,000.

HB 545 - AMICK & SENATOR VAUGHN - JUD: An Act to Amend Title 11, Chapter 5, Delaware Code, Relating to the Crime of Possessing a Gambling Device.

HB 546 - AMICK - JUD: An Act to Amend Chapter 62, Title 10 of the Delaware Code Relating to Vacating the Dedication of Open Space and Parkland.

HB 547 - AMICK & SENATOR SHARP; REPRESENTATIVE DILIBERTO; SENATORS VAUGHN & BAIR - JUD: An Act to Amend Title 10 of the Delaware Code to Revise the Justice of the Peace Court Civil Procedures in Civil Cases to Include a Provision for Responsive Pleadings.

HB 548 - D. ENNIS & SENATOR VAUGHN - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Insurance. (3/5 bill)

HB 549 - WEST, BANNING, BUNTING, CAREY, CAULK, DILIBERTO, FALLON, PLANT, SPENCE, VANSANT; SENATORS ADAMS, CORDREY, VOSHELL - ENV & NAT RES: An Act to Amend Section 504, Title 7 of the Delaware Code Relating to Deer Hunting.

HB 550 - HOUGHTON, BANNING, BENNETT, BRADLEY, BRADY, BUNTING, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, D. ENNIS, EWING, GEORGE, GILLIGAN, HOLLOWAY, JONKIERT, LOFINK, MACK, MARONEY, OBERLE, PETRILLI, PLANT, REYNOLDS, SCHROEDER, SPENCE, VANSANT, WAGNER, WEST, WOJEWODZKI; SENATORS ADAMS, BLEVINS, KNOX, MARSHALL, MARTIN, TORBERT, VOSHELL - CORR: An Act to Amend Section 937, Title 10 of the Delaware Code Relating to House Arrest for Adjudicated Juveniles.

HB 551 - DILIBERTO, AMICK - JUD: An Act to Amend Chapter 45, Title 10 of the Delaware Code Relating to Compensation of Jurors.

HA 1 to HB 471 - WAGNER - AGENDA: Placed with the bill.

HA 5 to HB 475 - OBERLE - DEFERRED: Placed with the bill.

HA 6 to HB 475 - D. ENNIS - DEFERRED: Placed with the bill.

HA 7 to HB 475 - D. ENNIS - DEFERRED: Placed with the bill.

HA 8 to HB 475 - D. ENNIS - DEFERRED: Placed with the bill.

HA 1 to HB 496 - DAVIS - AGENDA: Placed with the bill.

HA 1 to HB 498 - AMICK - READY LIST: Placed with the bill.

HA 1 to HB 510 - EWING - READY LIST: Placed with the bill.

HA 1 to HB 511 - EWING - READY LIST: Placed with the bill.

HA 1 to HJR 19 - WAGNER - AGENDA: Placed with the bill.

HCR 70 - BUNTING & OBERLE; SENATOR MCBRIDE; REPRESENTATIVE QUILLEN - H/ADM: Requesting the Delaware Attorney General to File Suit in the United States Supreme Court Against the United States Government, Specified U.S. Government Departments and Agencies, and the Official Representatives of Certain Other Countries Alleging Violations of the Civil Rights of Prisoners of War or Missing in Action and to Demand That Documents Concerning These Individuals be Released, and Also Urging the Other Forty-Nine States to Join in This Action.

SB 310 - SHARP; REPRESENTATIVE SMITH - JUD: 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, and to Amend Chapter 23, Title 6 of the Delaware Code Relating to the Availability of the Defense of Usury. (3/5 bill)

SB 311 - SHARP; REPRESENTATIVE SMITH - JUD: An Act to Amend Chapter 15 of Title 6 of the Delaware Code Relating to the Registration and Regulation of Registered Limited Liability Partnerships. (3/5 bill)

SB 312 - SHARP; REPRESENTATIVE SMITH - JUD: 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. (3/5 bill)

SB 322 - SHARP - JUD: An Act to Amend Chapter 148 of Volume 57 of the Laws of Delaware Relating to the General Corporation Law. (2/3 bill)

SB 323 - SHARP - JUD: An Act to Amend Chapter 1, Title 8, Section 145, of the Delaware Code, Relating to Indemnification of Officers, Directors, Employees and Agents of Delaware Corporations. (2/3 bill)

SB 324 - SHARP - JUD: An Act to Amend Chapter 1, Title 8, Section 262, of the Delaware Code, Relating to Appraisal Rights Under the General Corporation Law. (2/3 bill)

SB 325 - SHARP - JUD: An Act to Amend Chapter 1, Title 8, Section 151, Delaware Code, Relating to Classes and Series of Stock of Delaware Corporations. (2/3 bill)

SB 357 - SHARP - JUD: An Act to Amend Chapter 1, Title 8 of the Delaware Code, Relating to the General Corporation Law. (2/3 bill)

HA 3 to SB 18 - OBERLE - DEFERRED: Placed with the bill.

Representatives Amick & Roy requested that they be marked present.

Representative Sorenson made an announcement.

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

Representative Amick made an announcement.

The Reading Clerk read the following communications into the record:

June 7, 1994

The Honorable Terry R. Spence

Speaker of the House

Legislative Hall

Dover, DE

Dear Mr. Speaker:

On Wednesday, June 8th, I will need to leave by 4:00 p.m. in order to attend my son's high school graduation ceremony. If the House Education Committee has not completed its business by that time I designate Representative Fallon to act as chair of the committee.

Sincerely,

Liane M. Sorenson

LMS/hh

June 7, 1994

TO: The Honorable Terry R. Spence

FROM: Representative William A. Oberle, Jr.

I will be out of town on business on Tuesday, June 7, 1994 and am unable to attend session; however, I will return on Wednesday, June 8, 1994

WAO,JR:jsy

June 7, 1994

TO: The Honorable Terry R. Spence

FROM: Representative J. Benjamin Ewing

I will be out of town, meeting with physicians, on Wednesday, June 8, 1994 and am unable to attend session.

JBE:jsy

Representative Quillen made a comment.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #57

DATE: June 7, 1994

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>
H137-987	Quillen	6/11/94	T	Gilbert & Chanda Quillen /25th Wedding Anniv.
H137-988	Smith	3/26/94	T	H. Anderson Lanning, II/Eagle Scout
H137-989	Gilligan	6/02/94	T	Jackie Kyle/Ms. Senior Delaware 1994
H137-990	Wagner	5/18/94	M	Robert H. Bunting
H137-991	Wagner	5/25/94	T	Janet & Mike Jacobs/50th Wedding Anniversary
H137-992	DiPinto	5/26/94	M	Samuel Eldon Homsey
H137-993	Fallon	5/30/94	M	Daniel A. Alvarez, Jr., M.D.
H137-994	Wagner	5/31/94	T	Mr. & Mrs. Henry Tisdale/ Outstanding Serv./DSU/
H137-995	Brady	6/05/94	T	Jaime Lynn Clark/ Graduation/Mount Pleasant
H137-996	Carey	6/08/94	T	John R. Hudson/Mayor/ Milton Town Council
H137-997	Brady	6/09/94	T	Dana Mamie Sareyka/ Graduation/William Penn
H137-998	Brady	6/12/94	T	G. James Roman, III/Eagle Scout

H137-999 DiPinto	6/05/94	T	The Notre Dame/Class of 1954/Reunion
H137-1000 DiPinto	6/05/94	T	Mr. & Mrs. Athony Erace/50th Wed. Anniv.
H137-1001 DiLiberto cosponsor: Schroeder	6/01/94	T	Cape Henlopen State Park Staff/Preservation/Cape Henlopen Devil
H137-1002 B. Ennis cosponsor: Clark	6/04/94	T	Mr. & Mrs. Charles E. Nabb/25th Wedding Anniversary
H137-1003 Oberle	6/06/94	T	Richard Goddard/Graduation/Sterck School
H137-1004 Oberle	6/06/94	T	Jennine Gosk/Graduation/Margaret S. Sterck School

T - Tribute

M - Memoriam

Representative Petrilli brought HB 308 w/SA 1, sponsored by Representative Smith & Senator Sokola, before the House for concurrence on SA 1.

HB 308 - An Act to Amend Title 14, Delaware Code Pertaining to Education and the Promotion of Volunteerism Among High School Students and the Delaware Office of Volunteerism. (F/N)

Representative Petrilli made comments.

The roll call on HB 308 w/SA 1 was taken and revealed:

YES: 32.

ABSENT: Representatives Buckworth, Clark, Holloway, Jonkiert, Mack, Maroney, Oberle, Reynolds, Taylor - 9.

Therefore, having received a constitutional majority, HB 308 w/SA 1 was sent to the Governor.

Representatives George, Schroeder, Smith, D. Ennis, Brady & Plant requested that they be marked present during the roll call.

Representative Petrilli brought HB 318 w/SA 1 w/SA 1 & SA 2, sponsored by Representatives Brady, Schroeder, Banning, Bennett, Bradley, Bunting, Clark, B. Ennis, Houghton, Jonkiert, VanSant, West, Amick, Carey, Caulk, Davis, D. Ennis, Ewing, Lee, Lofink, Mack, Oberle, Quillen, Reynolds, Roy, Sorenson, Smith, Spence & Wagner & Senators Holloway, Sokola, Vaughn, Voshell, Knox, Neal & Still, before the House for concurrence on SA 1 w/SA 1 & SA 2.

HB 318 - An Act to Amend Chapter 47, Title 29 of the Delaware Code Relating to DNA Analysis and Data Bank, and to Amend Chapter 35, Title 11 of the Delaware Code to Provide DNA Profile Admissibility. (2/3 bill)

Representative Petrilli made comments.

The roll call on HB 318 w/SA 1 w/SA 1 & SA 2 was taken and revealed:

YES: 32.

ABSENT: Representatives Buckworth, Clark, Holloway, Jonkiert, Mack, Maroney, Oberle, Reynolds, Taylor - 9.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 318 w/SA 1 w/SA 1 & SA 2 was sent to the Governor.

Representative Petrilli brought HB 441 w/SA 2, sponsored by Representative George & Senator McDowell & cosponsored by Representative Holloway, before the House for concurrence on SA 2.

HB 441 - An Act to Amend Chapter 71 of Title 10, Delaware Code Relating to Illegal Drug Activity and Nuisance.

Representative Petrilli made comments.

The roll call on HB 441 w/SA 2 was taken and revealed:

YES: 33.

ABSENT: Representatives Buckworth, Holloway, Jonkiert, Mack, Maroney, Oberle, Reynolds, Taylor - 8.

Therefore, having received a constitutional majority, HB 441 w/SA 2 was sent to the Governor.

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

Representative Smith introduced guests.

The Majority Leader moved to recess for caucus at 2:35 p.m.

The House reconvened at 3:45 p.m. with Representative Quillen as Acting Speaker.

Representative Buckworth requested that he be marked present.

Representative Wagner requested that action on HJR 19 be deferred to a Day Certain, Thursday, June 9, 1994.

Representative Wagner brought HB 471, jointly sponsored by Senator Torbert & Representatives Quillen, Spence, Lofink, Smith, Ewing, DiPinto, Caulk, Carey, Lee, D. Ennis, Buckworth, Oberle, Davis,

Bennett, Houghton, Plant, West, Banning & Bunting & Senators Henry, Still, Hauge & Connor, before the House for consideration.

HB 471 - 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 471 before the House for consideration.

Representative Wagner made comments.

HA 1 to HB 471 was adopted by voice vote.

Representatives Wagner & Bennett made comments.

Representative Wagner requested and was granted the privilege of the floor for Mary Beth Gzym, Employee Relations Coordinator, State Personnel Office.

Representatives Bennett, Fallon & Wagner made comments.

Representative Holloway requested that he be marked present.

Representatives Holloway, Plant & Wagner made comments.

The roll call on HB 471 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Maroney, Oberle - 2.

Therefore, having received a constitutional majority, HB 471 w/HA 1 was sent to the Senate for concurrence.

Representatives Jonkiert, Mack, Reynolds & Taylor requested that they be marked present during the roll call.

Representative Amick brought HB 363, jointly sponsored by Representative Wojewodzki & Senators Neal, Martin & Vaughn, before the House for consideration.

HB 363 - An Act to Amend Chapter 5, Title 22 of the Delaware Code Relating to Parking Authorities.

Representative Amick brought HA 1 to HB 363 before the House for consideration.

Representative Amick made comments.

HA 1 to HB 363 was adopted by voice vote.

Representative Amick brought HA 2 to HB 363, jointly sponsored by Representative Wojewodzki, before the House for consideration.

Representative Amick made comments.

HA 2 to HB 363 was adopted by voice vote.

Representatives Amick & Bennett made comments.

The roll call on HB 363 w/HA 1 & 2 was taken and revealed:

YES: 25.

NO: Representatives Houghton, Jonkiert - 2.

NOT VOTING: Representatives Bennett, Bradley, Brady, Caulk, Clark, B. Ennis, Gilligan, Holloway, Schroeder, VanSant, West - 11.

ABSENT: Representatives Banning, Maroney, Oberle - 3.

Therefore, having received a constitutional majority, HB 363 w/HA 1 & 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Davis.

Representative Davis brought HB 487, jointly sponsored by Representatives VanSant, Petrilli, Spence, Quillen, George & Gilligan & Senators Blevins, McDowell, Vaughn & Still, before the House for consideration.

HB 487 - An Act to Amend Chapter 45 and Chapter 49 of Title 15 of the Delaware Code Relating to Certificates of Election.

Representatives Davis & Plant made comments.

The roll call on HB 487 was taken and revealed:

YES: 39.

ABSENT: Representatives Maroney, Oberle - 2.

Therefore, having received a constitutional majority, HB 487 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Fallon.

Representative Fallon brought HJR 22, jointly sponsored by Senator Adams, before the House for consideration.

HJR 22 - Relating to the First Sussex County Economy and Education Conference to Determine a Path Forward From School to Work for Students of All Ages.

Representative Fallon made comments.

The roll call on HJR 22 was taken and revealed:

YES: 38.

ABSENT: Representatives Maroney, Oberle, Smith - 3.

Therefore, having received a constitutional majority, HJR 22 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative D. Ennis.

Representative D. Ennis brought HB 474, jointly sponsored by Representative Bennett, before the House for consideration.

HB 474 - An Act to Amend Chapter 72, Title 18 of the Delaware Code Relating to Small Employer Health Insurance.

Mr. Speaker Spence resumed the Chair.

Representative D. Ennis made comments.

The roll call on HB 474 was taken and revealed:

YES: 39.

ABSENT: Representatives Maroney, Oberle - 2.

Therefore, having received a constitutional majority, HB 474 was sent to the Senate for concurrence.

Representative George brought HB 505 before the House for consideration.

HB 505 - An Act to Amend Chapter 5, Title 11 of the Delaware Code, Relating to Crimes and Criminal Procedure.

Representative George made comments.

The roll call on HB 505 was taken and revealed:

YES: 39.

ABSENT: Representatives Maroney, Oberle - 2.

Therefore, having received a constitutional majority, HB 505 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Mack.

Representative Mack brought HB 414, jointly sponsored by Senator Connor & Representatives Amick, Buckworth, Davis, Reynolds, Smith, Brady & Houghton, before the House for consideration.

HB 414 - An Act to Amend Chapter 19, Title 14 of the Delaware Code Relating to Local School Taxes.

Representatives Mack & Bunting made comments.

The roll call on HB 414 was taken and revealed:

YES: 38.

ABSENT: Representatives George, Maroney, Oberle - 3.

Therefore, having received a constitutional majority, HB 414 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Davis.

Representative Davis brought HB 496, jointly sponsored by Representatives Ewing & Lee & Senator Vaughn, before the House for consideration.

HB 496 - An Act to Amend Title 11 of the Delaware Code Relating to Inmate Furloughs.

Representative Davis brought HA 1 to HB 496 before the House for consideration.

Representative Davis made comments.

HA 1 to HB 496 was adopted by voice vote.

Representatives Davis, Holloway & Clark made comments.

The roll call on HB 496 w/HA 1 was taken and revealed:

YES: 37.

NO: Representative Bennett - 1.

ABSENT: Representatives George, Maroney, Oberle - 2.

Therefore, having received a constitutional majority, HB 496 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HCR 56, jointly sponsored by Senator Venables, before the House for consideration.

HCR 56 - Applying to the Congress of the United States to Call a Convention for the Purpose of Proposing an Amendment to the Constitution of the United States to Provide That No Federal Tax Shall be Imposed for the Period Before the Date of Enactment of the Tax.

Representative Smith made comments.

HCR 56 was adopted by voice vote and sent to the Senate for concurrence.

Representative VanSant brought HB 393, jointly sponsored by Senator Sharp & Representatives Bennett, Brady, B. Ennis, Houghton, Lee, Oberle, Spence & West & Senator Vaughn, before the House for consideration.

HB 393 - An Act to Amend Title 11, Delaware Code Relating to Criminal History Record Checks for Sales of Firearms.

Representative VanSant brought HA 1 to HB 393 before the House for consideration.

Representative VanSant requested that HA 1 to HB 393 be stricken.

Representative VanSant brought HA 2 to HB 393 before the House for consideration.

Representative VanSant made comments.

HA 2 to HB 393 was adopted by voice vote.

The roll call on HB 393 w/HA 2 was taken and revealed:

YES: 38.

ABSENT: Representatives George, Maroney, Oberle - 3.

Therefore, having received a constitutional majority, HB 393 w/HA 2 was sent to the Senate for concurrence.

The corrected roll call on HB 496 w/HA 1 was announced by the Chief Clerk as follows:

YES: 37.

NO: Representative Bennett - 1.

ABSENT: Representatives George, Maroney, Oberle - 3.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto brought HB 455, jointly sponsored by Representatives D. Ennis, Lee & B. Ennis & Senators Vaughn & Still, before the House for consideration.

HB 455 - An Act to Amend Title 16 of the Delaware Code Relating to Fees for Permits, Licenses, and Certifications by the State Fire Prevention Commission. (3/5 bill)(F/N)

Representative DiPinto brought HA 1 to HB 455 before the House for consideration.

Representative DiPinto made comments.

HA 1 to HB 455 was adopted by voice vote.

Representatives DiPinto, Sorenson & Bunting made comments.

The roll call on HB 455 w/HA 1 was taken and revealed:

YES: 37.

ABSENT: Representatives George, Maroney, Oberle, West - 4.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 455 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Amick.

Representative Amick brought HB 411, jointly sponsored by Senators Blevins & Knox & Representatives Taylor, Petrilli, Wojewodzki & Davis, before the House for consideration.

HB 411 - An Act to Amend Titles 11 and 24 of the Delaware Code Relating to the Sale or Transfer for Valuable Consideration of Handguns by Unlicensed Persons.

Representative Amick moved to place HB 411 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli deferred to Representative Taylor.

Representative Taylor brought HB 412, jointly sponsored by Representatives Lee, Smith, Quillen, Carey, Amick, Petrilli, Sorenson, Bradley & Wojewodzki & Senators Blevins, Sokola, Bair & Knox, before the House for consideration.

HB 412 - An Act to Amend Title 11, Delaware Code Relating to the Unlawful Transfer of Firearms and Dangerous Weapons.

Representative Taylor introduced and brought HA 1 to HB 412 before the House for consideration.

Representatives Taylor & Clark made comments.

HA 1 to HB 412 was adopted by voice vote.

Representatives Taylor, Schroeder, VanSant, Bunting, Davis & Taylor made comments.

Representative Taylor moved to place HB 412 w/HA 1 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Petrilli deferred to Representative Sorenson.

Representative Sorenson brought HB 495, jointly sponsored by Senator Sokola, before the House for consideration.

HB 495 - An Act to Amend Title 14 of the Delaware Code Relating to the State Appropriations.

Representative Sorenson made comments.

The roll call on HB 495 was taken and revealed:

YES: 38.

ABSENT: Representatives George, Maroney, Oberle - 3.

Therefore, having received a constitutional majority, HB 495 was sent to the Senate for concurrence.

Representative Petrilli brought HB 468 before the House for consideration.

HB 468 - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

Representatives Petrilli, Davis & Holloway made comments.

The roll call on HB 468 was taken and revealed:

YES: 38.

ABSENT: Representatives George, Maroney, Oberle - 3.

Therefore, having received a constitutional majority, HB 468 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative D. Ennis.

Representative D. Ennis brought HB 482, jointly sponsored by Senator Vaughn & Representatives Smith, Wagner, DiPinto, Bennett, Houghton & Jonkiert, before the House for consideration.

HB 482 - 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.

Representative D. Ennis made comments.

The roll call on HB 482 was taken and revealed:

YES: 38.

ABSENT: Representatives George, Maroney, Oberle - 3.

Therefore, having received a constitutional majority, HB 482 was sent to the Senate for concurrence.

Representatives Petrilli, DiPinto & Roy made announcements.

Representatives Holloway, Sorenson & Davis made comments.

The Majority Leader moved to recess to the call of the Chair at 5:25 p.m.

36th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
June 8, 1994

Mr. Speaker Spence 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 326, SB 343, HJR 22, SB 372, SB 319 w/SA 1 & 2, HB 446 & SB 337.

Mr. Speaker reassigned HB 404 to the Labor & Human Resource Management Committee.

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: 39.

Members Absent: Representatives Maroney, Taylor - 2.

A prayer was offered by Representative Peggy G. Bradley, Eleventh 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 House observed a moment of silence in memory of Senator John Still's father.

The following prefiled legislation was introduced:

HS 1 to HB 332 - SPENCE, PETRILLI, AMICK, CAREY, D. ENNIS, LEE, OBERLE, EWING, BANNING, B. ENNIS, HOUGHTON, BENNETT; SENATORS ADAMS, COOK, CORDREY, MCBRIDE, SHARP, VAUGHN - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure. (3/5 bill)

HB 552 - SPENCE; SENATOR HENRY - H/ADM: An Act to Amend Chapter 7, Title 18 of the Delaware Code Relating to Fees and Taxes.

HB 553 - PETRILLI; SENATOR TORBERT - H/ADM: An Act to Amend Chapter Three, Title 4, of the Delaware Code, Relating to the Ability of the Delaware Alcoholic Beverage Control Commission's Authority to Enforce Its Subpoenas in the Superior Court.

HB 554 - AMICK & SENATOR SHARP; REPRESENTATIVE DILIBERTO; SENATORS VAUGHN & BAIR - JUD: An Act to Amend Title 10 of the Delaware Code to Provide for Commissioners of the Court of Common Pleas.

HB 555 - LOFINK & SENATOR BLEVINS; REPRESENTATIVES CAREY, CAULK, DAVIS, EWING, MARONEY, REYNOLDS, SMITH, SORENSON, BRADLEY, HOLLOWAY, PLANT, SCHROEDER, WOJEWODZKI; SENATORS HENRY, MARSHALL, MARTIN, MCDOWELL, SOKOLA, VENABLES, KNOX - HOUSING & COM AFF: An Act to Amend Chapter 3, Title 9; Chapter 3, Title 22; and Chapter 1, Title 25, Delaware Code, Relating to Family Day Care Facilities.

HB 556 - LEE, LOFINK, PETRILLI, PLANT, REYNOLDS, WAGNER, SPENCE - P/S: An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicles; and Providing for a Reduced Registration Fee for Certain Vehicles. (3/5 bill)

HB 557 - SORENSON, MARONEY; SENATOR BLEVINS; REPRESENTATIVES DIPINTO, WAGNER, BRADLEY, BRADY, GILLIGAN, JONKIERT, WOJEWODZKI; SENATORS MARSHALL, MARTIN, SOKOLA, VOSHELL, BAIR, KNOX - JUD: An Act to Amend Title 11 of the Delaware Code Relating to Assault in the Second Degree.

HB 558 - GILLIGAN, OBERLE, VANSANT; SENATOR SHARP - R & F: An Act to Amend Chapter 48, Title 29 of the Delaware Code Relating to Lotteries; and Providing for the Payment of Prizes to the Holders of Winning Tickets.

HB 559 - GILLIGAN, OBERLE, VANSANT; SENATOR SHARP - R & F: An Act to Amend Chapter 48, Title 29 of the Delaware Code Relating to Lotteries; and Providing That Each Lottery Ticket Contain Certain Information.

HB 560 - HOUGHTON - JUD: An Act to Amend Section 972, Title 10 of the Delaware Code Relating to Privacy in Family Court Proceedings.

HB 561 - VANSANT - P/S: An Act to Amend Titles 11 and 24 of the Delaware Code Relating to the Transfer or Sale of Firearms by Unlicensed Persons.

HB 562 - VANSANT - P/S: An Act to Amend Chapter 5, Subchapter VII, Subpart E, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.

HB 563 - BRADY & SCHROEDER, BANNING, DAVIS, B. ENNIS, EWING, REYNOLDS - JUD: An Act to Amend Subchapter II, Subpart D, Section 761(g) of Title 11 of the Delaware Code Relating to the Definition of "Without Consent" in Sex Crime Prosecutions.

HB 564 - WEST, CLARK, AMICK, BANNING, BENNETT, BRADLEY, BRADY, BUCKWORTH, BUNTING, CAREY, CAULK, B. ENNIS, D. ENNIS, EWING, GILLIGAN, HOLLOWAY, LEE, LOFINK, PLANT, REYNOLDS, SMITH, VANSANT - ENV & NAT RES: An Act to Amend Chapter 17, Title 7 Delaware Code Relating to Dogs Crossing on Property of Others During a Hunt.

HB 565 - DILIBERTO, AMICK; SENATORS SHARP, VAUGHN, BAIR - JUD: An Act to Amend Article IV of the Constitution of the State of Delaware to Provide for the Inclusion of the Family Court and the Court of Common Pleas as Courts Established by the Constitution of the State of Delaware. (2/3 bill)

HJR 23 - DAVIS - HUM NEEDS & DEV: Creating a Support Enforcement Task Force to Study and Report on Proposals to Enforce Alimony and Support Orders.

HA 1 to HB 288 - WOJEWODZKI, GEORGE, MARONEY, SORENSON - P/S: Placed with the bill.

HA 1 to HS 1 to HB 344 - SMITH, BENNETT - READY LIST: Placed with the bill.

HA 1 to HB 345 - BANNING & B. ENNIS - H/ADM: Placed with the bill.

HA 1 to HB 500 - BUCKWORTH - ED: Placed with the bill.

HA 1 to HB 501 - AMICK - AGENDA II: Placed with the bill.

HA 1 to HB 519 - DIPINTO & JONKIERT - READY LIST: Placed with the bill.

HA 1 to HB 521 - AMICK - HAZ WASTE MAN: Placed with the bill.

HA 2 to HJR 19 - WAGNER - DEFERRED: Placed with the bill.

HCR 71 - DAVIS, DIPINTO, VANSANT, WEST; SENATORS COOK, MCBRIDE, VAUGHN, NEAL, STILL - JUD: Memorializing the U.S. Congress to Propose and Submit to the Several States an Amendment to the Constitution of the United States Providing That No Court Shall Have the Power to Levy or Increase Taxes.

SB 319 w/SA 1 & 2 - BLEVINS & REPRESENTATIVE TAYLOR; SENATOR SOKOLA; REPRESENTATIVES GILLIGAN & WOJEWODZKI - ECON DEV, B & I: An Act to Amend The Delaware Insurance Code to Require Coverage of the CA-125 Test for Monitoring Ovarian Cancer Treatment.

