

The FY05 budget I will propose will include \$12 million for the “next generation” of the 800-megahertz system and I ask that you support that proposal.

Let me pause for just a moment, take just a moment to introduce some honored guests. First, Colonel John Craig, commander of the 436th Airlift wing at Dover Air Force Base. And now two very, very special guests, both recently returned from service in Saudi Arabia and Iraq. Please recognize them and, in doing so, recognize the service of our state’s military men and women: Army Guard Master Sergeant First Class Timothy Sinko of the 153rd Military Police Company and with him today, Air Guard Master Sergeant Paul Shavack of the 142nd Airlift Squadron. Thank you gentlemen, for being with us.

The sacrifice exhibited by the men and women of our Delaware National Guard and the military reserves and Dover Air Force Base around the globe remind us of the service of veterans in past years. My bond bill proposal will include substantial funding for Delaware to soon eliminate its status as one of only three states without a home for our treasured veterans.

Let’s extend a new era of opportunity to those on our roadways in the path of some future drunken driver; to those whose lifestyles may be different from our own; to veterans who have served our state and our country so well; and to those in the fire, police and emergency response community who risk their lives for ours every day.

We should not use the recent economic upturn as an excuse to unleash budget growth. Over the last 30 years, the operating budgets enacted after an economic downturn have shown growth of 8 to 11 percent.

That level of growth is not responsible and that will not be acceptable. The budget I will present will show modest growth and will require more of the money-saving initiatives like those that we’ve done the last several years.

As we consider measures that may affect our bottom line, we must be sure to recognize those coming challenges, including the possibility of slot machines in neighboring states; expenses imposed and shifted from the federal government; the escalating costs of health care; and there are others.

As we consider our fiscal future, I ask you to stay true to the principles that have put Delaware in such positive shape, stay the course. Failure to do so might risk our ability to take full advantage of the era of opportunity.

In conclusion, my message today is simple. Delaware has endured some tough times and, because of our responsibility and our willingness to work together, we’ve emerged stronger than almost every other state. We face the future with advantage: a sound, solid foundation, while others are struggling just to regain their footing.

Our challenge is to build wisely on that foundation, to be the architects of a next stirring phase of Delaware design. Let’s join together, as Delawareans have at each of the critical moments in our state’s history, let’s grasp a bright future. Ladies and gentlemen, the state of our state we face a new era of opportunity. Thank you.

Mr. Acting Speaker thanked the Governor for her enlightening address.

Mr. Acting Speaker requested that the escort committee reassemble to escort the Governor to her Executive Office.

Representative Smith moved that the Chief Clerk of the House and the Secretary of the Senate compare their respective Journals to see if they agree. The motion prevailed.

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

Representative Smith moved that the Joint Session be adjourned at 2:48 p.m. and that the two Houses separate to reconvene in their respective Chambers.

The House reconvened at 4:14 p.m.

The House observed a moment of silence in memory of John E. Burris at the request of Representative Ewing. Representative Gilligan requested and was granted personal privilege of the floor to make comments. Mr. Acting Speaker made comments.

Representative Smith moved to suspend the rules which interfere with action on **HB 319**. The motion was properly seconded and adopted by voice vote.

Representative Smith brought **HB 319**, jointly sponsored by Representative Spence & Senator Vaughn & All Representatives & Senators Amick, Cloutier & Connor, before the House for consideration.

**HB 319 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE STATE BUREAU OF IDENTIFICATION AND THE PUBLIC RELEASE OF POLICE, PROBATION, AND PAROLE OFFICER NAMES AND IDENTIFICATION NUMBERS.**

Representative Smith made comments. Representative Smith requested and was granted privilege of the floor for Calvin J. Stovall, Managing Editor, and Robert Long, New Media Editor, The News Journal. Representative Smith requested and was granted privilege of the floor for Steven P. Wood, Deputy Attorney General. Representative Smith deferred to Representative DiPinto. Representatives DiPinto & Roy made comments. Representative Smith requested and was granted privilege of the floor for Calvin J. Stovall, Managing Editor, The News Journal and Robert Long, New Media Editor, The News Journal.

The roll call on **HB 319** was taken and revealed:

YES: 37.

ABSENT: Representatives Lavelle, Quillen, Spence & Wagner - 4.

Therefore, having received a constitutional majority, **HB 319** was sent to the Senate for concurrence.

Representatives George & Maier requested that they be marked present during the roll call.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 156 w/SA 1**, sponsored by Senator Henry & Representative D. Ennis, before the House for consideration.