SB 326 - SHARP; REPRESENTATIVE SMITH - JUD: An Act to Amend Chapter 1, Title 8, Section 218, Delaware Code, Relating to Voting Trusts and Other Voting Agreements. (2/3 bill)

SB 337 - MARSHALL, MARTIN; REPRESENTATIVES BANNING, BENNETT, BRADY, BUCKWORTH, DIPINTO, EWING, JONKIERT, LOFINK, PETRILLI, QUILLEN, ROY, WAGNER & SPENCE - P/S: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Offenses Involving Deadly Weapons and Dangerous Instruments.

SB 343 - SHARP, VAUGHN; REPRESENTATIVES SMITH, BUCKWORTH - JUD: An Act to Amend Chapter 38 of Title 12 of the Delaware Code Relating to Business Trusts.

SB 372 - SOKOLA & REPRESENTATIVE SORENSON - ED: An Act to Amend 69 Del. Laws, Chapter 144, Section 6, Relating to the Effective Date of Regulations Enacted by the State Board of Education, Pursuant to Chapter 85 of Title 11 of the Delaware Code, in Regard to Criminal Background Checks for Persons Who Have Regular Direct Access to Children in the Public Schools, But Who Are Not Employees or Contractors.

Representatives DiLiberto, DiPinto, Gilligan, Bennett, B. Ennis & Roy requested that they be marked present.

Representative Petrilli deferred to Representative D. Ennis.

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

Representative Petrilli made an announcement.

Representative Lee requested that he be marked present.

Representative D. Ennis brought HB 475, jointly sponsored by Senator Blevins & Representatives Petrilli, Quillen, Davis, Ewing, Fallon, Lee, Lofink, Mack, Reynolds, Brady, Bradley, Banning, Bunting, B. Ennis, Houghton, Plant, VanSant & West & Senators Marshall, McBride, Sharp, Torbert, Vaughn, Hauge & Still, before the House for consideration.

HB 475 - An Act to Amend Chapter 21, Title 24 of the Delaware Code Relating to Optometry.

Representative Oberle requested that HA 1 to HB 475 be stricken.

Representative Oberle requested that HA 2 to HB 475 be stricken.

Representative Oberle brought HA 3 to HB 475 before the House for consideration.

Representative Oberle introduced and brought HA 1 to HA 3 before the House for consideration.

Representative Oberle made comments.

HA 1 to HA 3 was adopted by voice vote.

Representative Oberle made comments.

Representative D. Ennis requested and was granted the privilege of the floor for Dr. Carl Maschauer, representing the Delaware Optometric Association.

Representatives D. Ennis, Oberle, Sorenson, VanSant, Clark, Amick, Bunting, D. Ennis & Oberle made comments.

The roll call on HA 3 w/HA 1 was taken and revealed:

YES: Representatives Amick, Bennett, Clark, George, Gilligan, Jonkiert, Oberle, Roy, Schroeder, Smith, Sorenson, Mr. Speaker Spence - 12.

NO: 23.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Buckworth, Mack, Maroney, Reynolds, Taylor - 5.

Therefore, not having received a constitutional majority, HA 3 w/HA 1 was declared defeated.

Representatives Brady, Holloway, Jonkiert, Plant, Smith, West, Wojewodzki & George requested that they be marked present during the roll call.

Representative Amick brought HA 4 to HB 475 before the House for consideration.

Representative Amick moved to place HA 4 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle brought HA 5 to HB 475 before the House for consideration.

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

Representative D. Ennis brought HA 6 to HB 475 before the House for consideration.

Representative D. Ennis made a comment.

HA 6 to HB 475 was adopted by voice vote.

Representative D. Ennis brought HA 7 to HB 475 before the House for consideration.

Representative D. Ennis made a comment.

HA 7 to HB 475 was adopted by voice vote.

Representative D. Ennis brought HA 8 to HB 475 before the House for consideration.

Representative D. Ennis made a comment.

HA 8 to HB 475 was adopted by voice vote.

Representative Amick introduced and brought HA 9 to HB 475 before the House for consideration.

Representatives Amick & D. Ennis made comments.

HA 9 to HB 475 was adopted by voice vote.

Representative Amick introduced and brought HA 10 to HB 475 before the House for consideration.

Representative Amick made comments.

Representative D. Ennis requested and was granted the privilege of the floor for Dr. Carl Maschauer, representing the Delaware Optometric Association.

Representatives Caulk, Amick, Clark, Ewing & Smith made comments.

Representative Amick requested and was granted the privilege of the floor for Dr. Dorothy M. Moore, representing Delaware Ophthalmologists and the Medical Society of Delaware.

Representatives Smith, Oberle & Davis made comments.

Representative D. Ennis requested and was granted the privilege of the floor for Dr. Larry Wallis, representing the New Jersey Optometric Association.

Representatives D. Ennis & Oberle made comments.

The roll call on HA 10 to HB 475 was taken and revealed:

YES: Representatives Amick, Bennett, Clark, Gilligan, Jonkiert, Oberle, Roy, Schroeder, Sorenson, Wojewodzki, Mr. Speaker Spence - 11.

NO: 24.

ABSENT: Representatives Buckworth, DiPinto, George, Holloway, Maroney, Taylor - 6.

Therefore, not having received a constitutional majority, HA 10 was declared defeated.

Representatives Mack & Reynolds requested that they be marked present during the roll call.
Representative D. Ennis made a comment.

Representative Amick introduced and brought HA 11 to HB 475 before the House for consideration.

Representatives Amick, Oberle & D. Ennis made comments.

The roll call on HA 11 was taken and revealed:

YES: Representatives Amick, Clark, Davis, Jonkiert, Oberle, Roy, Sorenson,
Mr. Speaker Spence - 8.

NO: 27.

NOT VOTING: Representatives Buckworth, Bunting - 2.

ABSENT: Representatives George, Holloway, Maroney, Taylor - 4.

Therefore, not having received a constitutional majority, HA 11 was declared defeated.

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

Representatives Amick, Bennett & D. Ennis made comments.

Representative D. Ennis requested and was granted the privilege of the floor for Ron Smith,
House Attorney.

Representatives Bennett & D. Ennis made comments.

Representative D. Ennis requested and was granted the privilege of the floor for Dr. Carl
Mashauer, representing the Delaware Optometric Association.

Representative Bennett made a comment.

The roll call on HB 475 w/HA 6,7,8 & 9 was taken and revealed:

YES: 26.

NO: Representatives Amick, Bennett, Buckworth, Clark, George, Gilligan, Jonkiert, Oberle, Roy,
Schroeder, Sorenson, Wojewodzki, Mr. Speaker Spence -13.

ABSENT: Representatives Maroney, Taylor - 2.

Therefore, having received a constitutional majority, HB 475 w/HA 6,7,8 & 9 was sent to the
Senate for concurrence.

Representative Schroeder requested that HB 321 be stricken.

Representative Bradley introduced HS 1 to HB 483, jointly sponsored by Senator Blevins &
Representatives Amick, Banning, Bennett, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto,
DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Holloway, Houghton, Jonkiert, Lee, Lofink,
Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sorenson, Smith, Spence,
Taylor, VanSant, Wagner, West & Wojewodzki & Senators Adams, Cook, Cordrey, Hauge, Henry,
Knox, Marshall, Martin, McBride, McDowell, Sokola, Still, Torbert, Vaughn & Voshell.

HB 483 - An Act to Amend Title 14 of the Delaware Code Relating to Early Childhood
Education.

Mr. Speaker assigned HS 1 to HB 483 to the Education Committee.

The Majority Leader moved to recess for committee meetings at 3:48 p.m.

The House reconvened at 5:30 p.m.

The following prefiled Consent Calendar #26 was introduced:

HR 84 - GEORGE, GILLIGAN, JONKIERT ON BEHALF OF ALL REPRESENTATIVES -
Expressing Profound Sympathy Upon Learning of the Sudden Untimely Death of Gerald J. "Babe" Nagle,
Sr. on May 31, 1994, a Loyal and Dedicated Employee of the Delaware House of Representatives.

HCR 72 - LOFINK; SENATOR VAUGHN - Honoring the Delaware Veteran's Memorial
Cemetery for Receiving a Commendation as a Premier Veterans' Cemetery From the U.S. Department of
Veteran's Affairs.

SCR 76 - TORBERT ON BEHALF OF ALL SENATORS; REPRESENTATIVE BENNETT ON
BEHALF OF ALL REPRESENTATIVES - Congratulating Dr. Mahadeo P. Verma, Director of
Delaware's Public Health Laboratories, on His Selection as Laboratorian of the Year by the Delaware
Laboratorians Association and Recognizing His Dedication and Timeless Efforts Directed Toward Quality
Practice of Laboratory Medicine.

Consent Calendar #26 was adopted by voice vote and HCR 72 was sent to the Senate for
concurrence and SCR 76 was returned to the Senate.

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

R & F: HB 532 - 5M.

HOUSING & COM AFF: HB 116 - 5M; SB 252 w/SA 1 - 4M.

ED: HS 1/HB 483 - 1F,3M; HB 500 - 4M.

LABOR & HUM RES MAN: HB 518 - 4M; HB 530 - 4M; HB 536 - 4M; SB 336 - 4M.

ENV & NAT RES: HB 540 - 2F,2M; HB 549 - 5M.

P/S: HB 288 - 5M; HS 2/HB 352 - 6M; HB 490 - 5M; HB 523 - 6M; HB 524 - 6M.

ECON DEV, B & I: SB 329 w/SA 1 - 6M.

HAZ WASTE MAN: HB 521 - 5M.

JUD: HB 494 - 6M; HB 525 - 5M; HB 526 - 3F,2M; HB 527 - 3F,2M; HB 533 - 2F,4M; HB 551 - 2F,3M; SB 92 w/SA 1 - 6M; SB 163 - 6M; SB 309 w/SA 1 - 6M.

Representative Quillen requested that HB 1 be stricken.

The Majority Leader moved to recess to the call of the Chair at 5:38 p.m.

37th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
June 9, 1994

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

Representatives Taylor & Maroney requested that they be marked present for the current Legislative Day.

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

CORR: HB 550 - 5M.

APPRO: HB 247 - 1F,3M; HB 324 - 4M; HB 418 - 3F,1M; HB 426 - 4M; HB 450 - 4F; HB 477 - 4M; HB 491 - 4M.

Representative Roy introduced and brought HR 85, sponsored on Behalf of All Representatives, before the House for consideration.

HR 85 - Congratulating Mark T. Brainard on the Occasion of His Graduation From the Widener University School of Law.

Representative Roy moved to place HR 85 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

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.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Donald M. Clark, Twenty-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:

HS 1 for HB 480 - WAGNER - ECON DEV, B & I: An Act to Amend Chapter 3, Title 18 of the Delaware Code to Create Arbitration Panels to Hear and Decide Certain Disputes.

HB 566 - PETRILLI - H/ADM: An Act to Amend Chapter 1, Title 22, Delaware Code, Relating to Certain Municipal Elections. (2/3 bill)

HB 567 - FALLON; SENATOR SOKOLA; REPRESENTATIVE DIPINTO - ED: An Act to Amend Chapter 17, Title 14 of the Delaware Code Relating to Student-Teacher Ratios.

HB 568 - JONKIERT - R & F: An Act to Amend Title 29 of the Delaware Code Relating to Acceptance of Electronic Information.

HB 569 - BENNETT & SENATOR VAUGHN; REPRESENTATIVES AMICK, SCHROEDER, WOJEWODZKI, GILLIGAN, BUNTING, WEST, BANNING, BRADLEY, CLARK, B. ENNIS, JONKIERT, VANSANT, SMITH; SENATOR VOSHELL - ECON DEV, B & I: An Act to Amend Chapter 50, Title 29 Relating to Auditing the Delaware Economic Development Authority.

HB 570 - SCHROEDER, BENNETT, BRADLEY, BUNTING, JONKIERT, VANSANT, WEST; SENATOR VAUGHN - ENV & NAT RES: An Act to Amend Title 29, Delaware Code, Establishing a Wastewater Facilities Advisory Council and Prescribing Its Duties and Fiscal Responsibilities.

HB 571 - WOJEWODZKI (BY REQUEST) - R & F: An Act to Amend Chapter 11, Title 30, Delaware Code, Relating to Personal Income Tax to Exempt Pay and Allowances of Delaware Residents Who Are On Active Duty in the Armed Forces of the United States.

HA 1 to HB 117 - ROY - L.O.T./M.T.L. AGENDA II: Placed with the bill.

HA 2 to HB 510 - DAVIS - AGENDA II: Placed with the bill.

SB 248 - SOKOLA & REPRESENTATIVE TAYLOR; SENATORS MCBRIDE, MARSHALL, BAJR, CONNOR, KNOX, NEAL, HOLLOWAY, MCDOWELL, HAUGE, BLEVINS, MARTIN; REPRESENTATIVES PETRILLI, BRADLEY, WOJEWODZKI, HOUGHTON, SORENSON, ROY - ENV & NAT RES: An Act to Amend Title 7, Delaware Code, Relating to Freshwater Wetlands. (F/N)

SB 349 - TORBERT; REPRESENTATIVE BUCKWORTH - LABOR & HUM RES MAN: An Act to Amend Title 19 of the Delaware Code Relating to Location of Industrial Accident Board Hearings.

SB 360 - CORDREY; REPRESENTATIVE BUNTING - H/ADM: An Act to Reincorporate the Town of South Bethany. (2/3 bill)

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 349, SB 360 & SB 248.

Representative Petrilli introduced and brought HCR 73, jointly sponsored by Representatives Spence, Quillen, George & Gilligan on Behalf of All Representatives & Senators Cordrey, Martin, Marshall, Bair & Connor on Behalf of All Senators, before the House for consideration.

HCR 73 - Extending "Many Thanks" to the Delaware Vocational Student Organizations of Delaware for the Geraniums Given and Extending Best Wishes and Success to Each of You in Your Chosen Careers.

Representative Petrilli made comments.

Representative Petrilli requested and was granted the privilege of the floor for Steven Barbato, Technology Education Advisor, Airicka Walker, President, Future Homemakers of America; Jason DeCampi, TSA; Alyson Rappaport, DECA; Lionel Moore, Vocational Industrial Clubs of America; Jason Futrell, Business Professionals of America & Mark Breeding, Future Farmers of America.

Representatives George, Clark & Spence made comments.

Mr. Speaker Spence introduced a guest to the Chamber.

Representative Bennett requested that he be marked present.

Representative Holloway introduced a guest.

Representatives Brady, Wojewodzki, Smith, Bunting, Plant & Gilligan requested that they be marked present.

Representative Gilligan made comments.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #58

DATE: June 9, 1994

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>
H137-1005	Oberle	6/06/94	T	Scott Wickham/Graduation/ Margaret S. Sterck School
H137-1006	Oberle	6/06/94	T	Richard Fretz, Jr./ Graduation/Sterck School
H137-1007	Oberle	6/06/94	T	Jeffrey Dorn/Graduation/ Margaret S. Sterck School
H137-1008	Oberle	6/06/94	T	Elizabeth Collon/Graduation/ Margaret S. Sterck School
H137-1009	Oberle	6/06/94	T	Franklin Fisher, Jr./ Graduation /Sterck School
H137-1010	Holloway	5/25/94	M	Joseph Lindsey
H137-1011	Holloway	5/27/94	M	George Preston Burris
H137-1012	DiLiberto	6/10/94	T	Barbara Rogers/40th Birthday
H137-1013	Wagner	5/05/94	T	Harry Louie Laundry & Dry Cleaners/45th Anniversary
H137-1014	Wagner	5/05/94	T	Jane Love Hughes & Eric Allen Ellisen/Marriage
H137-1015	Wagner	5/19/94	T	Michael J. Harrington, Sr./ Small Business Person/Year
H137-1016	Wagner	6/01/94	T	Chris Gray/State Golf Championship
H137-1017	Wagner	6/02/94	M	Florence Willim/103 Years
H137-1018	D. Ennis	6/11/94	T	Fred Borjes/60th Birthday
H137-1019	Wagner	6/18/94	T	Anne Hinders & Matthew Fortier/Marriage
H137-1020	Gilligan	7/23/94	T	Bayne & Henrietta Edwards/ 50th Wedding Anniversary
H137-1021	Fallon	6/09/94	T	Joel Fallon/1st & 3rd Place Emmy/Cameraman/KCAL
H137-1022	Gilligan	6/04/94	T	Jerry Grasso/Head Coach/Padua/Softball Champ
H137-1023	Houghton	6/07/94	T	Ashley/Middleboro Community Watch/ Community Service

T - Tribute

M - Memoriam

Mr. Speaker assigned HB 549 & HB 550 to the Appropriations Committee.

The Majority Leader moved to recess for caucus at 2:36 p.m.

The House reconvened at 3:49 p.m.

Representative Petrilli deferred to Representative Roy.

Representative Roy moved to lift HR 85 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Roy brought HR 85 sponsored on Behalf of All Representatives, before the House for consideration.

HR 85 - Congratulating Mark T. Brainard on the Occasion of His Graduation From the Widener University School of Law.

WHEREAS, on Saturday May 21st, Mark T. Brainard, former House Democratic Administrative Assistant extraordinaire completed the final steps of a journey he began four years ago, when he walked down the runway at the Widener University School of Law to accept the diploma certifying him as a graduate of the class of 1994; and

WHEREAS, as a devoted husband, father of two and as a full-time employee of the Legislature, an organization not known for a regular work week, some people wondered how Mark would find the time to manage the rigors of law school; and

WHEREAS, he admits that on more than one occasion his spine did begin to bow and that he has started to go gray around the edges, he assures family and friends that he is no worse for the wear; and

WHEREAS, all of his friends in the General Assembly are very pleased for him, including one particular Republican friend who recognized in Mark many of the skills that would one day come in handy as a lawyer, including enthusiasm, competitiveness and an occasional predisposition to substitute creativity for the whole truth - like he did when he nominated the Republican member for Ralph Moyed's Worst Legislator Of The Year Award; and

WHEREAS, all of Mark Brainard's friends in the Delaware House of Representatives would like to take this opportunity to formally extend to him a non-partisan "congratulations" for having attained his career milestone.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 137th General Assembly of the State of Delaware that we do hereby extend our heartfelt congratulations to Mark T. Brainard on the occasion of his graduation from the Widener University School of Law.

BE IT FURTHER RESOLVED that we wish him and his family good health and good fortune as they pursue new and challenging opportunities in life.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be presented to our friend, Mark T. Brainard.

Representatives Roy & Gilligan made comments.

HR 85 was adopted by voice vote.

Representative Roy requested and was granted the privilege of the floor for Mark T. Brainard.

Representatives George, Fallon, DiPinto, Spence, Amick, Plant & DiLiberto made comments.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought SB 18, jointly sponsored by Senators Marshall, Holloway & McBride, before the House for consideration.

SB 18 - An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to the Employment of Strikebreakers.

Representative DiPinto brought HA 1 to SB 18 before the House for consideration.

Representative DiPinto moved to place HA 1 to SB 18 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle requested that HA 2 to SB 18 be stricken.

Representative Oberle brought HA 3 to SB 18 before the House for consideration.

Representative Oberle made comments.

HA 3 to SB 18 was adopted by voice vote

Representatives Oberle, Bennett, Caulk, Oberle, Davis & Smith made comments.

Representative Smith requested and was granted the privilege of the floor for James J. Sullivan, Jr., representing the Employee Relations Committee of the Delaware State Chamber of Commerce.

Representatives Smith, Oberle, Smith & Plant made comments.

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

Representative Bennett made comments.

Representative Oberle requested and was granted the privilege of the floor for Edward Peterson, President, Delaware State AFL/CIO.

Representatives Bunting, Bennett, Oberle & Plant made comments.

The roll call on SB 18 w/HA 3 was taken and revealed:

YES: Representatives Banning, Brady, DiLiberto, George, Gilligan, Holloway, Houghton, Lofink, Mack, Oberle, Plant, Reynolds, VanSant, Mr. Speaker Spence - 14.

NO: 25.

NOT VOTING: Representative B. Ennis - 1.

ABSENT: Representative West - 1.

Therefore, not having received a constitutional majority, SB 18 w/HA 3 was declared defeated. Representatives Buckworth, Mack, Reynolds & Schroeder requested that they be marked present during the roll call.

Representative Roy introduced HB 572, jointly sponsored by Representatives Petrilli & Jonkiert & Senators Neal & Torbert.

HB 572 - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

Mr. Speaker assigned HB 572 to the Small Business Committee.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HB 437, jointly sponsored by Senator Blevins & Representatives Petrilli, Quillen, Buckworth, D. Ennis, Ewing & Plant & Senators Martin, Torbert, Voshell, Bair, Neal & Still, before the House for consideration.

HB 437 - An Act to Amend Title 25 of the Delaware Code by Adding a New Chapter 50 Relating to the Requirements of the Omnibus Budget Reconciliation Act of 1993 for State Medicaid Programs to Seek Adjustment or Recovery of Any Medical Assistance Correctly Paid on Behalf of Individuals Receiving Long-Term Care Services Under the State Plan for Title XIX of the Social Security Act.

Representative Maroney brought HA 1 to HB 437 before the House for consideration.

Representative Maroney made comments.

HA 1 to HB 437 was adopted by voice vote.

Representatives Maroney & Davis made comments.

Representative Maroney requested and was granted the privilege of the floor for Philip P. Soule, Sr., Director of Medicaid Program, Division of Social Services.

Representatives Maroney, Davis, Caulk, Clark, Houghton, Amick, Davis, West, Clark, DiLiberto & Amick made comments.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representatives Davis, B. Ennis & Maroney made comments.

Representative B. Ennis requested and was granted the privilege of the floor for Ron Smith, House Attorney.

Representatives B. Ennis, Davis, Schroeder & Bunting made comments.

Representative Maroney moved to place HB 437 w/HA 1 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HJR 19, jointly sponsored by Representatives D. Ennis, Spence, Petrilli, Buckworth, Carey, Caulk, Davis, DiPinto, Ewing, Lee, Lofink, Maroney, Reynolds, Roy, Smith, Sorenson, Banning, Bennett, Bradley, Brady, Bunting, Clark, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder & Wojewodzki & Senators Blevins, Sokola, Bair, Connor, Hauge, Henry & Still, before the House for consideration.

HJR 19 - Creating a Smart Card Task Force to Investigate and Report on Opportunities Available to the State of Delaware to Use Smart Card Technology in State Operations and to Attract Smart Card Industry Employment Opportunities.

Representative Wagner brought HA 1 to HJR 19 before the House for consideration.

Representative Wagner made comments.

HA 1 to HJR 19 was adopted by voice vote.

Representative Wagner brought HA 2 to HJR 19 before the House for consideration.

Representative Wagner made comments.

HA 2 to HJR 19 was adopted by voice vote.

Representative Wagner requested and was granted the privilege of the floor for Bernard J. David, representing the MAC Smart Card Enterprise Corporation.

Representative Jonkiert made comments.

The roll call on HJR 19 w/HA 1 & 2 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HJR 19 w/HA 1 & 2 was sent to the Senate for concurrence.

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

LABOR & HUM RES MAN: HB 404 - 3M.

Representative Holloway requested that action on HB 499 be deferred to a Day Certain, Tuesday, June 14, 1994.

Representative Ewing requested that action on HB 510 be deferred to a Day Certain, Tuesday, June 14, 1994.

The Majority Leader moved to recess to the call of the Chair at 5:54 p.m.

38th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
June 14, 1994

Mr. Acting Speaker Quillen 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: HB 460 w/HA 3 w/SA 1,5 & 6, HCR 73, SB 293 w/SA 2 & 4 & HCR 72.

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: 41.

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

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

Representative Lee requested that he be marked present.

Representative DiLiberto introduced guests.

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

The following prefiled legislation was introduced:

HB 573 - SPENCE; SENATOR MCBRIDE - APPRO: An Act to Amend Title 29 of the Delaware Code Relating to the State Lottery and the Establishment of "the Senior Citizen Programs and Services Improvement Fund."

HB 574 - SPENCE; SENATOR SHARP - P/S: An Act to Amend Subchapter VI, Chapter 5, Title 11 of the Delaware Code Relating to Offenses Against Public Administration. (2/3 bill)

HB 575 - SPENCE; SENATOR VAUGHN - P/S: An Act to Amend Chapter 66, Title 16 Relating to Fire Prevention.

HB 576 - SPENCE & SENATOR CONNOR; REPRESENTATIVE LOFINK; SENATOR VAUGHN - HOUSING & COM AFF: An Act to Amend Part II, Title 9 of the Delaware Code Relating to New Castle County.

HB 577 - ROY & SMITH & SCHROEDER & SENATORS SHARP & MARTIN & COOK; REPRESENTATIVES SPENCE, PETRILLI, QUILLEN, AMICK, BUCKWORTH, CAREY, DAVIS, DIPINTO, D. ENNIS, EWING, LOFINK, MACK, BANNING, BENNETT, BRADY, CLARK, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, VANSANT; SENATORS ADAMS, BLEVINS, CORDREY, MARSHALL, SOKOLA, VAUGHN, VENABLES, VOSHELL, BAIR, CONNOR, HAUGE, HENRY, KNOX, NEAL - TRANS & INFRA: 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. (3/4 bill)

HB 578 - TAYLOR & SENATOR MARTIN - TRANS & INFRA: An Act to Amend Title 30 of the Delaware Code Relating to the Travelink Traffic Mitigation Act.

HB 579 - DILIBERTO & SENATOR SHARP; REPRESENTATIVE AMICK; SENATORS VAUGHN & BAIR - JUD: An Act to Amend Title 21 of the Delaware Code, to Provide That Appeals From the Justice of the Peace Court Shall be Vested in the Court of Common Pleas.

HJR 24 - SPENCE & SENATOR CORDREY - LABOR & HUM RES MAN: Creating a Public Employee Retirement Funds Task Force to Investigate and Report on the Management of Retirement Funds of Employees of State Governmental Subdivisions.

HJR 25 - SPENCE & SENATOR SHARP - H/ADM: Creating a State Athletic Commission Task Force to Study and Report on the Feasibility of Establishing a State Athletic Commission.

HA 1 to HB 418 - SPENCE - AGENDA IV: Placed with the bill.

HA 1 to HB 513 - CLARK - AGENDA II: Placed with the bill.

HA 1 to HB 530 - OBERLE - AGENDA IV: Placed with the bill.

HA 1 to HB 541 - GEORGE & GILLIGAN - ED: Placed with the bill.

SB 293 w/SA 2 & 4 - BLEVINS, MARSHALL, MARTIN, MCBRIDE, VENABLES, VOSHELL, BAIR, KNOX & NEAL; REPRESENTATIVES MARONEY, BANNING, BRADLEY, BRADY, BUCKWORTH, BUNTING, DAVIS, DILIBERTO, DIPINTO, B. ENNIS, EWING, FALLON, HOLLOWAY, HOUGHTON, JONKIERT, MACK, PLANT, QUILLEN, REYNOLDS, SCHROEDER, SMITH, SORENSON, WAGNER & WOJEWODZKI - HUM NEEDS & DEV: An Act to Amend Chapter 79, Title 29, and Chapter 29, Title 31, of the Delaware Code, Relating to the Division of Aging of Delaware, the Commission for the Aging and the Council on Aging. (F/N)

HA 1 to SB 92 - AMICK - AGENDA V: Placed with the bill.

HA 3 to SB 152 - DAVIS - READY LIST: Placed with the bill.

HA 1 to SB 346 - WAGNER - ECON DEV, B & I: Placed with the bill.

SCR 78 - MCBRIDE & BAIR; REPRESENTATIVES BRADY & MARONEY - HUM NEEDS & DEV: Creating a Health Care Directives Task Force to Study and Recommend to the General Assembly a Policy for the Role of Surrogates in Health Care Decisions and Other Issues Impacting Advance Health Care Decisions.

Representative Petrilli deferred to Representative Holloway.

Representative Holloway brought HB 499, jointly sponsored by Representatives Spence & Jonkiert & Senator Marshall, before the House for consideration.

HB 499 - An Act to Amend Chapter 41, Title 14, Delaware Code Relating to Permission of Nonsectarian, Nonproselytizing, Student-Initiated Voluntary Prayer on Public School Property, Other Public Property or Other Property at School-Related Activities, Including Student Sporting Events, Graduation or Commencement Ceremonies and Other Student Assemblies and Events.

Representative Holloway made comments.

Representative Holloway requested and was granted the privilege of the floor for Reverend Christopher A. Bullock, Senior Minister, Eighth Street Baptist Church.

Representative Holloway requested and was granted the privilege of the floor for McDonald T. Coker, Acting Director, Division of Research.

Representatives Wagner, Holloway, Ewing & Sorenson made comments.

Representative Sorenson requested and was granted the privilege of the floor for Leo Strine, Jr., Counsel to the Governor.

Representative Holloway made comments.

Representative Holloway rose on a point of order.

Representative Plant rose on a point of order.

Representative Smith made comments.

Representative Smith requested that he be marked present.

Representatives Caulk, Plant & Wagner made comments.

Representative Holloway rose on a point of order. Mr. Acting Speaker concurred.

Representative Maroney requested that she be marked present.

Representatives Maroney, Holloway, West, Bunting, Fallon, Amick, Holloway & Wagner made comments.

Representatives West, Amick, Gilligan, Spence, Buckworth, Reynolds, Mack, D. Ennis & Schroeder requested that they be marked present.

Representatives Sorenson, Gilligan & Banning made comments.

Representatives Brady, George & Bennett requested that they be marked present.

Representative Brady made a comment.

Representatives Amick, Brady, DiPinto, Reynolds & Holloway made comments.

The roll call on HB 499 was taken and revealed:

YES: 38.

NOT VOTING: Representatives Amick, Maroney, Sorenson - 3.

Therefore, having received a constitutional majority, HB 499 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought HB 510, jointly sponsored by Senator Adams & Representatives Spence, Petrilli, Quillen, Lofink & Oberle & Senator Sharp, before the House for consideration.

HB 510 - An Act to Redesignate Existing Chapter 74A of Title 16 of the Delaware Code as Chapter 100 of Title 16 of the Delaware Code, and to Add a New Chapter 101 to Title 16 of the Delaware Code to Provide Authority for Each County of This State to Establish and Operate a Fund to be Used to Reimburse County and Local Government Costs Associated With 911 Emergency Reporting Systems Fund.

Representative Ewing brought HA 1 to HB 510 before the House for consideration.

Representative Ewing made comments.

HA 1 to HB 510 was adopted by voice vote.

Representative Davis requested that HA 2 to HB 510 be stricken.

Representatives Ewing & Davis made comments.

Mr. Acting Speaker assigned HS 1 for HB 483 to the Appropriations Committee.

Mr. Acting Speaker reassigned HB 572 to the Labor & Human Resource Management Committee.

Representative Ewing requested and was granted the privilege of the floor for Robert Stickels, Sussex County Administrator.

Representatives Davis & Caulk made comments.

Representative Davis requested and was granted the privilege of the floor for Robert Maxwell, New Castle County Administrator.

Representatives Davis, VanSant, Bradley, Ewing & Davis made comments.

Representative Ewing requested and was granted the privilege of the floor for Robert Stickels, Sussex County Administrator & Robert Maxwell, New Castle County Administrator.

Representatives Bradley & Petrilli made comments.

The roll call on HB 510 w/HA 1 was taken and revealed:

YES: 30.

NO: Representatives Brady, DiLiberto, B. Ennis, George, Gilligan, Jonkiert, Taylor, VanSant - 8.

NOT VOTING: Representatives Bennett, Caulk, Roy - 3.

Therefore, having received a constitutional majority, HB 510 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Roy.

Mr. Speaker Spence resumed the Chair.

Representative Roy introduced HS 1 for HB 458, jointly sponsored by Representatives Petrilli, Spence, Quillen, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Lee, Mack, Maroney, Oberle, Reynolds, Smith, Sorenson, Taylor, Wagner, Banning, Bennett, Bradley, Brady, Bunting, Clark, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, VanSant, West & Wojewodzki & Senators Blevins, Cook, Sokola, Torbert, Vaughn, Venables, Voshell, Bair, Connor, Hauge, Henry, Knox, Neal & Still.

HB 458 - An Act to Amend Title 11 of the Delaware Code by Creating the Offense of Home Improvement Fraud. (2/3 bill)

Mr. Speaker assigned HS 1 for HB 458 to the Judiciary Committee.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HS 2 for HB 7, jointly sponsored by Representative Roy & Senator Sokola, before the House for consideration.

HB 7 - An Act to Amend Chapter 41, Title 21, Delaware Code Relating to the Rules of the Road. (2/3 bill)(F/N)

Representative Oberle made comments.

Representative Oberle requested and was granted the privilege of the floor for Don Carbaugh, representing the Delaware Bicycle Council and Mark Manno, 4-H Agent, Co-Operative Extension Division, University of Delaware.

Representatives Oberle, Smith, Jonkiert, Bennett, George, Bradley, Quillen, Wojewodski & Jonkiert made comments.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

The roll call on HS 2 for HB 7 was taken and revealed:

YES: 23.

NO: Representatives Banning, Brady, Carey, B. Ennis, Houghton, Jonkiert, Lee, Mr. Acting Speaker Quillen - 8.

NOT VOTING: Representatives Bennett, Caulk, George, Gilligan, Holloway, Reynolds, Taylor, VanSant, West - 9.

ABSENT: Representative Clark - 1.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, HS 2 for HB 7 was declared defeated.

Representative Petrilli brought SB 350, sponsored by Senator Blevins & Representative George, before the House for consideration.

SB 350 - An Act to Amend the Statutory Provisions of Section 106(A), Title 13, of the Delaware Code Relating to the Marriage of Kimberly Faith Oberly and Steven B. Lacorte-Kennedy.

Representative Petrilli made comments.

The roll call on SB 350 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 350 was returned to the Senate.

Representative Petrilli deferred to Representative Amick.

Representative Amick brought HB 501 before the House for consideration.

HB 501 - An Act to Amend Chapter 7, Title 13, 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 Amick made comments.

Representative Amick brought HA 1 to HB 501 before the House for consideration.

Representative Amick made comments.

HA 1 to HB 501 was adopted by voice vote.

The roll call on HB 501 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 501 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HB 507, jointly sponsored by Senator Blevins & Representatives Sorenson & Bradley & Senators Henry & Sokola, before the House for consideration.

HB 507 - An Act to Amend Chapter 20, Title 16, Delaware Code Relating to Uniform Health Data.

Representative Maroney made comments.

The roll call on HB 507 was taken and revealed:

YES: 40.

ABSENT: Representative Spence - 1.

Therefore, having received a constitutional majority, HB 507 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Brady.

Representative Brady brought HJR 18, jointly sponsored by Representatives Banning, Bennett, Bradley, Buckworth, Bunting, Carey, Clark, Davis, DiPinto, B. Ennis, Ewing, Fallon, Houghton, Jonkiert, Lee, Plant, Quillen, Schroeder, Smith, VanSant & West & Senators Adams, Bair, Cook, Connor, Henry, Martin, Neal, Still, Torbert, Vaughn, Venables & Voshell, before the House for consideration.

HJR 18 - Directing the Department of Health and Social Services and the Department of Public Safety to Jointly Examine the Feasibility of Cross-Referencing the Names of Those Individuals Receiving Governmental Assistance Against the Names of Those Individuals With Outstanding Arrest Warrants.

Representative Brady brought HA 1 to HJR 18 before the House for consideration.

Representatives Brady, Petrilli & George made comments.

HA 1 to HJR 18 was adopted by voice vote.

Representatives Brady, Davis, Maroney, Gilligan & Jonkiert made comments.

Representative George rose on a point of order.

Representatives Maroney, George, Petrilli & Holloway made comments.

Representative Petrilli moved to place HJR 18 w/HA 1 on the Speaker's table. The motion was properly seconded.

The roll call on the motion was taken:

Representative Oberle moved to recess at 5:18 p.m.

The House reconvened at 5:33 p.m.

The roll call revealed:

YES: Representatives Amick, Carey, Davis, D. Ennis, Ewing, Maroney, Petrilli, Roy, Smith, Sorenson, Spence, Taylor, Mr. Acting Speaker Quillen - 13.

NO: Representatives Banning, Bradley, Brady, Clark, DiLiberto, B. Ennis, George, Gilligan, Holloway, Houghton, Jonkiert, West - 12.

NOT VOTING: 15.

ABSENT: Representative Buckworth - 1.

Therefore, not having received a constitutional majority, the motion was declared defeated and HJR 18 w/HA 1 remained before the House.

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

Representatives Petrilli & George made comments.

The roll call on HJR 18 w/HA 1 was taken and revealed:

YES: 35.

NO: Representatives Ewing, Lee, Maroney, Sorenson - 4.

NOT VOTING: Representative Davis - 1.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HJR 18 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Taylor.

Representative Taylor moved to lift HB 412 w/HA 1 from the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Taylor brought HB 412 w/HA 1, jointly sponsored by Representatives Lee, Smith, Quillen, Carey, Amick, Petrilli, Sorenson, Plant, Bradley & Wojewodzki & Senators Blevins, Sokola, Bair & Knox, before the House for consideration.

HB 412 - An Act to Amend Title 11, Delaware Code Relating to the Unlawful Transfer of Firearms and Dangerous Weapons.

Representative Taylor introduced & brought HA 2 to HB 412 before the House for consideration.

Representative Taylor made comments.

HA 2 to HB 412 was adopted by voice vote.

Representative Taylor introduced & brought HA 3 to HB 412 before the House for consideration.

Representatives Taylor & Bunting made comments.

HA 3 to HB 412 was adopted by voice vote.

Representative VanSant made comments.

The roll call on HB 412 w/HA 1,2 & 3 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 412 w/HA 1,2 & 3 was sent to the Senate for concurrence.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #59

DATE: June 14, 1994

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
H137-1024	B Ennis cosponsor: Quillen	6/10/94	M	Bertha Belle Ennis
H137-1025	Mack	6/10/94	T	John F. Boyer/Retirement
H137-1026	Clark	5/08/94	T	Robin Smith/5 Awards /School Bus. Pros.
H137-1027	Clark	5/08/94	T	Jessica Buckson/School Bus. Pros.
H137-1028	Clark	5/08/94	T	Stacy Graham/1st Place Sch. Bus. Pro.
H137-1029	Clark	5/08/94	T	Jane Garrett/5 Awards/ Nat. Conf. Sch. Bus. Pro.
H137-1030	Lofink	6/08/94	T	Dr. Steven H. Godowsky/ 94' Principal of Year
H137-1031	DiPinto	5/25/94	M	Ralph L. Poskitt
H137-1032	Holloway	6/09/94	M	Robert Lawson
H137-1033	Holloway	6/11/94	M	Louise Brown
H137-1034	Buckworth	6/11/94	T	Mary J. Collier/Retirement/ Caesar Rodney Schools
H137-1035	Bunting	6/10/94	T	Dr. Lewis D. Patterson/Ded. Serv./Principal/Indian River
H137-1036	Bunting	6/10/94	T	Lewis G. Reeves, Jr./ Dedicated Serv./Indian River
H137-1037	Bunting	6/10/94	T	Frederick W. Duncan/Ded. Serv./President/Indian River
H137-1038	Bennett cosponsors: All Members of the House	5/31/94	M	Gerald J. "Babe" Nagle, Sr.
H137-1039	Bradley	6/20/94	T	Dr. Augustus W. Graham/Retire/21 Yrs./A.I. DuPont/Brandywine

T - Tribute

M - Memoriam

The Majority Leader moved to recess for caucus at 5:48 p.m.

The House reconvened at 6:06 p.m.

Representative Petrilli deferred to Representative Smith.

Representative Smith introduced and brought SB 392, jointly sponsored by Senator Sharp, before the House for consideration.

SB 392 - An Act to Amend Title 8 of the Delaware Code Relating to Issuing Copies of Records of Delaware Corporations. (2/3 bill)

Representative Smith moved to suspend the rules which interfere with introduction of and action on SB 392. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Smith made comments.

The roll call on SB 392 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, Roy - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 392 was returned to the Senate.

Representative Petrilli deferred to Representative Spence.

Representative Spence moved to suspend the rules which interfere with introduction of and action on SJR 36. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Spence introduced and brought SJR 36, jointly sponsored by Senator Adams on Behalf of All Senators and on Behalf of All Representatives, before the House for consideration.

SJR 36 - Establishing June, 1994, as Fatherhood Month in the State of Delaware.

Representative Spence made comments.

The roll call on SJR 36 was taken and revealed:

YES: 40.

ABSENT: Representative Roy - 1.

Therefore, having received a constitutional majority, SJR 36 was returned to the Senate.

Representative Petrilli deferred to Representative VanSant.

Representative VanSant requested that action on HB 466 be deferred to a Day Certain, Thursday, June 16, 1994.

Representative Spence requested that action on HB 418 be deferred to a Day Certain, Thursday, June 16, 1994.

The Majority Leader moved to recess to the call of the Chair at 6:20 p.m.

39th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
June 15, 1994

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:11 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 348, SS 1 to SB 320, SB 359, HB 295 w/SA 2, HB 175, HB 424 w/HA 1 & 2 & SA 1, HJR 16, SB 351 w/SA 1, SJR 36, SB 392, SCR 78, HB 434, HB 331 w/HA 1,3,5,7 & 8 & HCR 56.

June 10, 1994

LEGISLATIVE ADVISORY #50

The following legislation was signed by Governor Thomas R. Carper on the date indicated:

6/09/94 - HB 264, HS 1 to HB 219, SS 1 to SB 272, SB 321, HB 378 aab HA 1 & SB 199.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Jane Maroney, do hereby request that my name be removed as Co-Sponsor of HJR 18.

Date: 6/14/94.

Signed: Jane Maroney.

The Majority Whip 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 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:

HS 1 to HB 560 - HOUGHTON - JUD: An Act to Amend Section 972, Title 10 of the Delaware Code Relating to Privacy in Family Court Proceedings.

HB 580 - LEE, AMICK, BANNING, BRADLEY, BUCKWORTH, BUNTING, CAREY, CAULK, CLARK, DAVIS, DIPINTO, D. ENNIS, EWING, FALLON, GEORGE, GILLIGAN, HOLLOWAY, HOUGHTON, JONKIERT, LOFINK, MACK, PLANT, REYNOLDS, ROY, SORENSON, WAGNER, WEST, WOJEWODZKI, SPENCE; SENATORS HENRY, KNOX, SOKOLA, VOSHELL - P/S: An Act to Amend Chapter 41, Title 21 of the Delaware Code Relating to Passengers in Vehicles; and Prohibiting the Carrying of Certain Passengers in Any Unenclosed Area of a Truck. (2/3 bill)

HB 581 - AMICK - HUM NEEDS & DEV: An Act to Amend Title 24 of the Delaware Code by Adding a New Chapter 10, Establishing a Board of Dental Hygiene and Removing Dental Hygienist From the Control of the State Board of Dental Examiners Under Chapter 11 of Title 24, and by Amending Title 29 of the Delaware Code by Adding the Board of Dental Hygiene to Organizations Administered by the Division of Professional Regulation, and by Adding the Board of Dental Hygiene to Those Agencies Covered by the Administrative Procedures Act. (2/3 bill)

HB 582 - D. ENNIS; SENATORS ADAMS, BLEVINS, CORDREY, MARSHALL, MCDOWELL, SOKOLA, TORBERT, VAUGHN, SHARP, STILL - ECON DEV, B & I: An Act to Amend Title 18 to Adopt Risk-Based Capital Standards for Life and Health and Property and Casualty Insurers.

HB 583 - MARONEY; SENATORS MCBRIDE & KNOX - HUM NEEDS & DEV: An Act to Amend Title 24 of the Delaware Code Relating to Qualifications of Chiropractic Licensure Applicants.

HB 584 - WEST, BANNING, BRADY, CAULK, CLARK, DIPINTO, B. ENNIS, FALLON, HOUGHTON, LEE, LOFINK, PLANT, VANSANT; SENATORS COOK, VAUGHN - P/S: An Act to Amend Chapters 1 and 23 of the Delaware Code Relating to Park Trailers.

HB 585 - WOJEWODZKI & SENATOR SOKOLA; REPRESENTATIVES BANNING, BRADLEY, BRADY, CLARK, DILIBERTO, B. ENNIS, GILLIGAN, HOLLOWAY, JONKIERT, PLANT, TAYLOR, LOFINK, VANSANT, WEST; SENATORS ADAMS, COOK, HENRY, KNOX, VAUGHN - HOUSING & COM AFF: An Act to Amend Title 6 of the Delaware Code by Requiring Vendors to Escrow Monies at Settlement for Adjustment or Completion of New Home Construction.

HB 586 - BRADY (BY REQUEST) - R & F: An Act to Amend Title 5 and Title 30, Delaware Code Relating to Bank and Building and Loan Associations Franchise Tax Rates and Corporate Income Tax Rates. (3/5 bill)

HB 587 - DILIBERTO, AMICK & SENATORS BAIR, SHARP, VAUGHN - JUD: An Act to Amend Chapter 45, Title 10 of the Delaware Code Relating to Selection and Summoning of Jury Panels.

HB 588 - WEST, BANNING, BRADLEY, BRADY, BUNTING, CAREY, CAULK, CLARK, B. ENNIS, EWING, HOUGHTON, JONKIERT, LEE, MACK, PLANT, REYNOLDS, SCHROEDER, VANSANT; SENATORS ADAMS, HAUGE, HENRY, KNOX, VAUGHN - ENV & NAT RES: An Act to Amend Section 508 and Section 518, Title 7 of the Delaware Code Relating to License Fees for Nonresidents.

HJR 26 - SPENCE & SENATOR SHARP - H/ADM: Calling on the State of Delaware to Oppose Any Proposal by the Federal Government to Cut the Delaware National Guard.

HCR 74 - BENNETT - P/S: Requesting the Department of Public Safety to Review the Enforcement Policy Relating to 21 Del. C. Section 4114(b) and to Make Recommendations Regarding Education and Enforcement of Existing Law to Provide for More Universal Compliance and Greater Safety on Delaware Highways.

HA 1 to HB 324 - MACK - AGENDA: Placed with the bill.

HA 1 to HB 438 - MARONEY - READY LIST: Placed with the bill.

SS 1 to SB 320 - BLEVINS; REPRESENTATIVE CAULK - ENV & NAT RES: An Act to Amend Chapter 47, Title 7 of the Delaware Code Relating to State Parks. (F/N)

SB 348 - MARSHALL & REPRESENTATIVE DIPINTO - HOUSING & COM AFF: An Act to Amend Chapter 46, Title 6, Delaware Code, Relating to Equal Rights to Housing.

SB 351 w/SA 1 - BLEVINS & REPRESENTATIVES SORENSON & MARONEY; SENATORS BAIR, KNOX, MARSHALL, MARTIN, NEAL, SOKOLA & VOSHALL; REPRESENTATIVES BENNETT, BRADLEY, BRADY, GILLIGAN, JONKIERT, TAYLOR, WAGNER, WOJEWODZKI - HUM NEEDS & DEV: An Act to Amend Title 13 of the Delaware Code Relating to Child Custody and Visitation in Cases of Domestic Violence.

SB 359 - VAUGHN; REPRESENTATIVES B. ENNIS, WAGNER; SENATORS TORBERT, BLEVINS, COOK, SOKOLA, VOSHALL, BAIR & KNOX; REPRESENTATIVES EWING, LEE, VANSANT, BANNING, WEST, CLARK, SPENCE, AMICK, CAULK, DAVIS, LOFINK, OBERLE, PETRILLI, SORENSON, TAYLOR, DIPINTO, REYNOLDS, JONKIERT, GILLIGAN - JUD: An Act to Amend Chapter 9, Title 10, Delaware Code Relating to the Prosecution of Crimes Committed by Juveniles.

HA 4 to SB 78 - MARONEY - L.O.T.: Placed with the bill.

HA 2 to SB 346 - WAGNER - ECON DEV, B & I: Placed with the bill.

Representatives Gilligan, Petrilli, Wojewodzki, Bennett & Houghton requested that they be marked present.

The Majority Whip moved to recess for committee meetings at 2:20 p.m.

The House reconvened at 5:03 p.m.

Representatives Buckworth, Schroeder, Reynolds, DiLiberto, Mack, Brady, Bunting, Holloway & Roy requested that they be marked present.

Representative DiLiberto requested that **HB 384** be stricken.

Representative Amick introduced **HB 589**, jointly sponsored by Senator Sharp & Representative DiLiberto & Senators Vaughn & Bair.

HB 589 - An Act to Amend Chapter 95 of Title 10 of the Delaware Code Relating to Procedures of the Justice of the Peace Court.

Mr. Speaker assigned **HB 589** to the Judiciary Committee.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 365 w/SA 1.

June 15, 1994

LEGISLATIVE ADVISORY #51

The following legislation was signed by Governor Thomas R. Carper on the dates indicated:
6/10/94 - HJR 22 6/14/94 - SJR 25 6/15/94 - SB 392, HB 308 aab SA 1 & HB 446.

The Senate wishes to inform the House that it has passed: SB 364 & HB 373 w/HA 1.

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

HUM NEEDS & DEV: HB 401 - 4M; HB 583 - 5M; SB 293 w/SA 2 & 4 - 5M; SB 351 w/SA 1 - 1F,4M; SCR 78 - 5M.

HOUSING & COM AFF: SB 348 - 1F,5M.

JUD: HB 312 - 1F,4M; HS 1/HB 458 - 6M; HB 543 - 6M; HB 544 - 1F,5M; HB 545 - 1F,5M; HB 546 - 1F,5M; HB 554 - 1F,5M; HB 557 - 6M; HS 1/HB 560 - 6M; HB 563 - 6M; HB 565 - 2F,4M; HB 579 - 6M; HB 587 - 1F,5M; SB 310 - 6M; SB 311 - 6M; SB 312 - 6M; SB 322 - 6M; SB 323 - 6M; SB 324 - 6M; SB 325 - 6M; SB 326 - 6M; SB 343 - 6M; SB 357 - 6M.

P/S: HB 522 - 6M; HB 556 - 6M; HB 561 - 6M; HCR 74 - 6M.

CORR: SB 294 w/SA 1 - 6M.

H/ADM: HB 537 - 4M; HB 538 - 4M; HB 553 - 4M; HJR 25 - 4M; SB 353 w/SA 1 - 4M; SB 360 - 4M.

ED: HJR 21 - 6M; SB 372 - 5M.

TRANS & INFRA: HB 578 - 1F,4M.

APPRO: HB 549 - 5M; HB 550 - 5M; HB 509 - 5M.

Representatives Jonkiert & West requested that they be marked present.

Mr. Speaker assigned SB 293 w/SA 2 & 4 to the Appropriations Committee.

Mr. Speaker reassigned HB 552 to the Appropriations Committee.

The following prefiled Consent Calendar #27 was introduced:

HR 86 - DILIBERTO - Recognizing the Independence and Heritage of Pilgrim Gardens.

HCR 75 - WAGNER & SENATOR STILL - Mourning the Loss of Julie DeFord, a Direct Descendant of Philip Barratt Who Donated the Land for Barratt's Chapel.

HCR 76 - BENNETT, CAULK; SENATOR TORBERT - Commending the Frederica Adult Center, Located at 201 South Market Street, Frederica, Delaware on Its 20th Anniversary and Extending Best Wishes for a Prosperous Future.

Consent Calendar #27 was adopted by voice vote and HCR 75 & HCR 76 were sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:19 p.m.

40th LEGISLATIVE DAY 137th GENERAL ASSEMBLY Second Session June 16, 1994

Mr. Speaker Spence called the House to order at 2:03 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 352 w/SA 1, SB 130, SB 344, SB 228, SB 318 w/SA 1, HB 238 w/HA 1 & SA 1 & SB 354.

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

R & F: HB 568 - 1F,6M.

H/ADM: SS 1/SB 198 - 4M.

Mr. Speaker assigned HB 522, HB 544 & SS 1 to SB 198 to the Appropriations Committee.

The Majority Leader moved to adjourn at 2:04 p.m., thereby ending the current legislative day.

The House reconvened at 2:05 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative G. Robert Quillen, Thirtieth 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 590 - OBERLE; SENATOR MCBRIDE - LABOR & HUM RES MAN: An Act to Amend Title 19 of the Delaware Code Relating to Withholding of Wages.

HB 591 - DAVIS, LOFINK, OBERLE - SM BUS: An Act to Amend Title 21 of the Delaware Code Relating to Mobile Retail Businesses. (2/3 bill)

HB 592 - VANSANT; B. ENNIS, D. ENNIS, BUCKWORTH, HOUGHTON, LOFINK,

PLANT, QUILLEN; SENATORS MCDOWELL & TORBERT - SM BUS: An Act to Amend Chapters 1 and 7, Title 4 of the Delaware Code Relating to Alcoholic Liquors.

HC 77 - SCHROEDER & BUNTING - ENV & NAT RES: Creating a Task Force for Purposes of Identifying and Evaluating Economically Efficient and Environmentally Prudent Approaches to Replenishing the Eroding Beaches Along Delaware's Coastline.

HA 2 to HB 511 - OBERLE - READY LIST: Placed with the bill.

HA 1 to HB 559 - GILLIGAN - R & F: Placed with the bill.

HA 1 to HB 564 - WEST - ENV & NAT RES: Placed with the bill.

HA 1 to HB 565 - DILIBERTO - CONSENT AGENDA B: Placed with the bill.

SB 130 - VOSHELL & BLEVINS; REPRESENTATIVE EWING - P/S: An Act to Amend Chapter 27, Title 21 of the Delaware Code Relating to License Qualifications.

SB 228 - BLEVINS & REPRESENTATIVE AMICK - H/ADM: An Act to Amend Chapter 14 of Title 24 of the Delaware Code Relating to the Appointment of Members to the Board of Electrical Examiners.

SB 318 w/SA 1 - BLEVINS & REPRESENTATIVE AMICK - H/ADM: An Act to Amend Chapter 27, Title 24 of the Delaware Code Relating to the Board of Land Surveyors.

SB 344 - VOSHELL; REPRESENTATIVES D. ENNIS & QUILLEN - LABOR & HUM RES MAN: An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

SB 352 w/SA 1 - BLEVINS, NEAL, MCBRIDE; REPRESENTATIVES BUCKWORTH, PETRILLI - H/ADM: An Act to Amend Chapter 28, Title 24, Delaware Code Relating to Professional Engineers.

SB 364 - VOSHELL & REPRESENTATIVE EWING - P/S: An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicles.

SB 365 w/SA 1 - VAUGHN; REPRESENTATIVE D. ENNIS - ECON DEV, B & I: An Act to Amend Chapter 72, Title 18 of the Delaware Code Relating to Small Employer Health Insurance.

HA 1 to SB 294 - LEE - AGENDA IV: Placed with the bill.

Representative Amick requested that he be marked present.

Representative Fallon requested that HB 567 be stricken.

Representative Gilligan requested that he be marked present.

Representative Petrilli introduced HR 87.

HR 87 - Welcoming Representatives From the Delaware Army National Guard.

Representatives West & Jonkiert requested that they be marked present.

Representative Petrilli made comments.

Representative Petrilli requested and was granted the privilege of the floor for Brigadier General F. Tucker Mulrooney, retired Delaware National Guard.