**SB 156 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF DRIVER'S LICENSES AND NONDRIVER IDENTIFICATION CARDS. (2/3 bill)**

Representative Ewing made comments. Representative Lee requested and was granted privilege of the floor for Arthur E. Ericson, Chief of Driver Services, Division of Motor Vehicles. Representatives Lee, Gilligan, Smith, Booth, Maier, B. Ennis, Ulbrich, Schwartzkopf, Stone, Miro & Ewing made comments.

The roll call on **SB 156 w/SA 1** was taken and revealed:

YES: Representatives Booth, Boulden, Buckworth, Cathcart, Ewing & Roy - 6.

NO: 31.

ABSENT: Representatives Lavelle, Quillen, Spence & Wagner - 4.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, **SB 156 w/SA 1** was declared defeated.

Representative Smith deferred to Representative Roy.

Representative Roy moved to lift **HS 1 for HB 324** from the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative Roy brought **HS 1 for HB 324**, jointly sponsored by Senator Venables & Representatives Carey, Lofink, Oberle, B. Ennis, Keeley, Cathcart, Miro, Stone, Wagner & Mulrooney & Senators Blevins, Cook, DeLuca, Connor & Simpson, before the House for consideration.

**HB 324 - AN ACT TO AMEND THE FISCAL YEAR 2004 BOND AND CAPITAL IMPROVEMENTS ACT AND TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF BONDS AND NOTES OF THE STATE OF DELAWARE.**

Representative Roy made comments.

The roll call on **HS 1 for HB 324** was taken and revealed:

YES: 37.

ABSENT: Representatives Lavelle, Quillen, Spence & Wagner - 4.

Therefore, having received a constitutional majority, **HS 1 for HB 324** was sent to the Senate for concurrence.

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

GAMING & PARIMUTUELS: **HB 282** - 1F,5M.

Representative Smith moved to suspend the rules which interfere with action on **SB 194 w/SA 1**. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith brought **SB 194 w/SA 1**, sponsored by Senator Simpson & Representative Booth & Senator Sokola, before the House for consideration.

**SB 194 - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES", TO AMEND SECTION 20, ENTITLED "POWER TO BORROW MONEY AND ISSUE BONDS", BY PERMITTING THE AMOUNT DESIRED TO BE BORROWED TO BE STATED IN A "NOT TO EXCEED" AMOUNT; CLARIFYING VOTER QUALIFICATIONS; PROVIDING FOR APPOINTMENT OF A BOARD OF ELECTION AND PROCEDURES; AUTHORIZING THE CITY TO CANCEL THE BORROWING; PROVIDING FOR BOND ANTICIPATION NOTES; PROVIDING FOR A STATUTE OF LIMITATIONS FOR CHALLENGES TO PROCEDURES OF THE CITY IN THESE MATTERS; AND PERMITTING THE ISSUANCE OF REFUNDING BONDS FOR THE PURPOSE OF REFINANCING ALL OR A PORTION OF ANY OF THE CITY'S OUTSTANDING BONDS OR OTHER INDEBTEDNESS. (2/3 bill)**

Representative Smith deferred to Representative Booth. Representative Booth introduced guests and made comments.

The roll call on **SB 194 w/SA 1** was taken and revealed:

YES: 36.

ABSENT: Representatives Keeley, Lavelle, Quillen, Spence & Wagner - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 194 w/SA 1** was returned to the Senate.

Representative Smith deferred to Representative Booth.

Representative Booth moved to suspend the rules which interfere with action on **HB 323**. The motion was properly seconded and adopted by voice vote.

Representative Booth brought **HB 323**, jointly sponsored by Senator Simpson, before the House for consideration.

**HB 323** - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES", TO AMEND SECTION 9, "REGULAR AND SPECIAL MEETINGS", BY BROADENING THE OPTIONS FOR MEETING DATES FOR THE REGULAR MEETINGS OF THE CITY COUNCIL. (2/3 bill)

Representative Booth made comments.

The roll call on **HB 323** was taken and revealed:

YES: 37.

ABSENT: Representatives Lavelle, Quillen, Spence & Wagner - 4.

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

**HB 323** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Booth.

Representative Booth moved to suspend the rules which interfere with action on **HB 322**. The motion was properly seconded and adopted by voice vote.

Representative Booth brought **HB 322**, jointly sponsored by Senator Simpson, before the House for consideration.