HR 87 was adopted by voice vote.

Representatives Spence, Gilligan & Fallon made comments.

Representatives Bennett & Plant requested that they be marked present.

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

Representative Houghton requested that he be marked present.

Representative Plant was granted the privilege of the floor the introduction of a guest.

Representative Petrilli made an announcement.

Representative Clark made comments.

Representative Fallon introduced a guest.

Representative B. Ennis requested that he be marked present.

Representative B. Ennis made comments.

The Majority Leader moved to recess for caucus at 2:23 p.m.

The House reconvened at 4:05 p.m.

Representatives Buckworth & Holloway 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: SB 305 w/SA 1 & 2 & SB 373 w/SA 1, 2, 4, 5 & 6, HB 33 w/SA 1 & 2, HB 93 & HB 440 w/HA 1 & SA 1.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought HB 116 before the House for consideration.

HB 116 - An Act to Amend Chapter 40, Title 31 Relating to Welfare and the Department of Housing.

Representative Roy introduced and brought HA 1 to HB 116 before the House for consideration.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

Representative Roy made comments.

HA 1 was adopted by voice vote.

Representative Roy made comments.

The roll call on HB 116 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Carey - 1.

Therefore, having received a constitutional majority, HB 116 w/HA 1 was sent to the Senate for concurrence.

Representatives Brady, Reynolds, Taylor, Wojewodzki, George, D. Ennis & Mack requested that they be marked present during the roll call.

Representative Roy moved to lift HB 117 from the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Roy brought HB 117, jointly sponsored by Representative Davis & Senators Cook & Martin, before the House for consideration.

HB 117 - An Act to Amend Chapter 13, Title 2, Delaware Code Relating to Auditing and the Delaware Transportation Authority. (F/N)

Representative Roy brought HA 1 to HB 117 before the House for consideration.

Representative Roy made comments.

HA 1 to HB 117 was adopted by voice vote.

Representatives Davis & Roy made comments.

The roll call on HB 117 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 117 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative VanSant.

Representative VanSant brought HB 466, jointly sponsored by Representatives Banning, Bennett, Bradley, Brady, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Holloway, Houghton, Jonkiert, Lee, Lofink, Mack, Plant, Reynolds, Schroeder, Sorenson, Wagner & West & Senators Blevins, Connor, Hauge, Knox, Sokola, Still, Torbert & Voshell, before the House for consideration.

HB 466 - An Act to Amend Chapter 35, Title 11 and Chapter 41 of Title 21 of the Delaware Code Relating to Chain of Custody.

Representative VanSant made comments.

Representative VanSant brought HA 1 to HB 466 before the House for consideration.

Representative VanSant made comments.

HA 1 to HB 466 was adopted by voice vote.

Representative VanSant made comments.

The roll call on HB 466 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 466 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Spence.

Representative Spence brought HB 418, jointly sponsored by Representative Davis & Senator Sharp & Representatives Petrilli, Quillen, Amick, Buckworth, Carey, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Maroney, Mack, Oberle, Reynolds, Smith, Sorenson, Taylor, Wagner, Banning, Bennett, Bradley, Brady, Bunting, DiLiberto, B. Ennis, George, Gilligan, Holloway, Houghton, Plant, Schroeder, VanSant & West & Senators Adams, Cook, McBride, McDowell, Vaughn, Voshell, Bair, Connor & Hauge, before the House for consideration.

HB 418 - An Act to Amend Chapter 83 of Title 11 of the Delaware Code Relating to the State Police. (F/N)

Representative Spence brought HA 1 to HB 418 before the House for consideration.

Representative Spence made comments.

HA 1 to HB 418 was adopted by voice vote.

Representative Spence made comments.

The roll call on HB 418 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 418 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli brought HB 247, jointly sponsored by Representatives Spence, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Maroney, Oberle, Quillen, Reynolds, Roy, Smith, Sorenson, Taylor, Wagner, Banning, Bennett, Bradley, Brady, Bunting, Clark, DiLiberto, B. Ennis, George, Gilligan, Holloway, Houghton, Jonkiert, Schroeder, VanSant, West & Wodjewodzki & Senators Adams, Blevins, Holloway, Marshall, McDowell, Sharp, Sokola, Torbert, Vaughn, Venables, Voshell, Bair, Connor, Hauge, Knox, Neal & Still, before the House for consideration.

HB 247 - An Act to Amend Title 14, Delaware Code, by Adding a New Chapter 16 and by Amending Chapters 13 and 17, Relating to the Establishment of a Comprehensive Statewide Program to Improve Student Discipline in the Public Schools. (F/N)

Representative Petrilli made comments.

Representative Petrilli brought HA 1 to HB 247 before the House for consideration.

Representative Petrilli made comments.

HA 1 to HB 247 was adopted by voice vote.

Representative Petrilli made comments.

The roll call on HB 247 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 247 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Spence.

Representative Spence brought HB 494, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 494 - 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 made comments.

The roll call on HB 494 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 494 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Holloway.

Representative Holloway brought HB 492, jointly sponsored by Representative Jonkiert & Senator Marshall, before the House for consideration.

HB 492 - An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Disorderly Conduct Outside of Facilities and/or Establishments That Are Licensed to Serve Alcohol Beverages.

Representative Holloway brought HA 1 to HB 492 before the House for consideration.

Representatives Holloway, Davis, Petrilli, Caulk, Plant, Davis & Amick made comments.

Representative Holloway moved to place HA 1 to HB 492 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Holloway moved to place HB 492 on the Speaker's table. The motion was properly seconded and adopted by voice vote.

Representative Petrilli deferred to Representative Sorenson.

Representative Petrilli deferred to Representative Sorenson.

Representative Sorenson brought HS 1 to HB 454, jointly sponsored by Senator Sokola, before the House for consideration.

HB 454 - An Act to Amend Delaware Code, Title 14, Chapter 13, Relating to Prior Experience of Selected Categories of School Personnel. (F/N)

Representative Sorenson moved to place HS 1 to HB 454 on the Speaker's table. The motion was seconded by Representative Petrilli and adopted by voice vote.

Representative Petrilli deferred to Representative Bennett.

Representative Bennett brought HB 536, jointly sponsored by Senator Blevins & Representatives Buckworth, Caulk, Oberle & B. Ennis & Senators Martin, Sokola & Voshell, before the House for consideration.

HB 536 - An Act to Amend, Chapter 17, Title 24 of the Delaware Code Relating to the Physician's Assistant Regulatory Council, Prescriptive Authority and Scope of Practice of Licensed Physician's Assistants.

Representatives Bennett, Maroney, Sorenson & Bennett made comments.

Mr. Speaker Spence resumed the Chair.

Representative Bennett requested and was granted the privilege of the floor for Dan Graur, President, Delaware Academy of Physicians Assistants.

Representatives Bennett, Sorenson & Ewing made comments.

The roll call on HB 536 was taken and revealed:

YES: 40.

NOT VOTING: Representative Sorenson - 1.

Therefore, having received a constitutional majority, HB 536 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto brought HB 387, jointly sponsored by Senator Marshall & Representatives Amick, Buckworth, Davis, Maroney, Smith, Wagner, Bennett, George, Gilligan, Holloway & Plant &

Senators Holloway, McDowell, Bair, Connor, Knox, Neal, Still & Venables, before the House for consideration.

HB 387 - An Act to Amend Titles 10 and 22, Delaware Code, Authorizing the Formation of Municipal Business Improvement Districts. (2/3 bill)

Representative DiPinto brought HA 1 to HB 387 before the House for consideration.

Representative DiPinto requested that HA 1 to HB 387 be stricken.

Representative DiPinto brought HA 2 to HB 387 before the House for consideration.

Representative DiPinto made comments.

HA 2 to HB 387 was adopted by voice vote.

Representatives DiPinto, Petrilli, Roy & D. Ennis made comments.

The roll call on HB 387 w/HA 2 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 387 w/HA 2 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Mack.

Representative Mack brought HB 324 before the House for consideration.

HB 324 - An Act to Amend Title 14, Delaware Code Relating to Establishing a Speech Language Pathologist Incentive Program. (F/N)

Representative Mack brought HA 1 to HB 324 before the House for consideration.

Representative Mack made comments.

HA 1 to HB 324 was adopted by voice vote.

Representatives Mack, Bennett, Fallon, Mack, Sorenson, Amick, Bennett & Mack made comments.

The roll call on HB 324 w/HA 1 was taken and revealed:

YES: 36.

NOT VOTING: Representatives Bennett, Clark, B. Ennis, Ewing, Quillen - 5.

Therefore, having received a constitutional majority, HB 324 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 443 w/HA 1 w/HA 1, HA 2.3 & 4 & SA 7 & 5, jointly sponsored by Representatives Gilligan, Quillen & Spence & Senators Adams & Sharp, before the House for concurrence on SA 7 & 5.

HB 443 - An Act to Amend Chapter 48, Title 29, Delaware Code, Relating to Coin-Operated-Lotteries at Racetracks and to Amend Chapter 101, Title 3 and Chapter 4, Title 28, Delaware Code, Relating to Horse Racing and Chapter 100, Title 3 Relating to Harness Horse Racing. (F/N)

Representative Oberle made comments.

The roll call on HB 443 w/HA 1 w/HA 1, HA 2.3 & 4 & SA 7 & 5 was taken and revealed:

YES: 25.

NO: Representatives Bradley, Bunting, Carey, Caulk, Clark, Ewing, Maroney, Schroeder, Smith, Sorenson, West, Wojewodzki - 12.

NOT VOTING: Representatives Davis, D. Ennis, Fallon, Jonkiert - 4.

Therefore, having received a constitutional majority, HB 443 w/HA 1 w/HA 1, HA 2.3 & 4 & SA 7 & 5 was sent to the Governor.

Representative Petrilli deferred to Representative Roy.

Representative Roy brought HB 33 w/SA 1 & 2, jointly sponsored by Representatives Gilligan, Amick, Carey, Davis, D. Ennis, Lee, Mack, Caulk, Maroney & Taylor & Senators Marshall, Knox, Bair, Connor & Sokola, before the House for concurrence on SA 1 & 2.

HB 33 - An Act to Amend Title 16 of the Delaware Code Relating to Limiting Exposure to Tobacco Smoke in Public Places Through the Creation of a Clean Indoor Air Act. (F/N)

Representatives Roy, DiPinto & Smith made comments.

The roll call on HB 33 w/SA 1 & 2 was taken and revealed:

YES: 39.

NOT VOTING: Representatives Banning, Houghton - 2.

Therefore, having received a constitutional majority, HB 33 w/SA 1 & 2 was sent to the Governor.

Representative Petrilli deferred to Representative Smith.

Representative Smith brought HB 460 w/HA 3 & SA 1.5 & 6, jointly sponsored by Senator Venables & Representatives Petrilli, Quillen, Spence, Buckworth, Carey, Davis, D. Ennis, Ewing, Fallon, Lee, Lofink, Mack, Oberle, Reynolds, Roy, Wagner, Banning, Bennett, Brady, Clark, B. Ennis, Houghton, VanSant & West & Senators Adams, Cordrey, Torbert, Vaughn, Bair, Connor, Hauge, Knox, Neal & Still, before the House for concurrence on SA 5 & 6.

HB 460 - An Act to Amend Title 1 of the Delaware Code Relating to State Language.

Representative Smith made comments.

The roll call on HB 460 w/HA 3 & SA 1, 5 & 6 was taken and revealed:

YES: 35.

NO: Representatives George, Jonkiert, Plant, Wojewodzki - 4.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 460 w/HA 3 & SA 1, 5 & 6 was sent to the Governor.

Representative Maroney moved to lift HB 437 w/HA 1 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Maroney brought HB 437 w/HA 1, jointly sponsored by Senator Blevins & Representatives Petrilli, Quillen, Buckworth, D. Ennis, Ewing & Plant & Senators Martin, Torbert, Voshell, Bair, Neal & Still, before the House for consideration.

HB 437 - An Act to Amend Title 25 of the Delaware Code by Adding a New Chapter 50 Relating to the Requirements of the Omnibus Budget Reconciliation Act of 1993 for State Medicaid Programs to Seek Adjustment or Recovery of Any Medical Assistance Correctly Paid on Behalf of Individuals Receiving Long-Term Care Services Under the State Plan for Title XIX of the Social Security Act.

Representative Maroney introduced and brought HA 2 to HB 437 before the House for consideration.

Representative Maroney made comments.

Mr. Speaker Spence declared a recess at 5:44 p.m.

The House reconvened at 5:51 p.m.

HA 2 was adopted by voice vote.

The roll call on HB 437 w/HA 1 & 2 was taken and revealed:

YES: Representatives Bradley, Maroney, Quillen, Roy, Wojewodzki - 5.

NO: 30.

NOT VOTING: Representatives B. Ennis, Holloway, Plant - 3.

ABSENT: Representatives Buckworth, Caulk, George - 3.

Therefore, not having received a constitutional majority, HB 437 w/HA 1 & 2 was declared defeated.

Representative Petrilli deferred to Representative Jonkiert.

Representative Jonkiert moved to restore SB 18 w/HA 3. The motion was properly seconded and adopted by voice vote.

SB 18 - An Act to Amend Chapter 7, Title 19 of the Delaware Code Relating to the Employment of Strikebreakers.

Representative Oberle moved to place SB 18 w/HA 3 on the Speaker's table. The motion was seconded by Representative D. Ennis and adopted by voice vote.

Representative Petrilli deferred to Representative Davis.

Representative Davis moved to restore HB 437 w/HA 1 & 2. The motion was properly seconded and adopted by voice vote.

HB 437 - An Act to Amend Title 25 of the Delaware Code by Adding a New Chapter 50 Relating to the Requirements of the Omnibus Budget Reconciliation Act of 1993 for State Medicaid Programs to Seek Adjustment or Recovery of Any Medical Assistance Correctly Paid on Behalf of Individuals Receiving Long-Term Care Services Under the State Plan for Title XIX of the Social Security Act.

Representative Maroney moved to place HB 437 w/HA 1 & 2 on the Speaker's table. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Roy requested that HB 572 be stricken.

Representative Roy made an announcement.

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

ENV & NAT RES: HB 570 - 2F,5M; HCR 77 - 3F,3M.

P/S: HB 580 - 4M.

ECON DEV, B & I: HB 489 - 6M; HB 569 - 1F,6M; SB 365 w/SA 1 - 7M.

APPRO: HS 1/HB 483 - 1F,5M.

HOUSING & COM AFF: HB 585 - 5M.

Representative Jonkiert introduced HR 88, jointly sponsored by Representatives B. Ennis, DiPinto, Houghton, Smith & Wagner.

HR 88 - Establishing a Task Force to Study the Problem of Uninsured Motorists in the State of Delaware.

Mr. Speaker assigned HR 88 to the Economic Development, Banking & Insurance Committee.

Representative Quillen presented a House Tribute to Representative Petrilli on the occasion of his upcoming marriage.

Representatives Petrilli, George, Gilligan & Reynolds made comments.

The Majority Leader moved to recess to the call of the Chair at 6:07 p.m.

41st LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
June 21, 1994

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

The Senate wishes to inform the House that it has passed: SB 356 w/SA 1, SB 332 w/SA 1, SB 370, SB 390, HCR 75, HCR 76, SB 328, HB 443 w/HA 1 w/HA 1, HA 2,3,4 w/SA 7 & 5.

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 Reverend Brooks Reynolds, retired Methodist Minister.

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 Spence & Fallon made comments.

Representatives Fallon & Wagner were granted the privilege of the floor for the introduction of guests.

The following prefiled legislation was introduced:

HB 593 - OBERLE - P/S: An Act to Amend Title 21 of the Delaware Code Regarding Uninsured Motorists. (2/3 bill)

HB 594 - WEST, BANNING, BRADY, CAULK, CLARK, DIPINTO, B. ENNIS, FALLON, HOUGHTON, LEE, LOFINK, PLANT, VANSANT; SENATORS COOK, VAUGHN - P/S: An Act to Amend Chapters 1 and 23, Title 21 of the Delaware Code Relating to Park Trailers.

HB 595 - B. ENNIS & SENATOR TORBERT - HOUSING & COM AFF: An Act to Amend Chapter 93, Title 9 of the Delaware Code Relating to the Duties and Powers of County Comptrollers.

HB 596 - WOJEWODZKI & DIPINTO & SENATORS MCDOWELL & VOSHELL; REPRESENTATIVES AMICK, BANNING, BRADLEY, BRADY, BUNTING, DAVIS, DILIBERTO, B. ENNIS, FALLON, GEORGE, GILLIGAN, HOLLOWAY, HOUGHTON, OBERLE, SCHROEDER, VANSANT, WEST; SENATORS BAIR, HENRY, MARTIN, SOKOLA - HOUSING & COM AFF: An Act to Amend Chapter 21, Title 25 of the Delaware Code Relating to Mortgage Satisfactions.

HA 2 to HB 288 - WOJEWODZKI, GEORGE, MARONEY, SORENSON - AGENDA: Placed with the bill.

HA 1 to HB 426 - B. ENNIS & BANNING - CONSENT AGENDA A: Placed with the bill.

HA 1 to HB 515 - OBERLE - AGENDA: Placed with the bill.

HA 1 to HB 518 - WAGNER - AGENDA II: Placed with the bill.

HA 1 to HB 522 - GILLIGAN - APPRO: Placed with the bill.

HA 1 to HB 543 - AMICK - READY LIST: Placed with the bill.

HA 1 to HB 554 - AMICK - APPRO: Placed with the bill.

HA 1 to HB 556 - LEE - AGENDA II: Placed with the bill.

HA 1 to HB 568 - JONKIERT - READY LIST: Placed with the bill.

SB 305 w/SA 1 & 2 - MCBRIDE; REPRESENTATIVES DIPINTO & QUILLEN - NAT RES: An Act to Amend Chapter 53, Title 7 of the Delaware Code Relating to Archaeological Sites. (2/3 bill)

SB 328 - VAUGHN; REPRESENTATIVE D. ENNIS - ECON DEV, B & I: An Act to Amend Chapter 63, Title 18, Delaware Code, Relating to Health Service Corporations and the Filing of Annual Reports.

SB 332 w/SA 1 - VAUGHN; REPRESENTATIVES BANNING, B. ENNIS - NAT RES: An Act to Amend Subchapter V, Chapter 60, Title 7, Delaware Code Relating to the Issuance of Certificate of Public Convenience Regarding Water Supply.

SB 354 - SOKOLA & REPRESENTATIVE ROY; SENATORS BLEVINS & MARTIN; REPRESENTATIVES PETRILLI & TAYLOR - TRANS & INFRA: An Act to Amend Chapter 5, Title 17 of the Delaware Code Relating to Developers Dedicating New Roads for State Maintenance.

SB 356 w/SA 1 - MCDOWELL & REPRESENTATIVE MARONEY - HUM NEEDS & DEV: An Act to Amend Chapter 90, Title 29 of the Delaware Code Relating to the Department of Services for Children, Youth and Their Families.

SB 370 - TORBERT; REPRESENTATIVE PETRILLI - SM BUS: An Act to Amend Chapter 7, Title 4, of the Delaware Code, Relating to the Sale and Delivery of Alcoholic Liquor by the Delaware Alcoholic Beverage Control Commission.

SB 373 w/SA 1,2,4,5 & 6 - VAUGHN; REPRESENTATIVES AMICK, D. ENNIS, B. ENNIS,

EWING, VANSANT, LEE - An Act to Amend Chapter 13, Title 24, Delaware Code Relating to Private Investigators and Private Security Agencies. (2/3 bill)

SB 390 - TORBERT; REPRESENTATIVE PETRILLI - JUD: An Act to Amend Chapter Three, Title 4, of the Delaware Code, Relating to the Ability of the Delaware Alcoholic Beverage Control Commission's Authority to Enforce Its Subpoenas in the Superior Court.

Representatives Bennett & Jonkiert requested that they be marked present.

The Reading Clerk read the following communications into the record:

June 21, 1994

LEGISLATIVE ADVISORY #52

The following legislation was signed by Governor Thomas R. Carper on the dates indicated:

6/17/94 - HB 441 aab SA 2, 6/19/94 - SJR 36.

The Majority Leader moved to recess for caucus at 2:13 p.m.

The House reconvened at 4:25 p.m.

Representatives D. Ennis & Reynolds requested that they be marked present.

Representative Quillen introduced HB 597.

Representatives Schroeder, Carey, Bradley & Clark requested that they be marked present.

HB 597 - An Act Making a Supplementary Appropriation to the Department of Transportation for the Purpose of Expediting the State's Dirt Road Program From Funds Not Otherwise Encumbered in the State Treasurer's Office.

Mr. Speaker assigned HB 597 to the Appropriations Committee.

Representative Oberle requested that HB 593 be stricken.

Mr. Speaker reassigned SB 332 to the Transportation & Infrastructure Committee.

Representative Petrilli brought HB 238 w/HA 1 & SA 1, sponsored by Representatives Houghton, Banning, Bennett, Bradley, Brady, Clark, B. Ennis, VanSant, West, Amick, Buckworth, Davis, DiPinto, Ewing, Mack, Oberle, Reynolds, Smith, Spence & Taylor & Senators Blevins, Sokola, Vaughn & Voshell, before the House for concurrence on SA 1.

HB 238 - An Act to Amend the Model Defender Act, Chapter 46, Title 29, Delaware Code. (F/N)(3/5 bill)

Representative Petrilli made comments.

The roll call on HB 238 w/HA 1 & SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Mack - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 238 w/HA 1 & SA 1 was sent to the Governor.

Representatives Buckworth, Holloway, Taylor & Gilligan requested that they be marked present during the roll call.

Representative Petrilli brought HB 295 w/SA 2, sponsored by Representative Holloway & Senator Holloway, before the House for concurrence on SA 2.

HB 295 - An Act to Amend Chapter 41 of Title 11 of the Delaware Code by Requiring the Registration of Convicted Sexual Offenders.

Representative Petrilli made comments.

The roll call on HB 295 w/SA 2 was taken and revealed:

YES: 40.

ABSENT: Representative Mack - 1.

Therefore, having received a constitutional majority, HB 295 w/SA 2 was sent to the Governor.

Representative Petrilli brought HB 424 w/HA 1 & 2 & SA 1, sponsored by Representative Banning & Senator Vaughn & Representatives B. Ennis, Fallon, West & Wojewodzki & Senators Bair & Hauge, before the House for concurrence on SA 1.

HB 424 - An Act to Amend Section 730, Title 7 of the Delaware Code Relating to the Discharge of a Firearm Near an Occupied Dwelling. (2/3 bill)

Representative Petrilli made comments.

The roll call on HB 424 w/HA 1 & 2 & SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 424 w/HA 1 & 2 & SA 1 was sent to the Governor.

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

Representative Petrilli brought HB 440 w/HA 1 & SA 1, sponsored by Representatives Smith, Gilligan, George & Brady, before the House for concurrence on SA 1.

HB 440 - An Act to Amend Title 11 of the Delaware Code Relating to Intentional Cruelty to Animals.

Representative Petrilli made comments.

The roll call on HB 440 w/HA 1 & SA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 440 w/HA 1 & SA 1 was sent to the Senate for concurrence.

The Reading Clerk read the following communication into the record:

HOUSE TRIBUTE ANNOUNCEMENT #60

DATE: June 21, 1994

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>
H137-1040	Roy	6/17/94	T	Hockessin Public Library/ Opening
H137-1041	Oberle	6/17/94	T	Dan Burroughs/Pres. /Becks Woods Civic Asso.
H137-1042	Oberle	6/17/94	T	John Pidcock/Pres./Beecher's Lot Civic Asso.
H137-1043	Bennett	6/15/94	T	Judi F. Leaming/Ded. Service/Capital Schools
H137-1044	B. Ennis	5/08/94	T	Amy MacKenzie/Placing 5th in Data Assistant
H137-1045	B. Ennis	5/08/94	T	Elizabeth Alsip/Nat. Conf./ School Business Pros.
H137-1046	Quillen	6/16/94	T	Joseph Petrilli & Michelle Welch/Marriage
H137-1047	Amick	6/22/94	T	Charles T. Daley, Jr., Esq./ Retirement
H137-1048	Caulk	6/18/94	T	Frederica Adult Center/20th Anniversary
H137-1049	D. Ennis	6/08/94	T	Helen Coyle/80th Birthday
H137-1050	Wagner	6/17/94	T	William Hutchison, Jr. '94 Distinguished Teacher
H137-1051	Fallon	6/16/94	M	Harriette Laws
H137-1052	Holloway	6/16/94	M	Chawan Colburn
H137-1053	Fallon	6/17/94	T	Ashok J. Champaneria/ Retire/Seaford School
H137-1054	DiLiberto	6/18/94	M	Paul DiSabatino
H137-1055	Spence	6/20/94	T	Catherine Branner/86th Birthday
H137-1056	Wagner	6/21/94	T	Carl & Mildred Thayer/50th Wedding Anniversary
H137-1057	West	6/21/94	T	Mr. & Mrs. James Sample/ Summer Lunch Pro.

T - Tribute

M - Memoriam

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 528, jointly sponsored by Senator Marshall, before the House for consideration.

HB 528 - An Act to Amend Section 6912, Title 29 of the Delaware Code, Relating to Prevailing Wage. (F/N)

Representative Oberle made comments.

Representative Smith introduced and brought HA 1 to HB 528 before the House for consideration.

Representatives Smith, Oberle, Bennett, Smith & Oberle made comments.

Representative Jonkiert rose on a point of order. Mr. Speaker did not concur.

The roll call on HA 1 to HB 528 was taken and revealed:

YES: 21.

NO: Representatives Banning, Brady, DiLiberto, B. Ennis, Gilligan, Houghton, Jonkiert, Lofink, Mack, Oberle, Reynolds, VanSant, Mr. Speaker Spence - 13.

NOT VOTING: Representatives Bradley, Caulk, Davis, Holloway, Plant, Roy, Wojewodzki - 7.

Therefore, having received a constitutional majority, HA 1 was adopted.

Representative Oberle made comments.

The roll call on HB 528 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 528 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 62 before the House for consideration.

HB 62 - An Act to Amend Title 19 and Title 29 of the Delaware Code Relating to State Labor Laws.

Representative Oberle brought HA 1 to HB 62 before the House for consideration.

Representative Oberle made comments.

HA 1 to HB 62 was adopted by voice vote.

Representative Oberle made comments.

The roll call on HB 62 w/HA 1 was taken and revealed:

YES: 27.

NO: Representatives Carey, Ewing, Lee, Smith - 4.

NOT VOTING: Representatives Buckworth, Bunting, Fallon, Maroney, Quillen, Roy, Schroeder, Sorenson, Taylor, Wagner - 10.

Therefore, having received a constitutional majority, HB 62 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Oberle.

Representative Oberle brought HB 515, jointly sponsored by Senator Marshall, before the House for consideration.

HB 515 - An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to Public Work Contracts.

Representative Oberle made comments.

Representative Oberle brought HA 1 to HB 515 before the House for consideration.

Representative Oberle made comments.

HA 1 to HB 515 was adopted by voice vote.

Representatives Clark, Oberle, Wagner & Roy made comments.

Representative Oberle moved to place HB 515 w/HA 1 on the Speaker's table. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Oberle brought SB 336, jointly sponsored by Senators Marshall, Martin & Blevins, before the House for consideration.

SB 336 - An Act to Amend Title 19 of the Delaware Code Relating to Changing Criminal Penalties to Civil Penalties for Violations of Labor Laws.

Representative Oberle brought HA 1 to SB 336 before the House for consideration.

Representative Oberle made comments.

HA 1 to SB 336 was adopted by voice vote.

Representative Oberle made comments.

The roll call on SB 336 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 336 w/HA 1 was returned to the Senate for concurrence on HA 1.

Representative Oberle moved to lift HB 515 w/HA 1 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Oberle brought HB 515 w/HA 1, jointly sponsored by Senator Marshall, before the House for consideration.

HB 515 - An Act to Amend Chapter 69, Title 29 of the Delaware Code Relating to Public Work Contracts.

Representatives Oberle, Ewing, Clark, Smith, Oberle, Bennett & Plant made comments.

The roll call on HB 515 w/HA 1 was taken and revealed:

YES: 28.

NO: Representatives Maroney, Petrilli, Smith, Sorenson - 4.

NOT VOTING: Representatives Bennett, Buckworth, Bunting, Carey, DiPinto, Ewing, Fallon, Quillen, Schroeder - 9.

Therefore, having received a constitutional majority, HB 515 w/HA 1 was sent to the Senate for concurrence.

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

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

HB 478 - D. ENNIS; SENATOR VAUGHN; REPRESENTATIVES DIPINTO, BENNETT, JONKIERT, SMITH, WAGNER, HOUGHTON - An Act to Amend Chapter 9, Title 18 of the Delaware Code Relating to the Standards for Credit for Reinsurance.

HB 426 - BANNING, B. ENNIS; SENATOR VAUGHN - An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Income Tax.

HB 532 - OBERLE, PETRILLI, AMICK, CAULK, DIPINTO, LEE, MACK, REYNOLDS, SMITH, BANNING, BRADLEY, DILIBERTO, HOLLOWAY, JONKIERT, SCHROEDER, QUILLEN, CAREY, DAVIS, EWING, LOFINK, MARONEY, ROY, WAGNER, BENNETT, BRADY, B. ENNIS, HOUGHTON, PLANT, VANSANT - An Act to Amend Title 30 of the Delaware Code, Relating to Personal Income Tax of Resident Individuals. (F/N)

HB 450 - DAVIS; ALL REPRESENTATIVES; SENATORS ADAMS, HENRY, MCBRIDE, TORBERT, VENABLES, BAIR, HAUGE, STILL, COOK, BLEVINS, MARTIN, SOKOLA, VAUGHN, VOSHELL, CONNOR, NEAL - An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Exemptions. (F/N)

HB 491 - SMITH; SENATOR VENABLES; REPRESENTATIVES SPENCE, CAREY, DAVIS, D. ENNIS, FALLON, LOFINK, MARONEY, REYNOLDS, SORENSON, WAGNER, BENNETT, BRADY, CLARK, B. ENNIS, HOUGHTON, PLANT; SENATORS BLEVINS, SOKOLA, BAIR, HAUGE, KNOX, STILL; REPRESENTATIVES PETRILLI, BUCKWORTH, CAULK, DIPINTO, EWING, LEE, MACK, OBERLE, ROY, TAYLOR, BANNING, BRADLEY, BUNTING, DILIBERTO, GILLIGAN, JONKIERT, VANSANT; SENATORS VOSHELL, VAUGHN, CONNOR, HENRY, NEAL - An Act to Amend Laws of Delaware, Volume 68, Chapter 80, Relating to Chapters 23, 25, 27, 29 and 43, Title 30 of the Delaware Code and Occupational and Business Licenses and Taxes. (F/N)

HB 453 - CAREY, BUNTING, SENATOR VENABLES - An Act to Amend Chapter 19, Title 7 of the Delaware Code Relating to the Commercial Crab Pot License.

SB 188 - VENABLES - An Act to Amend Chapter 87, Title 29 of the Delaware Code Relating to the Department of State.

HB 540 - SCHROEDER, BUNTING, EWING, LEE, WEST; SENATOR VENABLES; REPRESENTATIVES CAREY, FALLON, SCHROEDER; SENATORS CORDREY, VOSHELL - An Act to Amend Title 7 of the Delaware Code Relating to the Preservation of Inland Bays, and Creating the Inland Bay's Watershed Enhancement Act.

Representative Petrilli requested HB 532, HB 450, HB 491 & HB 426 be removed from Consent Agenda A.

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

YES: 41.

Therefore, having received a constitutional majority, HB 478, HB 453 & HB 540 were sent to the Senate for concurrence & SB 188 was returned to the Senate.

Representative Petrilli deferred to Representative Banning.

Representative Banning brought HB 426, jointly sponsored by Representative B. Ennis & Senator Vaughn, before the House for consideration.

HB 426 - An Act to Amend Chapter 11, Title 30 of the Delaware Code Relating to Personal Income Tax. (F/N)

Representative Banning deferred to Representative B. Ennis.

Representative B. Ennis brought HA 1 to HB 426, jointly sponsored by Representative Banning, before the House for consideration.

Representative B. Ennis made comments.

HA 1 to HB 426 was adopted by voice vote.

Representative Banning made comments.

The roll call on HB 426 w/HA 1 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, HB 426 w/HA 1 was sent to the Senate for concurrence.

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

HB 520 - QUILLEN; SENATOR COOK - An Act to Amend an Act Entitled "An Act to Reincorporate the Town of Felton", Being Chapter 349, 63 Laws of Delaware. (2/3 bill)

HB 408 - SCHROEDER; SENATOR VOSHELL - An Act to Amend the Charter of the Town of Lewes, Being Chapter 196, Volume 22 of the Laws of Delaware, as Amended, Relating to the Board of Public Works. (2/3 bill)

HS 2/HB 352 - QUILLEN - An Act to Amend Chapter 43, Title 21 of the Delaware Code, Relating to Bumper, Frame Rail and Body Heights. (2/3 bill)

HB 533 - AMICK; SENATORS SHARP, VAUGHN; REPRESENTATIVES DILIBERTO, BAIR - An Act to Amend Titles 2,3,7,10,11,16,17,24 and 31 of the Delaware Code, to Provide That Appeals From the Justice of the Peace Courts Shall be Vested in the Court of Common Pleas. (2/3 bill)

HB 579 - DILIBERTO; SENATORS SHARP, VAUGHN; REPRESENTATIVE AMICK; SENATOR BAIR - An Act to Amend Title 21 of the Delaware Code, to Provide That Appeals From the Justice of the Peace Court Shall be Vested in the Court of Common Pleas. (2/3 bill)

SB 353 w/SA 1 - ADAMS; REPRESENTATIVE CAREY; SENATOR ADAMS - An Act to Amend an Act, Being Chapter 276, Volume 65, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Georgetown" to Establish the Monition Method as a Procedure for the Collection of Delinquent Taxes and Other Charges Due the Town of Georgetown. (2/3 bill)

SB 360 - CORDREY; REPRESENTATIVE BUNTING - An Act to Reincorporate the Town of South Bethany. (2/3 bill)

Representative DiLiberto requested that HB 533 & HB 579 be removed from Consent Agenda B. The roll call on Consent Agenda B was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 520, HB 408 & HS 2 for HB 352 were sent to the Senate for concurrence & SB 353 w/SA 1 & SB 360 were returned to the Senate.

Representative Petrilli deferred to Representative Amick.

Representative Amick brought HB 533, jointly sponsored by Senator Sharp & Representative DiLiberto & Senators Vaughn & Bair, before the House for consideration.

HB 533 - An Act to Amend Titles 2,3,7,10,11,16,17,24 and 31 of the Delaware Code, to Provide That Appeals From the Justice of the Peace Courts Shall be Vested in the Court of Common Pleas. (2/3 bill)

Representative Amick made comments.

Representative DiLiberto introduced and brought HA 1 to HB 533 before the House for consideration.

Representative DiLiberto made comments.

HA 1 to HB 533 was adopted by voice vote.

Representatives Davis & Amick made comments.

The roll call on HB 533 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 533 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative DiLiberto.

Representative DiLiberto brought HB 579, jointly sponsored by Senator Sharp & Representative Amick & Senators Vaughn & Bair, before the House for consideration.

HB 579 - An Act to Amend Title 21 of the Delaware Code, to Provide That Appeals From the Justice of the Peace Court Shall be Vested in the Court of Common Pleas. (2/3 bill)

Representative DiLiberto introduced and brought HA 1 to HB 579 before the House for consideration.

Representative DiLiberto made comments.

HA 1 to HB 579 was adopted by voice vote.

Representative DiLiberto made comments.

The roll call on HB 579 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 579 w/HA 1 was sent to the Senate for concurrence.

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

HB 477 - BUCKWORTH, EWING; SENATOR MARTIN - An Act to Amend Chapter 5, Title 10 of the Delaware Code to Provide for Commissioners of the Superior Court and the Court of Common Pleas. (F/N)

HB 526 - DILIBERTO, AMICK; SENATORS VAUGHN, SHARP, BAIR - An Act to Amend Section 5301(a), Title 11 of the Delaware Code Relating to Juries in Criminal Trials in the Court of Common Pleas in New Castle County. (F/N)

HB 527 - DILIBERTO, AMICK; SENATORS VAUGHN, SHARP, BAIR - An Act to Amend Section 1314, Title 10 of the Delaware Code Relating to the Amount in Controversy for Civil Jurisdiction of the Court of Common Pleas.

HB 551 - DILIBERTO, AMICK - An Act to Amend Chapter 45, Title 10 of the Delaware Code Relating to Compensation of Jurors.

HB 544 - AMICK & SENATOR SHARP; REPRESENTATIVE DILIBERTO; SENATORS VAUGHN & BAIR - An Act to Amend Title 10 of the Delaware Code to Raise the Civil Jurisdiction of the Justice of the Peace Court From \$5,000 to \$15,000.

HB 587 - DILIBERTO, AMICK; SENATORS SHARP, BAIR, VAUGHN - An Act to Amend Chapter 45, Title 10 of the Delaware Code Relating to Selection and Summoning of Jury Panels.

Representative Petřilli requested that HB 551 be removed from Consent Agenda C.

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

YES: 41.

Therefore, having received a constitutional majority, HB 477, HB 526, HB 527, HB 544 & HB 587 were sent to the Senate for concurrence.

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

SB 310 - SHARP; REPRESENTATIVE SMITH - 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, and to Amend Chapter 23, Title 6 of the Delaware Code Relating to the Availability of the Defense of Usury. (3/5 bill)

SB 311 - SHARP; REPRESENTATIVE SMITH - An Act to Amend Chapter 15 of Title 6 of the Delaware Code Relating to the Registration and Regulation of Registered Limited Liability Partnerships. (3/5 bill)

SB 312 - SHARP; REPRESENTATIVE SMITH - 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. (3/5 bill)

SB 323 - SHARP - An Act to Amend Chapter 1, Title 8, Section 145, of the Delaware Code, Relating to Indemnification of Officers, Directors, Employees and Agents of Delaware Corporations. (2/3 bill)

SB 324 - SHARP - An Act to Amend Chapter 1, Title 8, Section 262, of the Delaware Code, Relating to Appraisal Rights Under the General Corporation Law. (2/3 bill)

SB 325 - SHARP - An Act to Amend Chapter 1, Title 8, Section 151, Delaware Code, Relating to Classes and Series of Stock of Delaware Corporations. (2/3 bill)

SB 326 - SHARP; REPRESENTATIVE SMITH - An Act to Amend Chapter 1, Title 8, Section 218, Delaware Code, Relating to Voting Trusts and Other Voting Agreements. (2/3 bill)

SB 343 - SHARP, VAUGHN; REPRESENTATIVES BUCKWORTH, SMITH - An Act to Amend Chapter 38 of Title 12 of the Delaware Code Relating to Business Trusts.

SB 357 - SHARP - An Act to Amend Chapter 1, Title 8 of the Delaware Code, Relating to the General Corporation Law. (2/3 bill)

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, SB 310, SB 311, SB 312, SB 323, SB 324, SB 325, SB 326, SB 343 & SB 357 were returned to the Senate.

Representative Petrilli deferred to Representative DiLiberto.

Representative DiLiberto brought HB 551, jointly sponsored by Representative Amick, before the House for consideration.

HB 551 - An Act to Amend Chapter 45, Title 10 of the Delaware Code Relating to Compensation of Jurors.

Representatives DiLiberto, Ewing, Davis & DiLiberto made comments.

Representative DiLiberto requested and was granted the privilege of the floor for O. Francis Biondi, Co-chairman, Commission on Courts 2000.

Representatives Davis, Houghton & Ewing made comments.

The roll call on HB 551 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 551 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Brady.

Representative Brady brought HB 524, jointly sponsored by Representatives Schroeder, Banning, Bennett, Bradley, Buckworth, Bunting, Carey, Caulk, Clark, B. Ennis, D. Ennis, Ewing, Gilligan, Holloway, Houghton, Jonkiert, Lofink, Plant, Sorenson, Smith, Spence, VanSant, Wagner, West & Wojewodzki & Senators Blevins, Henry, Knox, Sokola, Still, Vaughn & Voshell, before the House for consideration.

HB 524 - An Act to Amend Title 11 of the Delaware Code Relating to the Possession of Firearms by Certain Prohibited Individuals.

Representative Brady made comments.

The roll call on HB 524 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 524 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative VanSant.

Representative VanSant brought HB 523, jointly sponsored by Representatives Amick, Banning, Bradley, Clark, B. Ennis, Ewing, Gilligan, Houghton, Jonkiert & West & Senators Torbert & Voshell, before the House for consideration.

HB 523 - An Act to Amend Titles 4 and 29 of the Delaware Code Relating to the Transfer of the Alcoholic Beverage Control Commission to the Department of Public Safety.

Representatives VanSant & DiPinto made comments.

The roll call on HB 523 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 523 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HB 490, jointly sponsored by Senator Voshell & Representatives Spence, Petrilli, Buckworth, Carey, Davis, DiPinto, D. Ennis, Mack, Reynolds, Roy, Sorenson, Taylor, Banning, Bradley, Bunting, George, Gilligan, Plant, Schroeder & Wojewodzki & Senators Blevins, Sokola, Bair, Neal, Henry & Knox, before the House for consideration.

HB 490 - An Act to Amend Title 21 of the Delaware Code Relating to Child Restraint Laws.

Representative Maroney brought HA 1 to HB 490 before the House for consideration.

Representative Maroney requested that HA 1 be stricken.

Representative Maroney requested that HA 2 to HB 490 be stricken.

Representative Maroney brought HA 3 to HB 490 before the House for consideration.

Representatives Maroney & Oberle made comments.

HA 3 to HB 490 was adopted by voice vote.

The roll call on HB 490 w/HA 3 was taken and revealed:

YES: 34.

NO: Representative Bennett - 1.

NOT VOTING: Representatives B. Ennis, Holloway, Houghton, Jonkiert - 4.

ABSENT: Representatives Buckworth, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 490 w/HA 3 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative DiLiberto.

Representative DiLiberto brought HB 565, jointly sponsored by Representative Amick & Senators Sharp, Vaughn & Bair, before the House for consideration.

HB 565 - An Act to Amend Article IV of the Constitution of the State of Delaware to Provide for the Inclusion of the Family Court and the Court of Common Pleas as Courts Established by the Constitution of the State of Delaware. (2/3 bill)

Representative DiLiberto brought HA 1 to HB 565 before the House for consideration.

Representative DiLiberto made comments.

HA 1 to HB 565 was adopted by voice vote.

Representative DiLiberto made comments.

The roll call on HB 565 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, D. Ennis - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 565 w/HA 1 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative Taylor.

Representative Taylor requested that action on HB 288 be deferred to a Day Certain, Wednesday, June 22, 1994.

Representative Petrilli deferred to Representative Schroeder.

Representative Schroeder brought HB 512, jointly sponsored by Representative Carey & Senator McBride & Representatives Bradley, Bunting, Clark, Wojewodzki, Jonkiert & Amick & Senators Sokola, Cordrey, Knox & Voshell, before the House for consideration.

HB 512 - An Act to Amend Titles 7, 16, and 29 of the Delaware Code Relating to the Transfer of Certain Responsibilities From the State Board of Health to the Department of Natural Resources and Environmental Control.

Representative Schroeder made comments.

Representative Schroeder introduced and brought HA 1 to HB 512 before the House for consideration.

Representative Schroeder made comments.

HA 1 to HB 512 was adopted by voice vote.

The roll call on HB 512 w/HA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 512 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Clark.

Representative Clark requested that HB 513 be stricken.

Representative Petrilli deferred to Representative Maroney.

Representative Maroney brought HB 504, jointly sponsored by Senator Blevins & Representatives Buckworth, Davis, DiPinto, D. Ennis, Ewing, Lee, Quillen, Reynolds, Smith, Sorenson, Wagner, Banning, Bradley, Bunting, B. Ennis, Houghton, Schroeder, VanSant & Wojewodzki, before the House for consideration.

HB 504 - An Act Proposing the Deletion of Article XII of the Delaware Constitution of 1897, as Amended, Relating to the State Board of Health. (2/3 bill)

Representatives Maroney & George made comments.

The roll call on HB 504 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, D. Ennis - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 504 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought HB 518, jointly sponsored by Representative Oberle & Senator Marshall & Representatives Spence, Petrilli, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Fallon, Mack, Quillen, Reynolds, Sorenson, Banning, Bennett, Bradley, Brady, Bunting, Clark, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, VanSant, West & Wojewodzki, before the House for consideration.

HB 518 - An Act to Amend Chapter 59, Title 29, Delaware Code, Relating to the Establishment of a Merit Employee Relations Board and the Administration of the Merit System. (F/N)

Representative Wagner brought HA 1 to HB 518 before the House for consideration.

Representative Wagner made comments.

HA 1 to HB 518 was adopted by voice vote.

Representatives Wagner & B. Ennis made comments.

The roll call on HB 518 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, D. Ennis, West - 3.

Therefore, having received a constitutional majority, HB 518 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative VanSant.

Representative VanSant brought HB 561 before the House for consideration.

HB 561 - An Act to Amend Titles 11 and 24 of the Delaware Code Relating to the Transfer or Sale of Firearms by Unlicensed Persons.

Representatives VanSant & Bennett made comments.

The roll call on HB 561 was taken and revealed:

YES: 38.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Buckworth, D. Ennis - 2.

Therefore, having received a constitutional majority, HB 561 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Lee.

Representative Lee brought HB 556, jointly sponsored by Representatives Lofink, Petrilli, Plant, Reynolds, Wagner & Spence, before the House for consideration.

HB 556 - An Act to Amend Chapter 21, Title 21 of the Delaware Code Relating to Motor Vehicles; and Providing for a Reduced Registration Fee for Certain Vehicles. (F/N)

Representative Lee requested that HA 1 to HB 556 be stricken.

Representative Lee introduced and brought HA 2 to HB 556 before the House for consideration.

Representative Lee made comments.

HA 2 to HB 556 was adopted by voice vote.

Representative Lee moved to place HB 556 w/HA 2 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

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

Representative Gilligan made comments.

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

P/S: HB 574 - 4M; HB 584 - 5M; SB 393 w/SA 1,2,4,5 & 6 - 4M.

LABOR & HUM RES MAN: HB 590 - 3M.

JUD: HB 589 - 2F,5M; SB 359 - 7M; SB 390 - 7M.

ENV & NAT RES: SB 332 w/SA 1 - 7M.

TRANS & INFRA: HB 577 - 1F,4M.

APPRO: HB 554 - 2F,4M; SS 1/SB 198 - 1F,5M; SB 293 w/SA 2 & 4 - 6M.

P/S: HB 562 - 5M.

The Majority Whip moved to recess to the call of the Chair at 7:00 P.M.

42nd LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
June 22, 1994

Mr. Speaker Spence called the House to order at 3:02 p.m.

Mr. Speaker assigned HB 288 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: SB 396 w/SA 1, HB 315 w/HA 1 & 2, SS 1 for SB 289, SB 334 w/SA 1 & 2, SB 335, SB 298 w/SA 2 & 4, HB 435 w/SA 2, HB 393 w/HA 2, HB 455 w/HA 1, SB 304 & SB 391.

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

P/S: SB 373 w/SA 1,2,4,5 & 6 - 4M.

The Majority Leader moved to adjourn at 3:04 p.m., thereby ending the current legislative day.

The House reconvened at 3:05 p.m.

The Chief Clerk called the roll.

Members Present: 41.

A prayer was offered by Representative Jane Maroney, Tenth 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 598 - SMITH & SENATORS STILL & BLEVINS; REPRESENTATIVES SPENCE, PETRILLI, QUILLEN, AMICK, BUCKWORTH, CAREY, CAULK, DAVIS, D. ENNIS, EWING, FALLON, LEE, LOFINK, MACK, ROY, SORENSON, WAGNER, BANNING, BRADLEY, BUNTING, HOUGHTON, JONKIERT; SENATORS BAIR, CONNOR, HAUGE, HENRY, KNOX, NEAL - R & F: An Act Relating to Personal Income Tax.

HB 599 - WAGNER & MARONEY, QUILLEN, BUCKWORTH, DIPINTO, D. ENNIS, EWING, FALLON, LOFINK, SORENSON; SENATOR HAUGE - H/ADM: An Act to Amend Title 29 of the Delaware Code Relating to Investigations by the Division of Professional Regulation.

HB 600 - DIPINTO - H/ADM: An Act to Waive the Statutory Provisions of Section 107(a), Title 13 of the Delaware Code Relating to the Marriage of Leslie Ann Astorga and Richard J. Conneely.

HB 601 - SCHROEDER, BRADLEY, BUCKWORTH, CAREY, DILIBERTO, EWING, HOUGHTON, JONKIERT, SPENCE, WAGNER; SENATORS COOK, KNOX - HUM NEEDS & DEV: An Act to Amend Chapter 1, Title 16 of the Delaware Code Relating to the State Board of Health. (3/5 bill)

HCR 78 - WAGNER & SMITH & SENATOR SOKOLA; REPRESENTATIVES PETRILLI, QUILLEN, AMICK, CAREY, DAVIS, DIPINTO, EWING, LEE, LOFINK, MARONEY, REYNOLDS, ROY, SORENSON, TAYLOR, BENNETT, BRADLEY, BRADY, DILIBERTO, GILLIGAN, HOLLOWAY, HOUGHTON - ED: Encouraging the Expansion of English as a Second Language Program and the Teaching of Foreign Languages in Delaware's Public Schools.

HA 3 to HB 288 - TAYLOR - AGENDA: Placed with the bill.

HA 1 to HS 1 to HB 483 - BRADLEY - AGENDA: Placed with the bill.

HA 2 to HB 519 - DIPINTO - AGENDA II: Placed with the bill.

HA 1 to HB 545 - AMICK - READY LIST: Placed with the bill.

HA 1 to HB 583 - MARONEY - AGENDA: Placed with the bill.

HA 1 to HJR 23 - DAVIS - HUM NEEDS & DEV: Placed with the bill.

HA 1 to HCR 71 - DAVIS - JUD: Placed with the bill.

SS 1 to SB 289 - SHARP, VAUGHN; REPRESENTATIVE SPENCE - JUD: An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Institutional Vandalism. (2/3 bill)

SB 298 w/SA 2 & 4 - TORBERT - An Act to Amend Part C, Chapter 9, Title 10, Delaware Code, Relating to Grandparental Visitation Rights.

SB 304 - CONNOR & REPRESENTATIVE MACK - H/ADM: An Act to Amend Volume 27, Chapter 216, Laws of Delaware, as Amended, Being the Charter of the City of New Castle and Relating to the Acting Treasurer and the Salary of the City Clerk. (2/3 bill)

SB 334 w/SA 1 & 2 - BLEVINS & REPRESENTATIVES MARONEY & WOJEWODZKI; SENATORS MARTIN, VOSHALL, MARSHALL, TORBERT, NEAL, STILL, CONNOR, BAIR; REPRESENTATIVES DAVIS, DIPINTO, D. ENNIS, PETRILLI, PLANT, SORENSON, WAGNER - An Act to Amend Chapters 4 and 5, Title 13 of the Delaware Code, Relating to Child Support, to Provide for Enhanced Medical Support Enforcement as Required by Federal Law.

SB 335 - BLEVINS & REPRESENTATIVES MARONEY & WOJEWODZKI; SENATORS MARTIN, MARSHALL, TORBERT, VOSHALL, BAIR, CONNOR, HENRY; REPRESENTATIVES SPENCE, B. ENNIS - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance for Children and Medicaid Recipients.

SB 391 - VOSHALL, BLEVINS, BAIR & HENRY; REPRESENTATIVES BRADLEY & SORENSON - ECON DEV, B & I: An Act to Amend Title 18 of the Delaware Code Relating to Health Insurance Coverage. (F/N)

SB 396 w/SA 1 - VAUGHN, MCBRIDE, VOSHALL; REPRESENTATIVES B. ENNIS, SPENCE, EWING, BRADY - HOUSING & COM AFF: An Act to Amend Chapter 12, Title 20, of the Delaware Code Relating to the Interment of National Guard and Reserve.

HA 1 to HA 4 to SB 78 - MARONEY - AGENDA IV: Placed with the bill.

HA 1 to SS 1 to SB 198 - GEORGE, GILLIGAN, PETRILLI, QUILLEN, SPENCE - CONSENT AGENDA F: Placed with the bill.

HA 1 to SS 1 to SB 215 - MARONEY - AGENDA IV: Placed with the bill.

HA 1 to SCR 78 - DIPINTO - READY LIST: Placed with the bill.

Representative Taylor requested that he be marked present.

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

APPRO: HB 288 - 5M.

P/S: HB 575 - 4M.

Representative D. Ennis requested that he be marked present.

Mr. Speaker Spence & Representative Roy introduced guests.

Representatives Smith, Banning & Bennett requested that they be marked present.

Representative Petrilli brought HB 435 w/SA 2, sponsored by Representative Maroney & Senator Blevins & Representatives Spence, Petrilli, Quillen, Buckworth, Davis, DiPinto, D. Ennis, Reynolds, Roy, Sorensen, Wagner, Bennett, Bradley, Brady, Bunting, Gilligan, Jonkiert, Plant & West & Senators Marshall, Venables, Voshell, Bair, Knox & Neal, before the House for concurrence on SA 2.

HB 435 - An Act to Amend Chapter 8, Title 13 of the Delaware Code Relating to Paternity, and Including Provisions for the Voluntary Acknowledgement of Paternity; and to Amend Chapter 31, Title 16 of the Delaware Code, Relating to Vital Statistics, to Provide for an In-Hospital Procedure for Voluntary Acknowledgement of Paternity; and to Amend Chapter 13, Title 13 of the Delaware Code Relating to Illegitimate Children.

Representatives Petrilli & Oberle made comments.

The roll call on HB 435 w/SA 2 was taken and revealed:

YES: 39.

ABSENT: Representatives Holloway, Jonkiert - 2.

Therefore, having received a constitutional majority, HB 435 w/SA 2 was sent to the Governor.

Representatives B. Ennis, Reynolds, Gilligan & Mack requested that they be marked present during the roll call.

Representative Petrilli deferred to Representative Taylor.

Representative Taylor brought HB 288, jointly sponsored by Senator Torbert & Representatives Spence, Petrilli, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Lee, Lofink, Jonkiert, Plant & West & Senators Connor, Still, Adams & Marshall, before the House for consideration.

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

Representative Taylor moved to suspend the rules which interfere with action on HB 288. The motion was seconded by Representative Petrilli.

Representative Taylor brought HB 288, jointly sponsored by Senator Torbert & Representatives Spence, Petrilli, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Lee, Lofink, Jonkiert, Plant & West & Senators Connor, Still, Adams & Marshall, before the House for consideration.

HB 288 - 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.

The roll call on the motion was taken and revealed:

YES: 26.

NO: Representatives Amick, Banning, Clark, DiLiberto, George, Houghton, Maroney, Quillen, Sorenson, Wojewodzki - 10.

NOT VOTING: Representatives B. Ennis, Reynolds, Schroeder - 3.

ABSENT: Representatives Holloway, Jonkiert - 2.

Therefore, having received a constitutional majority, the motion was adopted.

Representative Taylor brought HB 288, jointly sponsored by Senator Torbert & Representatives Spence, Petrilli, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Lee, Lofink, Jonkiert, Plant & West & Senators Connor, Still, Adams & Marshall, before the House for consideration.

HB 288 - 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 Taylor made comments.

Representative Taylor deferred to Representative Wojewodzki.

Representative Wojewodzki requested that HA 1 to HB 288 be stricken.

Representative Wojewodzki brought HA 2 to HB 288, jointly sponsored by Representatives George, Maroney & Sorenson, before the House for consideration.

Representative Wojewodzki introduced and brought HA 1 to HA 2 to HB 288 before the House for consideration.

Representative Wojewodzki made comments.

HA 1 to HA 2 to HB 288 was adopted by voice vote.

Representatives Wojewodzki & Davis made comments.

Representative Davis requested a ruling from the Speaker.

Mr. Speaker Spence declared a recess at 3:29 p.m.

The House reconvened at 3:45 p.m.

Representative Petrilli made comments.

Mr. Speaker ruled that HA 2 w/HA 1 is not broader than the title of the bill.

Representative Wojewodzki requested and was granted the privilege of the floor for Vincent Poppitti, Chief Judge, Family Court.

Representatives Wojewodzki, Taylor, George, Sorenson, Ewing, George, Clark & Wojewodzki made comments.

Representatives Jonkiert & Holloway requested that they be marked present.

Representatives Davis, Wojewodzki, George, Amick, Maroney & Taylor made comments.

Representative Taylor requested and was granted the privilege of the floor for Craig Eliason, House Attorney.

Representative Taylor made comments.

Representative Taylor requested and was granted the privilege of the floor for Ron Smith, House Attorney.

Representatives Taylor, George, Wojewodzki, Davis, George, VanSant, Oberle, Taylor, Wojewodzki, Sorenson, B. Ennis, Taylor, Holloway, Oberle & George made comments.

Representative Wojewodzki requested and was granted the privilege of the floor for Craig Eliason, House Attorney.

Representatives Oberle, Wojewodzki, George, Davis, Banning, Maroney, Plant, George, Taylor, Oberle, DiLiberto, Fallon & Wojewodzki made comments.

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

YES: Representatives Amick, Banning, Bennett, Bradley, Bunting, Clark, DiLiberto, B. Ennis, George, Gilligan, Houghton, Maroney, Quillen, Reynolds, Schroeder, Sorenson, VanSant, Wojewodzki - 18.

NO: 21.

NOT VOTING: Representatives Fallon, Plant - 2.

Therefore, not having received a constitutional majority, HA 2 w/HA 1 to HB 288 was declared defeated.

Representative Taylor brought HA 3 to HB 288 before the House for consideration.

Representative Taylor made comments.

HA 3 to HB 288 was adopted by voice vote.

Representative Amick introduced and brought HA 4 to HB 288 before the House for consideration.

Representatives Amick, Oberle & Taylor made comments.

The roll call on HA 4 was taken and revealed:

YES: Representatives Amick, Banning, Bennett, Bradley, Bunting, Clark, DiLiberto, B. Ennis, George, Houghton, Maroney, Plant, Quillen, Schroeder, Sorenson, Wojewodzki - 16.

NO: 23.

NOT VOTING: Representatives Holloway, Reynolds - 2.

Therefore, not having received a constitutional majority, HA 4 to HB 288 was declared defeated.

Representative Sorenson introduced and brought HA 5 to HB 288 before the House for consideration.

Representatives Sorenson & Taylor made comments.

HA 5 to HB 288 was adopted by voice vote.

Mr. Speaker Spence declared a recess at 5:15 p.m. for the purpose of changing the recording tape.

The House reconvened at 5:20 p.m.

Representative Amick introduced and brought HA 6 to HB 288 before the House for consideration.

Representatives Amick, Taylor, Davis & Amick made comments.

The roll call on HA 6 was taken and revealed:

YES: Representatives Amick, Banning, Bradley, Bunting, Clark, DiLiberto, B. Ennis, George, Maroney, Quillen, Reynolds, Schroeder, Sorenson, Wojewodzki - 14.

NO: 21.

NOT VOTING: Representatives Bennett, Fallon, Holloway, Oberle, Plant, Wagner - 6.

Therefore, not having received a constitutional majority, HA 6 to HB 288 was declared defeated.

Representative Amick introduced and brought HA 7 to HB 288 before the House for consideration.

Representatives Amick, Oberle & Davis made comments.

HA 7 to HB 288 was adopted by voice vote.

Representative Sorenson introduced and brought HA 8 to HB 288 before the House for consideration.

Representative Sorenson made comments.

Representative Taylor requested and was granted the privilege of the floor for Ron Smith, House Attorney.

Representatives Taylor & D. Ennis made comments.

The roll call on HA 8 to HB 288 was taken and revealed:

YES: Representatives Amick, Banning, Bennett, Bradley, Clark, B. Ennis, George, Houghton, Maroney, Quillen, Sorenson, Wojewodzki - 12.

NO: 21.

NOT VOTING: Representatives Bunting, DiLiberto, Fallon, Holloway, Plant, Reynolds, Schroeder, Wagner - 8.

Therefore, not having received a constitutional majority, HA 8 to HB 288 was declared defeated.

Representative Holloway moved to reconsider HA 2 w/HA 1 to HB 288. The motion was seconded by Representative George and adopted by voice vote.

The roll call on the motion was taken and revealed:

YES: 21.

NO: Representatives Brady, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Jonkiert, Lee, Lofink, Mack, Oberle, Petrilli, Roy, Smith, Taylor, Wagner, West, Mr. Speaker Spence - 20.

Therefore, having received a constitutional majority, the motion was adopted.

Representative Taylor made comments.

Mr. Speaker Spence declared a recess at 5:40 p.m. at the request of Representative Taylor.

The House reconvened at 5:58 p.m.

The roll call on HA 2 w/HA 1 to HB 288 was taken and revealed:

YES: Representatives Amick, Banning, Bennett, Bradley, Bunting, Clark, DiLiberto, B. Ennis, Fallon, George, Gilligan, Holloway, Houghton, Maroney, Plant, Schroeder, Sorenson, VanSant, Wojewodzki - 19.

NO: 21.

NOT VOTING: Representative Reynolds - 1.

Therefore, not having received a constitutional majority, HA 2 w/HA 1 to HB 288 was declared defeated.

Representative George deferred to Representative Banning.

Representative Banning introduced and brought HA 9 to HB 288 before the House for consideration.

Representative Banning made comments.

HA 9 to HB 288 was adopted by voice vote.

Representative Banning introduced and brought HA 10 to HB 288 before the House for consideration.

Representatives Banning & Oberle made comments.

Representative Oberle requested and was granted the privilege of the floor for Ron Smith, House Attorney.

Representatives Oberle & Taylor made comments.

The roll call on HA 10 was taken and revealed:

YES: Representatives Amick, Banning, Bennett, Bradley, Brady, Bunting, Clark, DiLiberto, B. Ennis, George, Gilligan, Holloway, Houghton, Maroney, Plant, Schroeder, Wojewodzki - 17.

NO: 19.

NOT VOTING: Representatives Fallon, Quillen, Reynolds, Sorenson, Wagner - 5.

Therefore, not having received a constitutional majority, HA 10 to HB 288 was declared defeated.

Representative Maroney made comments.

Representative Maroney requested and was granted the privilege of the floor for Jorge A. Pereira-Ogan, M.D., representing the Medical Society of Delaware.

Representative Maroney made a comment.

The roll call on HB 288 w/HA 3,5,7 & 9 was taken and revealed:

YES: 33.

NO: Representatives Amick, George, Houghton, Maroney, Schroeder, Sorenson, Wojewodzki - 7.

ABSENT: Representative Reynolds - 1.

Therefore, having received a constitutional majority, HB 288 w/HA 3,5,7 & 9 was sent to the Senate for concurrence.

Representative Roy moved to suspend the rules which interfere with introduction of and action on HB 602. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy introduced and brought HB 602, jointly sponsored by Senator Sharp & Representatives Taylor, Oberle, Carey, Jonkiert & B. Ennis & Senators Cook, McBride, Venables, Hauge & Knox, before the House for consideration.

HB 602 - An Act Amending Chapter 84 of Title 29, Delaware Code, Relating to the Capitol Improvement Program of the Department of Transportation.

Representative Roy moved to place HB 602 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Petrilli made comments.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing deferred to Representative Amick.

Representative Amick brought SB 373 w/SA 1,2,4,5 & 6, jointly sponsored by Senator Vaughn & Representatives D. Ennis, B. Ennis, Ewing, VanSant & Lee, before the House for consideration.

SB 373 - An Act to Amend Chapter 13, Title 24, Delaware Code Relating to Private Investigators and Private Security Agencies. (2/3 bill)

Representative Amick made a comment.

Representative Bennett announced that he will not be voting on SB 373 w/SA 1,2,4,5 & 6 because of a possible conflict of interest.

Mr. Speaker Spence announced that he will not be voting on SB 373 w/SA 1,2,4,5 & 6 because of a possible conflict of interest.

The roll call on SB 373 w/SA 1,2,4,5 & 6 was taken and revealed:

YES: 38.

NOT VOTING: Representatives Bennett, Mr. Speaker Spence - 2.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 373 w/SA 1,2,4,5 & 6 was returned to the Senate.

Representative Petrilli deferred to Representative Bradley.

Representative Bradley brought HS 1 to HB 344, jointly sponsored by Senators Vaughn, Sokola & Blevins & Representatives Bennett, Brady, Bunting, Gilligan, Wojewodzki & D. Ennis & cosponsored by Senator Still, before the House for consideration.

HB 344 - An Act to Amend Title 18 of the Delaware Code Relating to Insurance Fraud. (3/5 bill)

Representative Bradley made comments.

Representative Smith brought HA 1 to HS 1 to HB 344, jointly sponsored by Representative Bennett before the House for consideration.

Representatives Smith & Wagner made comments.

HA 1 to HS 1 to HB 344 was adopted by voice vote.

Representative Jonkiert requested and was granted the privilege of the floor for Joseph J. Rhoades, Legislative Chair, Trial Lawyers Association.

Representatives Jonkiert & Bradley made comments.

The roll call on HS 1 to HB 344 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HS 1 to HB 344 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Holloway.

Representative Holloway moved to lift HB 492 from the Speaker's table. The motion was seconded by Representative Davis and adopted by voice vote.

Representative Holloway brought HB 492, jointly sponsored by Representative Jonkiert & Senator Marshall, before the House for consideration.

HB 492 - An Act to Amend Chapter 9, Title 4, Delaware Code, Relating to Disorderly Conduct Outside of Facilities and/or Establishments That Are Licensed to Serve Alcohol Beverages.

Representative Holloway requested that HA 1 to HB 492 be stricken.

Representative Holloway introduced and brought HA 2 to HB 492 before the House for consideration.

Representative Holloway made comments.

HA 2 to HB 492 was adopted by voice vote.

Representatives Holloway, Davis, Oberle, DiPinto, Holloway & Amick made comments.

Representative Holloway moved to place HB 492 w/HA 2 on the Speaker's table. The motion was seconded by Representative Schroeder and adopted by voice vote.

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto requested that action on HB 519 be deferred to a Day Certain, Tuesday, June 28, 1994.

Representative Petrilli deferred to Representative Wagner.

Representative Wagner brought SB 333 w/SA 1, sponsored by Senator Bair & Representative B. Ennis & Senators Connor, Martin, Torbert & Voshell & Representatives Brady, Caulk, Houghton, Quillen & Smith & cosponsored by Representative Wagner, before the House for consideration.

SB 333 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Certain Required Registrations. (2/3 bill)

Representative Wagner made a comment.

The roll call on SB 333 w/SA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, SB 333 w/SA 1 was returned to the Senate.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought SB 340, jointly sponsored by Senator Cordrey & Representative Lee & Senators Adams & Voshell, before the House for consideration.

SB 340 - An Act to Amend Chapter 87 of Title 9 of the Delaware Code Relating to Collection of Delinquent Taxes and Providing for Attorney Fees Incurred by Sussex County to be Taxed in All Proceedings Under Subchapter II Thereof.

Representative Ewing requested that HA 1 to SB 340 be stricken.

Representative Ewing made comments.

The roll call on SB 340 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, SB 340 was returned to the Senate.

Representative Ewing brought SB 44 w/SA 2 & 4, jointly sponsored by Senators Voshell & Blevins, before the House for consideration.

SB 44 - An Act to Amend Chapter 21 Title 21, Delaware Code, Relating to Increased Fines for Altered or Fictitious Vehicle Registrations and/or Registration Plates and Violations of Registration Provisions.

Representative Ewing brought HA 1 to SB 44 before the House for consideration.

Representatives Ewing & Davis made comments.

HA 1 to SB 44 was adopted by voice vote.

Representative Ewing brought HA 2 to SB 44 before the House for consideration.

Representative Ewing made comments.

HA 2 to SB 44 was adopted by voice vote.

The roll call on SB 44 w/SA 2 & 4 & HA 1 & 2 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, SB 44 w/SA 2 & 4 & HA 1 & 2 was returned to the Senate for concurrence on HA 1 & 2.

Representative Petrilli made an announcement.

Representative Petrilli deferred to Representative Sorenson.

Representative Sorenson brought SB 299, jointly sponsored by Senator Sokola, before the House for consideration.

SB 299 - An Act to Amend Chapter 27 Title 14 of the Delaware Code Relating to Compulsory School Attendance Requirements.

Representatives Sorenson, Amick, Bennett, Davis & Smith made comments.

The roll call on SB 299 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 299 was returned to the Senate.

Representative Petrilli deferred to Representative Taylor.

Representative Taylor brought SCR 73, sponsored by Senator Voshell & Representative Davis & Senators Vaughn, Blevins, Martin, Connor, Venables, McBride & Torbert & Representatives Banning, Lee, Buckworth, Mack, Spence, B. Ennis, D. Ennis, Bennett, VanSant, Caulk, Oberle, Plant, DiLiberto, Gilligan, Clark, Brady & West, before the House for consideration.

SCR 73 - Supporting Federal Legislation (S.1842) Which Would Remove Certain Penalties of the Intermodal Surface Transportation Act (ISTEA) of 1991 for States Failing to Meet Requirements Relating to Motorcycle Helmet Laws If Said States Have in Effect a Motorcycle Safety Program, and Delay the Effective Date of Penalties for States That Fail to Meet Requirements for Motorcycle Safety and Seat Belt Laws.

Representative Taylor made comments.

SCR 73 was adopted by voice vote and returned to the Senate.

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought SB 338, jointly sponsored by Senator Adams & Representative Lee & Senators Venables, Voshell & Cordrey, before the House for consideration.

SB 338 - An Act to Amend Chapter 70 of Title 9 of the Delaware Code Relating to the Limitation on Sussex County in the Procurement of Services and Supplies.

Representative Ewing made comments.

The roll call on SB 338 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 338 was returned to the Senate.

Representative Ewing brought SB 339, jointly sponsored by Senator Cordrey & Representative Lee & Senators Adams, Venables & Voshell, before the House for consideration.

SB 339 - An Act to Amend Subchapter I, Chapter 69 of Title 29 of the Delaware Code Relating to the Rental and Purchase of Motor Vehicles and Exceptions Thereto.

Representatives Ewing & Schroeder made comments.

The roll call on SB 339 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 339 was returned to the Senate.

Representative D. Ennis brought SB 345, jointly sponsored by Senator Cordrey, before the House for consideration.

SB 345 - An Act to Amend Chapter 33, Title 12 Relating to Investment Advisors.

Representative D. Ennis made a comment.

The roll call on SB 345 was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, SB 345 was returned to the Senate.

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

HB 517 - MACK, CAREY; SENATOR MCBRIDE - An Act to Amend Chapter 74, Title 7 of the Delaware Code Relating to Underground Storage Tanks.

HB 569 - BENNETT; SENATOR VAUGHN; REPRESENTATIVES SCHROEDER, GILLIGAN, WEST, BRADLEY, B. ENNIS, VANSANT; SENATOR VOSHELL; REPRESENTATIVES AMICK, WOJEWODZKI, BUNTING, BANNING, CLARK, JONKIERT, SMITH - An Act to Amend Chapter 50, Title 29 Relating to Auditing the Delaware Economic Development Authority.

HB 401 - B. ENNIS; SENATOR TORBERT; REPRESENTATIVES VANSANT, CLARK, EWING, BANNING, WEST, BRADY; SENATOR VAUGHN - An Act to Amend Chapter 97, Title 16 of the Delaware Code Relating to the Delaware Emergency Medical Service Advisory Council.

HB 570 - SCHROEDER, BENNETT, BUNTING, VANSANT; SENATOR VAUGHN; REPRESENTATIVES BRADLEY, JONKIERT, WEST - An Act to Amend Title 29, Delaware Code, Establishing a Wastewater Facilities Advisory Council and Prescribing Its Duties and Fiscal Responsibilities.

SB 276 - CORDREY; REPRESENTATIVE BUNTING - An Act to Amend Chapter 88, Title 29 of the Delaware Code Relating to the Department of Administrative Services.

SB 241 - TORBERT, MCBRIDE, VOSHELL; REPRESENTATIVE CAULK; SENATORS STILL, BLEVINS; REPRESENTATIVE CAREY; SENATOR COOK - An Act to Amend Chapter 64, Title 7 of the Delaware Code to Require the Delaware Solid Waste Authority to Conduct an Environmental Study, Focusing Upon the Dangers and Costs of Any Proposed Resource Recovery Facility or Any Proposed Waste Incinerator, Before Proceeding With Site Selection and Construction of Same.

Representative Petrilli requested that **HB 602** be added to Consent Agenda E.

HB 602 - ROY - An Act Amending Chapter 84 of Title 29, Delaware Code, Relating to the Capitol Improvement Program of the Department of Transportation.

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

YES: 41.

Therefore, having received a constitutional majority, **HB 517, HB 569, HB 401 & HB 602** were sent to the Senate for concurrence & **SB 276 & SB 241** were returned to the Senate.

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

HCR 74 - BENNETT - Requesting the Department of Public Safety to Review the Enforcement Policy Relating to 21 Del. C. Section 4114(b) and to Make Recommendations Regarding Education and Enforcement of Existing Law to Provide for More Universal Compliance and Greater Safety on Delaware Highways.

SB 283 w/SA 3 - VOSHELL, ADAMS, MARSHALL, MCDOWELL, TORBERT, BAIR, KNOX, STILL; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, MARONEY, PETRILLI, REYNOLDS, SMITH, SPENCE, WAGNER, BENNETT, BRADY, CLARK, B. ENNIS, GILLIGAN, HOUGHTON, LOFINK, SCHROEDER, WOJEWODZKI; SENATORS BLEVINS, MARTIN, SOKOLA, VENABLES, HAUGE, NEAL; REPRESENTATIVES CAREY, DIPINTO, EWING, LEE, OBERLE, QUILLIN, ROY, SORENSON, TAYLOR, BANNING, BRADLEY, BUNTING, DILIBERTO, GEORGE, HOLLOWAY, JONKIERT, PLANT, WEST - An Act to Amend Title 14 of the Delaware Code Relating to Absentee Voters in School District Elections.

HCR 77 - SCHROEDER, BUNTING - Creating a Task Force for Purposes of Identifying and Evaluating Economically Efficient and Environmentally Prudent Approaches to Replenishing the Eroding Beachs Along Delaware's Coastline.

SB 306 - SENATOR MARSHALL; REPRESENTATIVE OBERLE - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

SB 307 - MARSHALL; REPRESENTATIVE OBERLE - An Act to Amend Chapter 33, Title 19 of the Delaware Code Relating to Unemployment Compensation.

HB 537 - BUNTING - An Act to Waive the Statutory Provisions of Section 107(A), Title 13, of the Delaware Code Relating to the Marriage of Robert Christian Ackerman and Karen Smolskis.

SS 1 to SB 198 - VOSHELL, KNOX; REPRESENTATIVE BRADLEY; SENATORS BAIR, COOK, MARSHALL, MCDOWELL, SOKOLA, TORBERT; REPRESENTATIVES BUNTING, D. ENNIS, FALLON, MARONEY, PLANT, ROY, SORENSON, TAYLOR, WOJEWODZKI, AMICK; SENATORS ADAMS, BLEVINS, HAUGE, MCBRIDE, NEAL, STILL; REPRESENTATIVES BUCKWORTH, DAVIS, EWING, MACK, PETRILLI, REYNOLDS, SCHROEDER, SPENCE, WEST - An Act to Amend Chapters 16, 25, and 58, Title 29, Delaware Code and Chapter 417, Volume 67, Laws of Delaware by Establishing the State Public Integrity Commission and Defining Its Authority and Responsibilities, and the Duties of Persons Subject to Its Authority.

Representative Petrilli requested that **SS 1 to SB 198** be removed from Consent Agenda F.

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

YES: 41.

Therefore, having received a constitutional majority, **HCR 74, HCR 77 & HB 537** were sent to the Senate for concurrence and **SB 283 w/SA 3, SB 306 & SB 307** were returned to the Senate.

Representative Petrilli brought **SS 1 to SB 198**, jointly sponsored by Senators Voshell & Knox & Representative Bradley & Senators Bair, Cook, Marshall, McDowell, Sokola, & Torbert & Representatives Bunting, D. Ennis, Fallon, Maroney, Plant, Roy, Sorenson, Taylor, Wojewodzki & Amick & Senators Adams, Blevins, Hauge, McBride, Neal & Still & Representatives Buckworth, Davis, Ewing, Mack, Reynolds, Schroeder, Spence & West, before the house for consideration.

SB 198 - An Act to Amend Chapters 16, 25, and 58, Title 29, Delaware Code and Chapter 417, Volume 67, Laws of Delaware by Establishing the State Public Integrity Commission and Defining Its Authority and Responsibilities, and the Duties of Persons Subject to Its Authority.

Representative Petrilli moved to place SS 1 to SB 198 on the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Roy requested that action on HB 577 be deferred to a Day Certain, Tuesday, June 28, 1994.

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

ENV & NAT RES: HB 564 - 6M; HB 588 - 6M; SB 305 w/SA 1 & 2 - 6M.

HOUSING & COM AFF: HB 596 - 6M; HB 463 - 4M; HB 464 - 4M; SB 396 w/SA 1 - 4M; HB 595 - 5M.

P/S: HB 594 - 4M.

ECON DEV, B & I: HB 582 - 7M; SB 328 - 7M.

JUD: HB 332 - 4M.

HUM NEEDS & DEV: HB 601 - 6M; SB 334 w/SA 1 & 2 - 6M.

Mr. Speaker reassigned SB 346 to the House Administration Committee.

The Majority Leader moved to recess to the call of the Chair at 7:41 p.m.

43rd LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
June 23, 1994

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 479 w/HA 1, SB 388, SB 394, SB 395, SB 422, SS 1 for SB 33 w/SA 1 & 2, HB 436 w/HA 2 & SA 1, HB 427 w/HA 4 & HB 510 w/HA 1.

June 21, 1994

LEGISLATIVE ADVISORY #53

The following legislation was signed by Governor Thomas R. Carper on the dates indicated:

6/16/94 - HB 318 aab SA 1 aab SA 1 to SA 1 & SA 2, 6/21/94 - HB 434.

June 22, 1994

The Honorable Terry R. Spence
Speaker of the House
Legislative Hall
Dover, DE 19901
Dear Speaker Spence:

Due to separate legislative and personal business I will be unable to attend session on June 23, 1994.

Thank you.

Sincerely,
Joseph R. Petrilli
House Majority Leader
State Representative

/jm

The Majority Whip 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: 39.

Members Absent: Representatives Holloway, Petrilli - 2.

A prayer was offered by Representative Clifford G. Lee, Fortieth Representative District.

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

Representatives West & Taylor requested that they be marked present.

Representatives Fallon & Carey introduced guests.

Representatives Brady & Wojewodzki requested that they be marked present.

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

The following prefiled legislation was introduced:

HB 603 - PETRILLI, AMICK, BANNING, BRADLEY, BRADY, BUNTING, CLARK, B. ENNIS, GEORGE, GILLIGAN, HOUGHTON, JONKIERT, SCHROEDER, VANSANT, WEST, WOJEWODZKI; SENATORS BLEVINS, TORBERT, VOSHELL, BAIR - H/ADM: An Act to Amend Title 29 of the Delaware Code Relating to Information and Technology and to Create an Office of Information Systems Advisory Committee.

HB 604 - AMICK; SENATOR TORBERT - SM BUS: An Act to Amend Title 4, of the Delaware Code Relating to Alcoholic Liquors. (2/3 bill)

HB 605 - WAGNER & BENNETT & BUCKWORTH, CLARK, B. ENNIS, QUILLEN; SENATOR STILL - R & F: An Act to Amend Chapter 41, Title 9 of the Delaware Code Relating to the Government of Kent County.

HB 606 - ROY, GILLIGAN; SENATOR SOKOLA - TRANS & INFRA: An Act to Amend Title 6 of the Delaware Code Relating to Exclusive Purchasing Contracts.

HB 607 - ROY, WOJEWODZKI; SENATOR BAIR - HOUSING & COM AFF: An Act to Amend Title 22 of the Delaware Code Relating to Creating an Ad Hoc Committee on the Role of Municipalities in the Regulation and Provision of Public Utilities, to Make Recommendations to Assist in Resolving Conflicts With Nonresident Customers, and Instructing the Delaware Development Office to Collect Certain Data.

HB 608 - DAVIS - JUD: An Act to Amend Chapter 9, Title 10 and Chapter 15, Title 13 of the Delaware Code Relating to Civil Dispositions and Remedies of the Family Court.

HB 609 - CAREY - ENV & NAT RES: An Act to Amend Chapters 1,3,5,6,7 & 13 of Title 7 of the Delaware Code Relating to the Wildlife Laws of This State and the Removal of Obsolete Provisions and the Establishment of a Fine Schedule. (2/3 bill)

HB 610 - MARONEY; SENATOR SOKOLA - HUM NEEDS & DEV: An Act to Amend Title 24, Delaware Code, Relating to the Ability of the Board of Medical Practice to Obtain Peer Review Records.

HB 611 - SPENCE & SENATOR CORDREY; REPRESENTATIVE CLARK; SENATOR COOK - H/ADM: An Act to Amend Chapter 181, Vol. 69, Laws of Delaware Relating to Implementation Date of the State Register of Regulations.

HB 612 - WAGNER, AMICK, DAVIS, REYNOLDS, SORENSON, TAYLOR, BANNING, BRADY, CLARK, JONKIERT, WOJEWODZKI - HOUSING & COM AFF: An Act to Amend Title 24 of the Delaware Code Relating to Professional and Associate Home Inspectors.

HJR 27 - WOJEWODZKI, SORENSON; SENATORS COOK & NEAL - ED: Establishing the Educational Technology Committee.

HA 1 to HB 529 - AMICK - JUD: Placed with the bill.

HA 2 to HB 541 - QUILLEN - ED: Placed with the bill.

HA 2 to HB 545 - AMICK - AGENDA VII: Placed with the bill.

HA 1 to HB 550 - BRADLEY - AGENDA IV: Placed with the bill.

HA 1 to HB 578 - TAYLOR - CONSENT AGENDA G: Placed with the bill.

SS 1 to SB 33 w/SA 1 & 2 - MCBRIDE, CONNOR; REPRESENTATIVES BUNTING & SCHROEDER - ENV & NAT RES: An Act to Amend Chapter 60 and Chapter 63, Title 7 of the Delaware Code, Relating to Criminal Penalties for Violations of the Provision of Said Chapters.

SB 388 - ADAMS, COOK, CORDREY, VAUGHN, VENABLES & STILL; REPRESENTATIVES CAULK, CAREY, FALLON, LOFINK, BUNTING, CLARK, SCHROEDER - ENV & NAT RES: An Act to Amend Title 7 of the Delaware Code Relating to State Forestry and Sedimentation and Erosion Control.

SB 394 - CORDREY - AG: An Act to Amend Title 25, Delaware Code Relating to Agricultural Leases.

SB 395 - ADAMS - ENV & NAT RES: An Act to Amend Title 7, Delaware Code Relating to Erosion and Sedimentation Control.

SB 422 - SHARP, VAUGHN, STILL; REPRESENTATIVES SPENCE, OBERLE - CORR: An Act to Amend Title 11 and Title 29 of the Delaware Code to Establish a Grievance Procedure for Prisoners, a Mechanism for Sanctioning Frivolous Prisoner Litigation, and the Authority to Recoup Certain Expenses From Prisoners.

Representative Quillen brought HB 436 w/HA 2 & SA 1, jointly sponsored by Representative Maroney & Senators Blevins & Bair & Representatives Petrilli, Spence, D. Ennis, Reynolds, Roy, Wagner, DiPinto, Ewing, Buckworth, Davis, Sorenson, Bradley, Brady, Bunting, Gilligan, Jonkiert & West & Senators Marshall, McBride, Venables, Sokola, McDowell, Martin, Neal & Connor, before the House for concurrence on SA 1.

HB 436 - An Act to Amend Chapter 5, Title 16 of the Delaware Code Relating to Tuberculosis Control. (F/N)

Representative Quillen made comments.

The roll call on HB 436 w/HA 2 & SA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Holloway, Petrilli - 2.

Therefore, having received a constitutional majority, HB 436 w/HA 2 & SA 1 was sent to the Governor.

Representatives Amick, Bradley, Clark, D. Ennis & Smith requested that they be marked present during the roll call.

Representative Quillen brought HB 479 w/HA 1 & SA 1, sponsored by Representative Maroney & Senator Blevins & Representatives Buckworth, Taylor, Smith & Banning & Senators Sharp & Connor, before the House for concurrence on SA 1.

HB 479 - An Act to Amend Titles 24 and 29 of the Delaware Code Relating to Occupations and Professions and Providing for the Certification of Dietitians/Nutritionists. (3/5 bill)(F/N)

Representative Quillen made a comment.

The roll call on HB 479 w/HA 1 & SA 1 was taken and revealed:

YES: 39.

ABSENT: Representatives Holloway, Petrilli - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 479 w/HA 1 & SA 1 was sent to the Governor.

The Majority Whip moved to recess for caucus at 2:39 p.m.

The House reconvened at 3:36 p.m.

The Reading Clerk read the following communication into the record:

June 23, 1994

LEGISLATIVE ADVISORY #54

The following legislation was signed by Governor Thomas R. Carper on the date indicated:

6/22/94 - HB 331 aab HA 1,3,5,7 & 8.

Representative Amick brought HB 554, jointly sponsored by Senator Sharp & Representative DiLiberto & Senators Vaughn & Bair, before the House for consideration.

HB 554 - An Act to Amend Title 10 of the Delaware Code to Provide for Commissioners of the Court of Common Pleas. (F/N)

Representatives Amick, Bennett & Davis made comments.

Representative Amick brought HA 1 to HB 554 before the House for consideration.

Representative Amick made comments.

HA 1 to HB 554 was adopted by voice vote.

The roll call on HB 554 w/HA 1 was taken and revealed:

YES: 37.

NO: Representative Bennett - 1.

ABSENT: Representatives Holloway, Petrilli, Taylor - 3.

Therefore, having received a constitutional majority, HB 554 w/HA 1 was sent to the Senate for concurrence.

Representative Sorenson brought HB 557, jointly sponsored by Representative Maroney & Senator Blevins & Representatives DiPinto, Wagner, Bradley, Brady, Gilligan, Jonkiert & Wojewodzki & Senators Marshall, Martin, Sokola, Voshell, Bair & Knox & cosponsored by Senator Neal, before the House for consideration.

HB 557 - An Act to Amend Title 11 of the Delaware Code Relating to Assault in the Second Degree.

Representative Sorenson made comments.

The roll call on HB 557 was taken and revealed:

YES: 38.

ABSENT: Representatives Holloway, Petrilli, Smith - 3.

Therefore, having received a constitutional majority, HB 557 was sent to the Senate for concurrence.

Representative Maroney brought SB 351 w/SA 1, jointly sponsored by Senator Blevins & Representative Sorenson & Senators Bair, Knox, Marshall, Martin, Neal, Sokola & Voshell & Representatives Bennett, Bradley, Brady, Gilligan, Jonkiert, Taylor, Wagner & Wojewodzki, before the House for consideration.

SB 351 - An Act to Amend Title 13 of the Delaware Code Relating to Child Custody and Visitation in Cases of Domestic Violence.

Representative Maroney made comments.

The roll call on SB 351 w/SA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Holloway, Petrilli, Smith - 3.

Therefore, having received a constitutional majority, SB 351 w/SA 1 was returned to the Senate.

Representative Oberle brought HB 530, jointly sponsored by Senator Sharp, before the House for consideration.

HB 530 - An Act to Amend Title 29, Delaware Code, by Adding Thereto a New Chapter Authorizing a Leave of Absence With Pay for State Employees Participating in Specialized Disaster Relief Services for the American Red Cross.

Representative Oberle brought HA 1 to HB 530 before the House for consideration.

Representative Oberle made comments.

HA 1 to HB 530 was adopted by voice vote.

Representative Oberle requested and was granted the privilege of the floor for David S. Swayze, General Counsel, Delaware Chapter, American Red Cross.

Representatives George, Fallon & Jonkiert made comments.

The roll call on HB 530 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Clark, Holloway, Petrilli - 3.

Therefore, having received a constitutional majority, HB 530 w/HA 1 was sent to the Senate for concurrence.

Representative Buckworth brought HB 500, jointly sponsored by Representatives Ewing, Spence, Reynolds, Wagner, Bennett & Bradley & Senators Torbert & Voshell, before the House for consideration.

HB 500 - An Act to Amend Title 11 and Title 14 of the Delaware Code Relating to Arrest

Without Warrant and Reporting of the Criminal Activity of Students.

Representative Buckworth brought HA 1 to HB 500 before the House for consideration.

Representative Buckworth made comments.

HA 1 to HB 500 was adopted by voice vote.

Representatives Buckworth & Plant made comments.

The roll call on HB 500 w/HA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Holloway, Petrilli - 2.

Therefore, having received a constitutional majority, HB 500 w/HA 1 was sent to the Senate for concurrence.

Representative Schroeder brought HB 601, jointly sponsored by Representatives Bradley, Buckworth, Carey, DiLiberto, Ewing, Houghton, Jonkiert, Spence & Wagner & Senators Cook & Knox, before the House for consideration.

HB 601 - An Act to Amend Chapter 1, Title 16 of the Delaware Code Relating to the State Board of Health. (3/5 bill)

Representative Schroeder introduced and brought HA 1 to HB 601 before the House for consideration.

Representative Schroeder made comments.

HA 1 to HB 601 was adopted by voice vote.

Representatives Schroeder, Ewing, Jonkiert, Amick & DiPinto made comments.

Representative Schroeder requested and was granted the privilege of the floor for Craig Eliasson, House Attorney.

Representatives DiPinto, Bennett, Schroeder, Ewing & West made comments.

The roll call on HB 601 w/HA 1 was taken and revealed:

YES: Representatives Banning, Bradley, Bunting, Carey, Clark, Davis, DiLiberto, Lee, Maroney, Oberle, Schroeder, Wojewodzki, Mr. Speaker Spence - 13.

NO: Representative Amick - 1.

NOT VOTING: 24.

ABSENT: Representatives Bennett, Holloway, Petrilli - 3.

Therefore, not having received a constitutional majority of at least three-fifths Members of the House, HB 601 w/HA 1 was declared defeated.

Representative Amick brought SB 152, sponsored by Senators Sokola, Blevins & Venables & Representatives Davis & Wojewodzki, before the House for consideration.

SB 152 - An Act to Amend Title 10 of the Delaware Code Relating to Condemnation Procedures.

(F/N)

Representatives Amick & Davis made comments.

Representative George requested that HA 1 & HA 2 to SB 152 be stricken.

Representative Davis brought HA 3 to SB 152 before the House for consideration.

Representatives Davis & Amick made comments.

Representative Amick requested and was granted the privilege of the floor for Ron Smith, House Attorney.

Representative Amick made comments.

HA 3 to SB 152 was adopted by voice vote.

The roll call on SB 152 w/HA 3 was taken and revealed:

YES: 37.

ABSENT: Representatives Caulk, Holloway, Oberle, Petrilli - 4.

Therefore, having received a constitutional majority, SB 152 w/HA 3 was returned to the Senate for concurrence on HA 3.

Representative Maroney requested that action on SS 1 to SB 215 be deferred to a Day Certain, Wednesday, June 29, 1994.

Representative Quillen deferred to Representative Lee.

Representative Lee brought SB 294 w/SA 1, jointly sponsored by Senators Vaughn & Sharp & Representatives B. Ennis & Davis, before the House for consideration.

SB 294 - An Act to Amend Chapter 42 of Title 11, Delaware Code Relating to the Early Release From Incarceration of Convicted Offenders. (F/N)

Representative Lee brought HA 1 to SB 294 before the House for consideration.

Representative Lee made comments.

HA 1 to SB 294 was adopted by voice vote.

Representative Lee made comments.

The roll call on SB 294 w/SA 1 & HA 1 was taken and revealed:

YES: 38.

NOT VOTING: Representative Plant - 1.

ABSENT: Representatives Holloway, Petrilli - 2.

Therefore, having received a constitutional majority, SB 294 w/SA 1 & HA 1 was returned to the Senate for concurrence on HA 1.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

Representative Amick moved to restore HB 601. The motion was properly seconded.

HB 601 - An Act to Amend Chapter 1, Title 16 of the Delaware Code Relating to the State Board of Health. (3/5 bill)

The roll call on the motion was taken and revealed:

YES: 32.

NO: Representatives Brady, B. Ennis, VanSant, West - 4.

ABSENT: Representatives Davis, Holloway, Petrilli, Smith, Spence - 5.

Therefore, having received a constitutional majority, the motion was adopted.

Representative Schroeder moved to place HB 601 w/HA 1 on the Speaker's table. The motion was seconded by Representative Maroney and adopted by voice vote.

Representative Lee introduced HB 613, jointly sponsored by Representatives Spence, Buckworth, Carey, Caulk, D. Ennis, Ewing, Lofink, Mack, Oberle, Petrilli, Quillen, Reynolds, Roy, Banning & B. Ennis & Senators Knox, Still & Voshell.

HB 613 - An Act to Amend Title 11 of the Delaware Code Relating to Corrections; and Providing for a Boot Camp Intensive Incarceration Act.

Mr. Acting Speaker assigned HB 613 to the Corrections Committee.

Representative Maroney made comments.

Representative Maroney introduced HA 3 to HB 437. HA 3 was placed with the bill.

Representative Houghton brought HB 550, jointly sponsored by Representatives Banning, Bennett, Bradley, Brady, Bunting, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, George, Gilligan, Holloway, Jonkiert, Lofink, Mack, Maroney, Oberle, Petrilli, Plant, Reynolds, Schroeder, Spence, VanSant, Wagner, West & Wojewodzki & Senators Adams, Blevins, Knox, Marshall, Martin, Torbert & Voshell, before the House for consideration.

HB 550 - An Act to Amend Section 937, Title 10 of the Delaware Code Relating to House Arrest for Adjudicated Juveniles. (F/N)

Representative Houghton deferred to Representative Bradley.

Representative Bradley requested that HA 1 to HB 550 be stricken.

Representatives Houghton & Ewing made comments.

The roll call on HB 550 was taken and revealed:

YES: 37.

ABSENT: Representatives D. Ennis, Holloway, Petrilli, Spence - 4.

Therefore, having received a constitutional majority, HB 550 was sent to the Senate for concurrence.

Representative Maroney moved to lift SB 78 w/SA 1 & 2 from the Speaker's table. The motion was seconded by Representative Quillen and adopted by voice vote.

Representative Maroney brought SB 78 w/SA 1 & 2, sponsored by Senators Blevins, Connor & Holloway & Representatives Bradley, Brady & Gilligan & cosponsored by Representative Wojewodzki, before the House for consideration.

SB 78 - An Act to Amend Title 16 and Title 18 of the Delaware Code Providing for a Childhood Lead Poisoning Prevention Act Relating to Mandatory Lead Poisoning Testing and Health Insurance Coverage. (F/N)

Representative Maroney made comments.

Mr. Acting Speaker declared a recess at 5:14 p.m.

The House reconvened at 5:15 p.m.

Representative Maroney requested that HA 1, HA 2 & HA 3 to SB 78 be stricken.

Representative Maroney brought HA 4 to SB 78 before the House for consideration.

Representative Maroney requested that HA 1 to HA 4 be stricken.

Representative Maroney introduced and brought HA 2 to HA 4 to SB 78 before the House for consideration.

Representative Maroney made comments.

HA 2 to HA 4 to SB 78 was adopted by voice vote.

Representative Maroney made comments.

HA 4 w/HA 2 to SB 78 was adopted by voice vote.

The roll call on SB 78 w/SA 1 & 2 & HA 4 w/HA 2 was taken and revealed:

YES: 29.

NO: Representatives Banning, Clark, Lee, Quillen - 4.

NOT VOTING: Representatives Buckworth, Carey, Caulk, Ewing, Roy - 5.

ABSENT: Representatives B. Ennis, Holloway, Petrilli - 3.

Therefore, having received a constitutional majority, SB 78 w/SA 1 & 2 & HA 4 w/HA 2 was returned to the Senate for concurrence on HA 4 w/HA 2.

Mr. Acting Speaker declared a recess at 5:25 p.m.

Mr. Speaker Spence resumed the Chair.

The House reconvened at 5:34.

Mr. Speaker reassigned SB 335 to the Human Needs & Development Committee.

Mr. Speaker reassigned SB 332 to the Ready List.

Representative West requested that HB 269, HB 322, HB 365, HB 366, HB 549, be stricken.

Representative West made a comment.

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

Representative West requested that HB 110, HB 111, HB 112, HB 113, HB 221 & HB 268 be stricken.

Representative Ewing brought HB 574, sponsored by Representative Spence & Senator Sharp, before the House for consideration.

HB 574 - An Act to Amend Subchapter VI, Chapter 5, Title 11 of the Delaware Code Relating to Offenses Against Public Administration. (2/3 bill)

Representative Ewing made comments.

The roll call on HB 574 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Holloway, Petrilli - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HB 574 was sent to the Senate for concurrence.

Representative West requested that HB 584, HB 69, HB 77, HB 96, HB 97, HB 98 & HB 99 be stricken.

Mr. Speaker Spence declared a recess at 5:40 p.m.

The House reconvened at 5:54 p.m.

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

ENV & NAT RES: SS 1/SB 33 w/SA 1 & 2 - 5M, 1U; SB 388 - 6M; SB 395 - 6M.

H/ADM: SB 346 - 3M.

ED: HB 541 - 5M; HCR 78 - 5M; HJR 27 - 5M; HB 542 - 5M.

TRANS & INFRA: HB 306 - 4M; HB 606 - 1F, 4M.

ECON DEV, B & I: HR 88 - 7M.

Representative Jonkiert brought HR 88, jointly sponsored by Representatives D. Ennis, DiPinto, Houghton, Smith & Wagner, before the House for consideration.

HR 88 - Establishing a Task Force to Study the Problem of Uninsured Motorists in the State of Delaware.

Representative Jonkiert made comments.

HR 88 was adopted by voice vote.

Representative Amick brought HB 272, jointly sponsored by Representative Jonkiert, before the House for consideration.

HB 272 - An Act to Amend Title 10 of the Delaware Code Relating to Civil Liability for Certain Criminal Offenders.

Representatives Amick & Jonkiert made comments.

The roll call on HB 272 was taken and revealed:

YES: 37.

NOT VOTING: Representative Davis - 1.

ABSENT: Representatives Buckworth, Holloway, Petrilli - 3.

Therefore, having received a constitutional majority, HB 272 was sent to the Senate for concurrence.

Representative Davis brought HB 489, jointly sponsored by Representatives D. Ennis, DiPinto, Oberle, Jonkiert & VanSant & Senators Blevins, McDowell, Vaughn & Still, before the House for consideration.

HB 489 - An Act to Amend Title 18 of the Delaware Code Relating to Insurance and Creating the HIV Testing for Insurance Act.

Representative Davis made comments.

The roll call on HB 489 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Holloway, Petrilli - 3.

Therefore, having received a constitutional majority, HB 489 was sent to the Senate for concurrence.

Representative Maroney brought HB 583, jointly sponsored by Senators McBride & Knox, before the House for consideration.

HB 583 - An Act to Amend Title 24 of the Delaware Code Relating to Qualifications of Chiropractic Licensure Applicants.

Representative Maroney brought HA 1 to HB 583 before the House for consideration.

Representative Maroney made comments.

HA 1 to HB 583 was adopted by voice vote.

Representative Maroney made comments.

The roll call on HB 583 w/HA 1 was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Holloway, Petrilli - 3.

Therefore, having received a constitutional majority, HB 583 w/HA 1 was sent to the Senate for concurrence.

The following prefiled Consent Calendar #28 was introduced:

HCR 79 - SPENCE, PETRILLI, QUILLEN, GEORGE, GILLIGAN IN BEHALF OF ALL REPRESENTATIVES; SENATORS CORDREY, MARTIN, MARSHALL, BAIR, CONNOR IN BEHALF OF ALL SENATORS - Commending the Delegates of the 1994 Boys' State Program and Thanking the American Legion, Department of Delaware for Sponsoring This Most Educational Experience for the Boys' State Participants.

HCR 80 - D. ENNIS & SENATOR SOKOLA; ON BEHALF OF ALL REPRESENTATIVES & SENATORS - Honoring Dr. James L. Spartz as He Embarks on the New Career of Retirement.

HCR 81 - FALLON & SENATOR BLEVINS IN BEHALF OF ALL REPRESENTATIVES AND ALL SENATORS - Commending the 1994 Participants of Girl's State and Extending Thanks to the Ladies Auxiliary of the Delaware Chapter of the American Legion for Providing Such a Rewarding Experience for the State's Youth.

Consent Calendar #28 was adopted by voice vote and HCR 79, HCR 80 & HCR 81 were sent to the Senate for concurrence.

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

HUM NEEDS & DEV: SB 335 - 5M.

The Majority Whip moved to recess to the call of the Chair at 6:15 p.m.

44th LEGISLATIVE DAY
137th GENERAL ASSEMBLY
Second Session
June 28, 1994

Mr. Speaker Spence called the House to order at 3:33 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed: SB 399 w/SA 1 & 2, SB 330, SB 214, SB 414 w/SA 1, HB 475 w/HA 6,7,8 & 9 & HB 363 w/HA 2.

June 22, 1994

Office of the Clerk

U.S. House of Representatives

Washington, D.C.

JoAnn M. Hedrick
Office of the Chief Clerk

Delaware State House of Representatives
Legislative Hall
Dover, Delaware 19901
Dear Ms. Hedrick:

This will acknowledge receipt of House Concurrent Resolution 56 to petition the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an Amendment to the Constitution of the United States to provide that no federal tax shall be imposed for the period before the date of enactment of the tax.

The above mentioned resolution has been referred to the Speaker of the U.S. House of Representatives for referral to the appropriate committees.

Sincerely yours,
Donald K. Anderson, Clerk
U.S. House of Representatives
United States Senate
Office of the Secretary
June 23, 1994

Ms. JoAnn M. Hedrick
Chief Clerk of the House of Representatives
Delaware State House of Representatives
Legislative Hall
Dover, Delaware 19901
Dear Ms. Hedrick:

Thank you for your letter transmitting Delaware State House of Representatives Concurrent Resolution 56, relating to Congress calling a convention for the purpose of proposing a Constitutional amendment to provide that no federal tax shall be imposed for the period before the date of enactment of the tax.

This resolution will be presented to the United States Senate and appropriately referred.

Sincerely,
Martha S. Pope

Representative Petrilli requested that he be marked present for the current Legislative Day.

The Majority Leader moved to adjourn at 3:35 p.m., thereby ending the current legislative day.

The House reconvened at 3:36 p.m.

The Chief Clerk called the roll.

Members Present: 41.

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

The following prefiled legislation was introduced:

HB 614 - AMICK & SENATOR BLEVINS - R & F: An Act to Amend Chapter 27 of Title 29 of the Delaware Code Relating to the Local Government Investment Pool.

HB 615 - SPENCE & D. ENNIS; SENATORS CORDREY & VAUGHN - ECON DEV, B & I: An Act to Amend Title 18 Relating to Employer Owned Life Insurance Policies and Trust Owned Life Insurance Policies Issued in This State.

HA 1 to HB 214 - DAVIS, SCHROEDER - AGENDA VIII: Placed with the bill.

SB 214 - MCBRIDE - JUD: An Act to Amend Title 11 of the Delaware Code, Relating to the Offense of Patronizing a Prostitute. (2/3 bill)

SB 330 - MCBRIDE, VOSHELL, VAUGHN & KNOX; REPRESENTATIVES CAREY & SCHROEDER - ENV & NAT RES: An Act to Amend Section 8009, Chapter 80, Title 29 of the Delaware Code (67 Del. Laws Chapter 430, Section 2) Relating to the Parks and Recreation Council.

SB 361 - SHARP - JUD: An Act to Amend Title 11, Delaware Code Relating to Theft and Related Offenses. (F/N)

SB 362 w/SA 1 - SHARP; REPRESENTATIVE AMICK - JUD: An Act to Amend Chapter 92, Title 10, Delaware Code Relating to the Organization and Operation of the Justice of the Peace Courts and Chapter 66, Title 18, Delaware Code Relating to Line-of-Duty Death Benefits. (F/N)

SB 363 w/SA 1 - SHARP, MCBRIDE; REPRESENTATIVE AMICK - JUD: An Act to Amend Chapter 27, Title 11, Delaware Code to Grant Justice of the Peace Courts Jurisdiction to Hear, Try and Finally Determine Additional Misdemeanors Than They Presently Have Jurisdiction to Hear, Try and Finally Determine. (2/3 bill)

SB 367 - MCBRIDE & BAIR; REPRESENTATIVES BRADY & MARONEY - P/S: An Act to Amend Chapter 25, Title 16 of the Delaware Code Relating to Health Care Decisions.

SB 381 - SHARP, VAUGHN, MCBRIDE, STILL; REPRESENTATIVES SPENCE, OBERLE, TAYLOR, GILLIGAN - CORR: An Act to Amend Chapter 43, Title 11 of the Delaware Code Relating to Sentencing, Probation, Parole and Pardons Notification Requirements.

SB 382 - SHARP, VAUGHN; REPRESENTATIVES SPENCE, OBERLE - JUD: An Act to Amend Title 10 of the Delaware Code Relating to Court Filing Fees and Costs.

SB 384 - SHARP, VAUGHN & BAIR; REPRESENTATIVES AMICK & DILIBERTO - JUD: An Act to Amend Chapter 9, Title 13, of the Delaware Code Relating to Adoption; and Granting to the Family Court Exclusive Jurisdiction Over All Petitions to Inspect Adoption Records.

SB 398 - VAUGHN, SHARP - CORR: An Act to Amend Chapter 42, Title 11 of the Delaware Code Relating to the Modification of Sentences for Good Cause.

SB 399 w/SA 1 & 2 - TORBERT - ENV & NAT RES: An Act to Amend Chapter 17, Title 7, Delaware Code, Relating to Biting Dogs. (2/3 bill)

SB 400 - SHARP & REPRESENTATIVE AMICK; SENATORS VAUGHN & BAIR; REPRESENTATIVE DILIBERTO - JUD: An Act to Amend Chapter 9, Title 10 of the Delaware Code Relating to the Family Court; and Providing for the Expungement of Certain Adult Criminal Records.

SB 401 w/SA 1 & 2 - MARSHALL & REPRESENTATIVE OBERLE; SENATORS BLEVINS, CONNOR, HENRY, MARTIN, MCBRIDE, MCDOWELL, TORBERT, VAUGHN & VOSHELL; REPRESENTATIVES BANNING, BRADLEY, BRADY, DAVIS, HOUGHTON, JONKIERT, LOFINK, MACK, PETRILLI, PLANT, REYNOLDS, SPENCE & VANSANT - LABOR & HUM RES MAN: An Act to Amend Chapter 13, Title 19 of the Delaware Code Relating to the Right of Public Employees to Organize for Purposes of Collective Bargaining. (F/N)

SB 402 w/SA 1 - VAUGHN, TORBERT, VOSHELL, ADAMS; REPRESENTATIVES BENNETT, EWING, WEST & QUILLEN - HOUSING & COM AFF: An Act to Amend Title 29 of the Delaware Code Relating to the Freedom of Information Act.

SB 403 - VAUGHN; REPRESENTATIVE LEE - CORR: An Act to Amend Chapter 43, Title 11, Delaware Code Relating to Mental Health Evaluations Required Prior to Parole.

SB 404 - VENABLES; REPRESENTATIVE LEE - H/ADM: An Act to Amend Chapter 137, Volume 61, Laws of Delaware, as Amended, Being the Town Charter of the Town of Delmar, Relating to Streets. (2/3 bill)

SB 406 w/SA 1 - HUM NEEDS & DEV: An Act to Amend Title 16 of the Delaware Code Relating to the Establishment of a Delaware Voluntary Purchasing Alliance, Its Authorities and Responsibilities. (F/N)

SB 408 w/SA 1 - CORDREY - TRANS & INFRA: An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

SB 414 w/SA 1 - VENABLES & REPRESENTATIVE HOLLOWAY; SENATORS ADAMS, BAIR, CONNOR, CORDREY, HAUGE, HENRY, MARSHALL, MCBRIDE, NEAL, SHARP, SOKOLA, STILL, TORBERT, VAUGHN; REPRESENTATIVES AMICK, BUNTING, D. ENNIS, EWING, JONKIERT, MARONEY, SORENSON, SPENCE - ED: An Act to Amend Title 14 of the Delaware Code Relating to the Exercise of First Amendment Rights by Public School Students.

SB 423 w/SA 1 - MARSHALL, MCBRIDE, MCDOWELL, VAUGHN, CONNOR & HENRY; REPRESENTATIVES BUNTING, HOLLOWAY, JONKIERT, PLANT & DIPINTO - H/ADM: An Act to Authorize and Approve the Transfer of Certain Real Property in the City of Wilmington, Known as the Bridge House. (3/4 bill)(F/N)

SB 425 w/SA 1 - VOSHELL, ADAMS, BAIR, BLEVINS, CORDREY, COOK, CONNOR, MARSHALL, MARTIN, MCBRIDE, NEAL, SOKOLA, STILL, TORBERT, VENABLES & VAUGHN; REPRESENTATIVES AMICK, BENNETT, BRADY, CAULK, HOLLOWAY, HOUGHTON, SCHROEDER, VANSANT, WAGNER & WEST R & F: An Act to Amend Chapter 29, Title 30 of the Delaware Code Relating to Tax on Wholesalers' Gross Receipts.

SB 427 - SHARP & REPRESENTATIVE AMICK; SENATORS VAUGHN & BAIR; REPRESENTATIVE DILIBERTO - JUD: An Act to Amend Title 21 of the Delaware Code Relating to Jurisdiction of the Court of Common Pleas. (2/3 bill)

Representative Oberle requested that HB 590 be stricken.

Representative Petrilli requested that HB 553 be stricken.

Representative B. Ennis requested that HB 367 be stricken.

Representative Wojewodzki requested that she be marked present.

Representative Wojewodzki was granted the privilege of the floor for the introduction of a

guest.

Representatives Houghton, D. Ennis & Bennett 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: HB 466 w/SA 1, HB 505, HB 536 w/SA 1, SB 404, SB 367, SB 398, SB 400, SB 402 w/SA 2, SB 403, SB 406 w/SA 1, HB 528 w/HA 1, SB 401 w/SA 1 & 2, SB 408 w/SA 1, SB 423 w/SA 1, HB 412 w/HA 1, 2, & 3, SB 363 w/SA 1, SB 381.

SB 382, SB 384, SB 427, SB 362 w/SA 1, SB 361, SB 425 w/SA 1, SB 407, SB 411 w/SA 1, SB 434, SB 436, HB 524 & HB 523.

June 27, 1994

LEGISLATIVE ADVISORY #55

The following legislation was signed by Governor Thomas R. Carper on the dates indicated:
6/23/94 - HB 175, HJR 16, HB 373 aab HA 1. 6/24/94 - SB 350.

June 27, 1994

LEGISLATIVE ADVISORY #56

The following legislation was signed by Governor Thomas R. Carper on the date indicated:
6/27/94 - HB 93, HB 510 aab HA 1, SB 188, SB 310, SB 311, SB 312, SB 323, SB 324, SB 326, SB 325, SB 343, SB 357, SB 353 aab SA 1, SB 360, SB 241, SB 276, SB 283 aab SA 3, SB 299, SB 306, SB 307, SB 333 aab SA 1, SB 338, SB 339, SB 340, SB 345, HB 440 aab HA 1 & SA 1, HB 424 aab HA 1 & 2 & SA 1, HB 295 aab SA 2, HB 455 aab HA 1, HB 315 aab HA 1 & 2, SB 373 aab SA 1,2,4,5 & 6 & HB 238 aab HA 1 & SA 1.

June 28, 1994

To the Members of the House of Representatives
of the 137th General Assembly:

On June 16, 1994, I received House Bill Number 443, as amended by House Amendment No. 1 as Amended by House Amendment No. 1 to House Amendment No. 1 and House Amendment Numbers 2, 3 and 4 and Senate Amendment Numbers 7 and 5, which is entitled:

"AN ACT TO AMEND CHAPTER 48, TITLE 29, DELAWARE CODE, RELATING TO COIN-OPERATED-LOTTERIES AT RACETRACKS, AND TO AMEND CHAPTER 101, TITLE 3 AND CHAPTER 4, TITLE 28, DELAWARE CODE, RELATING TO HORSE RACING AND CHAPTER 100, TITLE 3 RELATING TO HARNESS HORSE RACING."

I am returning H.B. 443 to the House of Representatives without my signature.

The question of slot machines at racetracks was not significant in the gubernatorial or legislative elections of 1992 and certainly was not a matter on my legislative agenda. And yet I think it is fair to say that no issue in the 137th General Assembly has evoked stronger emotions within the General Assembly itself than the question of whether the State should allow its horse race tracks to install slot machines. The legislative proponents and opponents of H.B. 443 each articulate deeply felt and sincerely held reasons for their positions. In expressing my own views about the merits of H.B. 443, I do not wish to imply any disrespect for those legislators who disagree with my views. At the same time, my own views about this issue are strongly held, and result from substantial consideration of the issue and the effects of slot machine gambling in other states.

After due deliberation, my view that H.B. 443 should not become law rests on two bases: 1) slot machine gambling is not desirable as a solution to the problems of Delaware's horse racing industry; and, 2) even if a carefully controlled experiment with slot machine gambling is desirable, H.B. 443 does not provide adequate regulatory, fiscal or constitutional protection for the citizens of Delaware.

I. Slot Machine Gambling Is Not Desirable For Delaware

Extending Gambling: I understand that some view objections to slot machine gambling as simply moralistic. However, one need not be straitlaced to oppose the extension of gambling. The existence of some gambling does not mandate the authorization of more gambling, especially a form like slot machines. Slot machine gambling is, put bluntly, a form of fun and entertainment which is economically irrational for the better. It is a form of disinvestment which, in contrast to savings by citizens, promises no long-term economic benefits for players -- or for our State or nation. The social and economic costs of legalizing slot machine gambling are likely to far outweigh any benefit to workers in the horse racing industry or to the State's economy or General Fund.

Constitutional Principle: There has, of course, always been a question concerning the constitutionality of H.B. 443. I will address that question in the second portion of this message. But there is a broad principle at stake that dwarfs the details of legal analysis. Except for charities and horse racing, the Delaware State Constitution provides that all forms of gambling are prohibited except lotteries under State control for the purpose of raising funds. The public purpose of gambling is constitutionally required. There is a spirit, as well as a letter, in the requirement. Legalized gambling under our supreme law is only justified for the purpose of putting money in the public coffers. Legalized gambling is not justified by private commercial benefit. It is viewed as a necessary evil only justified by relief of tax burden on our citizens. This constitutional principle is not reflected in the purpose of H.B. 443.

Statutory Purpose: The purported purpose of H.B. 443 is to preserve horse racing in our State by enabling horse track owners to install slot machines. I, too, want to preserve horse racing in our State and, to that end, proposed a plan to improve the profitability of the horse racing industry by helping the industry deliver a better product.

That plan is not the issue now. H.B. 443 is. The introduction of slot machine gambling at race tracks in Delaware will not strengthen horse racing. In fact, just the opposite is likely to occur. It does not take a genius to conclude that, if slot machines are necessary for the survival of horse racing, then one is not regrowing the horse race business, but rather substituting a casino gambling business for a traditional sport.

One has to look no further than Mountaineer Park in West Virginia to confirm this hypothesis. Slot machine gambling was introduced there in 1990 to "save" horse racing. Three years later, the handle at the track had dropped by 17 percent. Attendance at the races had dropped by 32 percent. Slot machine gambling and horse racing are not complementary commodities. They are competing commodities. It was this realization that led Kentucky's two horsemen's associations to reject the introduction of casinos to save horse racing in that state.

The substitutional effect of adding another type of gambling is also confirmed by looking at trends in the horse racing industry over the past 20 years. In an era of proliferating state lotteries, casinos and off-track betting, the inflation adjusted average daily handle at United States tracks from 1970-1988 fell by 48 percent. Adding competing forms of gambling simply does not translate into more bets on live horse racing. In the long run, horse racing, like any other product or line of business, must succeed in our economy because it is a product that consumers wish to purchase for its own sake -- not because horse races are run at the only facilities where slot machine gambling is available.

At best, H.B. 443 gives Delaware a chance to prove that this heretofore unsuccessful approach to bolstering the horse racing industry can succeed. But that largely unfounded hope does not outweigh the other problems that H.B. 443 poses for our State and the communities in which race tracks are located.

Mini-Casinos: In Atlantic City, slot machines generate over two-thirds of the casinos' revenues. If slot machines are introduced in the numbers proposed here in Delaware, we will have the equivalent of two mini-casinos at the outset. The introduction of mini-casinos to Delaware is likely to have negative consequences for the character of the communities in which those facilities will be located.

In addressing these consequences, it is important that we face reality squarely. We are not talking about a small-time operation here. Hundreds of slot machines would be installed initially at Dover Downs and at Delaware Park. Those numbers would only grow in the future. Patrons would be able to play the slots day and night -- whether there is racing or not. Eventually, pressure would be brought to bear to extend the hours of operation and to add other forms of gambling -- all in the name of saving horse racing.

There is no empirical data that I am aware of to demonstrate that mini-casinos draw more spectators to the track to wager on horse racing. There is plenty of proof -- from New Jersey to Louisiana to South Dakota to Colorado -- that casino gambling degrades the quality of life in communities, causes higher noise levels, leads to increased crime (both organized and other), greatly increases spending on law enforcement, impairs traffic conditions, decreases driving safety, and leads many of a community's traditional tourists to spend their leisure time -- and dollars -- elsewhere.

Skyrocketing crime statistics in communities that have instituted casino gambling are well-documented. Places like Deadwood, South Dakota and Central City, Colorado report dramatic increases in driving under the influence arrests, child protection problems, and other law enforcement and social concerns. Most telling, however, is the fact that, despite strong initial support, only five percent of those surveyed in these areas today would vote in favor of casino gambling and recommend it to other communities. Having experienced the reality of casino gambling in their own communities, they know first hand of the problems it can bring.

Economic Development: The types of problems caused by slot machine gambling will make it harder to attract the type of employers we want in Delaware. Every day, Delaware is in competition with other states and, increasingly, other nations to secure new business operations. In this seller's market, every advantage -- and disadvantage -- counts. When businesses are considering a site, one of the most important locational criteria is the quality of life their employees will enjoy in that community. To put it plainly, the presence of mini-casinos in our State will not be a selling point for the Delaware Development Office in its efforts to attract businesses to Delaware, and more specifically, to the communities in which mini-casinos will be located.

Slot machine gambling may also injure Delaware's existing businesses since legalized gambling diverts consumer spending away from existing businesses in the area of the gambling facilities to those facilities. The closure of existing businesses has often followed in the wake of legalized gambling.

Risk of Expansion of Gambling: The possible consequences for other communities in Delaware must also be considered. Delaware has, to date, been spared the problems faced by other states as a result of the federal Indian Gaming Regulatory Act of 1988 ("IGRA"). However, under IGRA, slot machines are considered a "Class III" form of gambling -- a category which includes the full range of gambling available in Atlantic City and Las Vegas casinos. Allowing racetracks to operate slot machines

may open the door for a Native American Indian tribe to establish a full-scale casino in Delaware, a casino over which state control would be limited. While there are no federally-recognized tribes currently in Delaware, the Delaware Nanticookes have had an application pending before the Bureau of Indian Affairs for several years and there is at least one federally recognized tribe with historical roots in Delaware. Though addressing the legal questions that may be raised by an effort by these tribes to establish gaming operations in Delaware may be an interesting exercise for lawyers, most of my fellow governors with Indian gaming operations in their states or who are negotiating with tribes attempting to open gaming operations in their states believe it is a great advantage for a state to be free from involvement with IGRA. I agree with them.

Conclusion: The complications and negative consequences that will result from H.B. 443's introduction of slot machine gambling in Delaware are not justified by the unsubstantiated assertion that enabling a small number of track owners a license to run mini-casinos, at great profit to themselves, will save horse racing. We should look to the larger interest of what is good for Delaware and reject slot machine gambling as proposed by H.B. 443.

II. Even if Slot Machines Were A Worthy Experiment, H.B. 443 Is Not a Good Bill

In determining that I should veto H.B. 443, I have been heavily influenced by the fact that, even when viewed from the perspective of someone who favors allowing horse tracks to install slot machines as part of a State-controlled lottery operation, H.B. 443 is not a good bill.

There are many problems with H.B. 443.

Fiscal Problems: H.B. 443 purports to be an extension of the State Lottery, with the special twist of being an attempt to aid the horse racing industry. Thus, the tracks are to be agents of the State Lottery Office for the purpose of implementing a "coin-operated-lottery" involving slot machines. What this coin-operated-lottery principally aids is the track owners themselves, rather than the horsemen involved in horse racing or the State, into whose General Fund lottery revenues should flow. Under H.B. 443 as amended, the State will receive only 8 percent of the first \$18 million in net proceeds and 15 percent of the amounts over \$18 million. In other states where there is slot machine gambling at race tracks, over 30 percent of the net proceeds are returned to the government. Even worse, the State of Delaware's 8 percent share must fund the operating costs of the coin-operated-lottery, compulsive gamblers' treatment programs in the Department of Health & Social Services, and the additional law enforcement costs that are associated with casino gambling. Thus, the State's net profits from participating in the coin-operated-lottery will be but a small proportion of the total profits. Indeed, given additional costs that the State will incur, and the adverse impact that casino gambling will have on the Delaware Lottery's revenues, the State might lose money because of H.B. 443. Louisiana, which legalized slot machines in race tracks, bars and truck stops last year, is projecting a 28.5 percent decrease in lottery sales in fiscal year 1994. They expect their state and local government share of 47.5 percent of the net proceeds from slot machines to compensate for this loss. Under H.B. 443, Delaware gets only 8 percent to make up for any loss of its lottery sales. And the percentage of the net proceeds going to increase the handle at the tracks is not much larger than the State's share -- it is only 10 percent except in unusual circumstances. In West Virginia, the horsemen get 17 percent of the net proceeds.

Where does most of all the profit go? The lion's share of the net proceeds from the slots operation -- roughly 60 percent -- will go to the track owners themselves. Compared to the State, which must pay large operating expenses out of its 8 percent, the tracks will receive 60 percent of the proceeds from which to cover their operating costs and derive their profits. Put starkly, is it good business to create a lottery where the horsemen receive 10 percent, the State receives 8 percent, and the lottery agent receives 60 percent of the net proceeds? I do not believe that it is, especially since slots will compete directly with our existing lottery operations and since a recent University of Illinois study indicates that the costs to society of legalized gambling outweigh compensating government revenues by a five-to-one ratio.

Constitutional Problems: The financial allocation is not only imprudent from a fiscal standpoint, it is also constitutionally problematic. Article II, § 17 of the Delaware Constitution permits "[l]otteries under State control for the purpose of raising funds". To the extent that the proportion of the proceeds that goes to the State is grossly low in comparison to that of the track owners, it is hard to argue with a straight face that the purpose of H.B. 443 is to raise funds. If the State is going to embark on a new type of lottery, it must be assured that it will receive a fiscally reasonable percentage of the net proceeds. H.B. 443 creates a new form of competition for our existing lottery operations and provides the State with a percentage of the net proceeds so low that we may actually reduce our long-term revenues.

Regulatory Problems: H.B. 443 poses another problem, which is practical, fiscal and constitutional in nature. The slot machine business is a difficult one to administer and regulate. If the State is to get into that business, that business must be firmly "under State control" to satisfy the requirements of Article II, § 17, which the Delaware Supreme Court has interpreted as requiring that the lottery be "under state operation".

As drafted, H.B. 443 gives far too much leeway to the track owners to determine the direction that the "coin-operated lottery" will take, and far too little regulatory control to the State Lottery Office. In fact, H.B. 443 gives the State of Delaware far less regulatory authority than the other states with statutes authorizing slot machine gambling. If Delaware is going to have a "coin-operated-lottery", that lottery must be controlled by the State Lottery Office, which should be granted adequate regulatory authority to ensure that the coin-operated-lottery is run with the integrity of the State's other lottery games. As drafted, H.B. 443 is deficient in this respect. To ensure adequate state control, the Bill should provide for: greater regulatory authority for the State Lottery Office; clearer mechanisms for guaranteeing state control over the lottery; firmer control by the State Lottery Office over the security of machines; a competitive bidding process for slot machine purchases or leases; and frequent, reliable reporting of revenues and the expenditures necessary to run the coin-operated-lottery.

Public Safety Problems And Costs: As important, if H.B. 443 became law, additional law enforcement resources would be needed to conduct background checks on prospective employees of the lottery, to build the State Police expertise needed to keep the lottery free from the influence of organized crime and from the thievery of those who engage in the highly technical criminal business of rigging slot machines, and to aid the State Police and local police forces in addressing the unique crime problems this type of lottery will pose for affected communities. H.B. 443 does not address this need. Moreover, more realistic time frames for the completion of police background checks on owners and employees of coin-operated-lotteries are needed. The time frames set forth in H.B. 443 are too short to enable the State Police to do thorough investigations.

The experiences of other states demonstrate the need to provide resources for these slots-related law enforcement purposes. Illinois has transferred 90 police officers to its riverboat gambling operation and New Jersey has dedicated approximately 700 law enforcement and civilian personnel to casino investigations, gaming enforcement and casino control. Louisiana's infant gambling industry has already been infiltrated by organized crime families from New York and New Orleans who are allegedly involved in a video poker racketeering scheme. This warning should not go unheard in Delaware. The need to boost policing if Delaware undertakes a slot machine lottery is apparent. Delaware should not proceed with a coin-operated-lottery without addressing fundamental issues of crime control and public safety. Nor should Delawareans have to fund these resources out of a minimal 8 percent share of the net proceeds of their own coin-operated-lottery.

Administrative Problems And Costs: I also believe it would be unwise for Delaware to proceed with a new form of lottery without providing for an administrative structure capable of effectively running that lottery. Running a slots lottery would raise a myriad of new issues. The State Lottery Office would require additional resources to handle this type of an operation. Given the unique nature of this type of lottery, the Lottery Office would need legal expertise (particularly in the early phases of running the coin-operated-lottery) on a regular basis and new employees who can cover the night operations that are contemplated by H.B. 443. Once again, why should these resources come out of the State's 8 percent share of the net proceeds of a coin-operated-lottery that must be established "for the purpose of raising funds"?

Sunset Review: Finally, if our State were to embark upon a new type of lottery involving slot machines, there should be some guarantee that the value of that endeavor would be reexamined closely and objectively within the reasonably near future. H.B. 443 does not have a sunset provision which would require the General Assembly to reexamine the issue and affirmatively vote to continue the coin-operated-lottery within some reasonable period of time. This safeguard is desirable.

III. Conclusion

Given these deficiencies in the concept of slot machine gambling in general and in H.B. 443 in particular, I firmly believe it would be unwise for Delaware to experiment with a coin-operated-lottery as contemplated by H.B. 443. The Bill does not foster my dream of a better tomorrow for our State. Therefore, I return H.B. 443 without my signature. If H.B. 443 is to be considered again, I urge all legislators, regardless of their prior votes, to examine the issue anew and on its own merits, without regard to unrelated issues.

Sincerely,
Thomas R. Carper
Governor

Representative West requested that HB 584 be stricken.

Representative Buckworth introduced a guest.

Representative Amick introduced HB 616.

Representative Amick made comments.

HB 616 - An Act to Amend Chapters 33 and 34, Title 18 of the Delaware Code Relating to Health Insurance.

Mr. Speaker assigned HB 616 to the Economic Development, Banking & Insurance Committee.

Representative Amick introduced guests.

Mr. Speaker Spence introduced former Speaker John P. Ferguson.

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

LABOR & HUM RES MAN: HJR 24 - 3M; SB 349 - 3M.

Representative DiPinto brought HB 519, jointly sponsored by Representative Spence & Senator Sharp, before the House for consideration.

HB 519 - An Act to Amend Chapter 5, Title 4, Delaware Code, Relating to Licenses and Taxes. (3/5 bill)

Representative Petrilli deferred to Representative DiPinto.

Representative DiPinto brought HA 1 to HB 519, jointly sponsored by Representative Jonkiert, before the House for consideration.

Representative DiPinto made a comment.

HA 1 to HB 519 was adopted by voice vote.

Representative DiPinto brought HA 2 to HB 519 before the House for consideration.

Representative DiPinto made a comment.

HA 2 to HB 519 was adopted by voice vote.

Representative DiPinto introduced and brought HA 3 to HB 519 before the House for consideration.

Representative DiPinto made a comment.

HA 3 to HB 519 was adopted by voice vote.

Representatives DiPinto, VanSant & Plant made comments.

The roll call on HB 519 w/HA 1, 2 & 3 was taken and revealed:

YES: 33.

NO: Representative West - 1.

NOT VOTING: Representatives Bunting, Carey, Caulk, Ewing - 4.

ABSENT: Representatives Clark, Jonkiert, Smith - 3.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HB 519 w/HA 1, 2 & 3 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative Roy.

Representative Roy brought HB 577, jointly sponsored by Representatives Smith & Schroeder & Senators Sharp, Martin & Cook & Representatives Spence, Petrilli, Quillen, Amick, Buckworth, Carey, Davis, DiPinto, D. Ennis, Ewing, Lofink, Mack, Banning, Bennett, Brady, Clark, B. Ennis, George, Gilligan, Houghton, Jonkiert & VanSant & Senators Adams, Blevins, Cordrey, Marshall, Sokola, Vaughn, Venables, Voshell, Bair, Connor, Hauge, Henry, Knox & Neal, before the House for consideration.

HB 577 - 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. (3/4 bill)

Representatives Roy & Taylor made comments.

Representative Roy requested and was granted the privilege of the floor for Ron Smith, House Attorney.

Representatives Roy & Brady made comments.

Representative Roy requested and was granted the privilege of the floor for Paul Morrill, representing Build Delaware.

Representatives Brady, Davis & Wagner made comments.

Representative Roy moved to place HB 577 on the Speaker's table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Roy brought HS 1 for HB 458, jointly sponsored by Representatives Petrilli, Spence, Quillen, Buckworth, Carey, Caulk, Davis, DiPinto, D. Ennis, Ewing, Lee, Mack, Maroney, Oberle, Reynolds, Smith, Sorenson, Taylor, Wagner, Banning, Bennett, Bradley, Brady, Bunting, Clark, DiLiberto, B. Ennis, George, Gilligan, Houghton, Jonkiert, Plant, Schroeder, VanSant, West & Wojewodzki & Senators Blevins, Cook, Sokola, Torbert, Vaughn, Venables, Voshell, Bair, Connor, Hauge, Henry, Knox, Neal & Still, before the House for consideration.

HB 458 - An Act to Amend Title 11 of the Delaware Code by Creating the Offense of Home Improvement Fraud. (2/3 bill)

Representatives Roy, Oberle & Buckworth made comments.

Representative Roy requested and was granted the privilege of the floor for Thomas A. Stevens, Deputy Attorney General.

Representatives Wagner & Roy made comments.

The roll call on HS 1 for HB 458 was taken and revealed:

YES: 38.

NOT VOTING: Representative Fallon - 1.

ABSENT: Representatives Clark, West - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, HS 1 for HB 458 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative Ewing.

Representative Ewing brought HB 516, jointly sponsored by Senator Voshell, before the House for consideration.

HB 516 - An Act to Amend Title 21 of the Delaware Code Relating to Motor Carrier Safety.

Representative Ewing introduced and brought HA 1 to HB 516 before the House for consideration.

Representative Ewing made comments.

HA 1 to HB 516 was adopted by voice vote.

Representatives Ewing & Oberle made comments.

Representative Ewing requested and was granted the privilege of the floor for Laird Stabler, III, representing the Delaware Motor Transport Association.

Representatives Oberle, Houghton, Sorenson & Davis made comments.

The roll call on HB 516 w/HA 1 was taken and revealed:

YES: 32.

NO: Representatives Banning, Bennett, Gilligan, Houghton, Oberle, VanSant - 6.

NOT VOTING: Representative Holloway - 1.

ABSENT: Representatives Clark, West - 2.

Therefore, having received a constitutional majority, HB 516 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Bradley.

Representative Bradley brought HS 1 to HB 483, jointly sponsored by Senator Blevins & Representatives Amick, Banning, Bennett, Buckworth, Bunting, Carey, Caulk, Clark, Davis, DiLiberto, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Gilligan, Holloway, Houghton, Jonkiert, Lee, Lofink, Mack, Maroney, Oberle, Petrilli, Plant, Quillen, Reynolds, Roy, Schroeder, Sorenson, Smith, Spence, Taylor, VanSant, Wagner, West, & Wojewodzki & Senators Adams, Cook, Cordrey, Hauge, Henry, Knox, Marshall, Martin, McBride, McDowell, Sokola, Still, Torbert, Vaughn & Voshell, before the House for consideration.

HB 483 - An Act to Amend Title 14 of the Delaware Code Relating to Early Childhood Education. (F/N)

Representative Bradley made comments.

Representative Bradley brought HA 1 to HS 1 to HB 483 before the House for consideration.

Representative Bradley made a comment.

HA 1 was adopted by voice vote.

The roll call on HS 1 to HB 483 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Clark - 1.

Therefore, having received a constitutional majority, HS 1 to HB 483 w/HA 1 was sent to the Senate for concurrence.

Representative Petrilli deferred to Representative Jonkiert.

Representative Jonkiert brought HB 312, jointly sponsored by Senator Marshall & Representatives Banning, Bennett, Bradley, Bunting, DiLiberto, B. Ennis, George, Gilligan, Schroeder, VanSant, West, Wojewodzki, Carey, Caulk, Ewing, Fallon & Roy & Senators Adams & Cordrey, before the House for consideration.

HB 312 - An Act to Amend Chapter 13, Title 10, Delaware Code Relating to Judges of the Court of Common Pleas.

Representative Jonkiert made comments.

Representative Jonkiert brought HA 1 to HB 312 before the House for consideration.

Representative Jonkiert made a comment.

HA 1 to HB 312 was adopted by voice vote.

The roll call on HB 312 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Clark - 1.

Therefore, having received a constitutional majority, HB 312 w/HA 1 was sent to the Senate for concurrence.

Representative Jonkiert brought HB 568 before the House for consideration.

HB 568 - An Act to Amend Title 29 of the Delaware Code Relating to Acceptance of Electronic Information.

Representative Jonkiert brought HA 1 to HB 568 before the House for consideration.

Representative Jonkiert made a comment.

HA 1 to HB 568 was adopted by voice vote.

The roll call on HB 568 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Clark - 1.

Therefore, having received a constitutional majority, HB 568 w/HA 1 was sent to the Senate for concurrence.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Petrilli deferred to Representative Spence.

Representative Spence brought HS 1 for HB 332, jointly sponsored by Representatives Petrilli, Amick, Carey, D. Ennis, Lee, Oberle, Banning, B. Ennis, Houghton & Bennett & Senators Adams, Cook, Cordrey, McBride, Sharp & Vaughn, before the House for consideration.

HB 332 - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure. (3/5 bill)

Representatives Spence, Holloway & DiLiberto made comments.

The roll call on HS 1 for HB 332 was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth, Taylor - 2.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, HS 1 for HB 332 was sent to the Senate for concurrence.

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

Representative Petrilli deferred to Representative Amick.

Representative Amick brought HB 546 before the House for consideration.

HB 546 - An Act to Amend Chapter 62, Title 10 of the Delaware Code Relating to Vacating the Dedication of Open Space and Parkland.

Representative Amick made a comment.

The roll call on HB 546 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 546 was sent to the Senate for concurrence.

Representative Amick brought HB 545, jointly sponsored by Senator Vaughn, before the House for consideration.

HB 545 - An Act to Amend Title 11, Chapter 5, Delaware Code, Relating to the Crime of Possessing a Gambling Device.

Representative Amick made a comment.

Representative Amick brought HA 1 to HB 545 before the House for consideration.

Representative Amick made a comment.

HA 1 to HB 545 was adopted by voice vote.

Representative Amick requested that HA 2 to HB 545 be stricken.

Representatives Davis & Amick made comments.

The roll call on HB 545 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, HB 545 w/HA 1 was sent to the Senate for concurrence.

Representative Amick brought HB 543, jointly sponsored by Representative DiLiberto & Senators Vaughn & Bair, before the House for consideration.

HB 543 - An Act to Amend Title 10, Chapter 5, Subchapter III of the Delaware Code Relating to the Jurisdiction of the Superior Court.

Representative Amick made a comment.

Representative Amick brought HA 1 to HB 543 before the House for consideration.

Representative Amick made a comment.

HA 1 to HB 543 was adopted by voice vote.

The roll call on HB 543 w/HA 1 was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.