**HB 322** - AN ACT TO AMEND AN ACT BEING CHAPTER 170, VOLUME 57, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE CITY OF LEWES", TO AMEND SECTION 7, "MANNER OF HOLDING ANNUAL MUNICIPAL ELECTION", BY CORRECTING THE REFERENCE TO ELECTION DISTRICT FOLLOWING REDISTRICTING. (2/3 bill)

Representative Booth made comments.

The roll call on **HB 322** was taken and revealed:

YES: 37.

ABSENT: Representatives Lavelle, Quillen, Spence & Wagner - 4.

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

**HB 322** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 318**, jointly sponsored by Senator Blevins & Representatives Hocker, Hudson, Keeley, Spence & Ulbrich & Senators Simpson & Sokola, before the House for consideration.

**HB 318** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO STATE PARKS. (3/5 bill)

Representative Miro introduced and brought **HA 1** to **HB 318** before the House for consideration.

Representative Miro made comments. **HA 1** was adopted by voice vote. Representative Miro made comments.

The roll call on **HB 318 w/HA 1** was taken and revealed:

YES: 36.

ABSENT: Representatives Lavelle, Quillen, Spence, Wagner & Williams - 5.

Therefore, having received a constitutional majority of at least three-fifths Members of the House,

**HB 318 w/HA 1** was sent to the Senate for concurrence

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HCR 39 & HJR 17** and is returning same to the House.

#### MEMORANDUM

TO: THE HONORABLE TERRY R. SPENCE  
SPEAKER OF THE HOUSE OF REPRESENTATIVES  
FROM: REP. GREG LAVELLE  
DATE: January 22, 2004  
RE: ABSENCE FROM SESSION

Please be advised that it is necessary for me to be absent today due to a personal business commitment. Thank you for your understanding.

The Majority Leader moved to recess to the call of the Chair at 5:30 p.m.

Mr. Acting Speaker Oberle called the House to order at 2:08 p.m. on January 28, 2004.

Representative Wagner requested that she be marked present for the current Legislative Day.

Representatives Wagner & Ewing made announcements.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 191, SCR 25, SCR 28 & SCR 29** and requests the concurrence of the House; **HCR 32 & HCR 42** and is returning same to the House. The Senate wishes to inform the House that it has passed **SB 201 & SB 198** and requests the concurrence of the House

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.

**7th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - Second Session  
January 28, 2004**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Quillen, Reynolds & Spence – 3.

A prayer was offered by Representative Deborah D. Hudson, Twelfth Representative District.

Mr. Acting Speaker led those present in the 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 328** - EWING & SENATOR ADAMS - HOUSE ADMINISTRATION - An Act to Amend Title 9 of the Delaware Code Relating to County Governments and Contracts for Public Works or Goods.

**SB 191** - HENRY & REPRESENTATIVE PLANT; REPRESENTATIVES EWING, WILLIAMS - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Commercial Driver's Licenses and Commercial Motor Vehicles Including School Buses.

**SB 198** - DELUCA & REPRESENTATIVE STONE; SENATORS BUNTING, SOKOLA, SORENSON, STILL; REPRESENTATIVES CAREY, D. ENNIS, FALLON, HOCKER, HOUGHTON, HUDSON, KEELEY, LAVELLE, MIRO, VALIHURA - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 5 of the Delaware Code Relating to an Automated Service Branch.

**SB 201** - COOK & REPRESENTATIVE OBERLE & SENATOR ADAMS & VAUGHN & REPRESENTATIVE QUILLEN - GAMING & PARIMUTUELS - An Act to Amend Title 29 of the Delaware Code Relating to the Delaware Lottery.

Representatives VanSant, Cathcart & Schwartzkopf requested that they be marked present.

Representative Roy introduced a guest.

Representative Smith deferred to Representative Keeley. The House observed a moment of silence in memory of Reverend James F. Trainor at the request of Representative Keeley.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis requested and was granted personal privilege of the floor for Anthony S. Digenakis, Assistant Vice President for Educational Technology and Instructional Support, Delaware Technical and Community College who introduced six educators from Turkey. Representative D. Ennis presented Certificates to the guests. Ebry Hosgor addressed the House. Representative Fallon made comments.

Representative Ulbrich requested that she be marked present.

Representative George made comments.

Representative Smith brought the following prefiled **Consent Calendar #17** before the House for consideration.

**HR 45** – HUDSON & REPRESENTATIVE VALIHURA ON BEHALF OF ALL REPRESENTATIVES – Recognizing February 2004 as “Women’s Heart Awareness Month” in Delaware.

**SCR 25** – MARSHALL & REPRESENTATIVE KEELEY & REPRESENTATIVE DIPINTO – Urging the Establishment of a Chair of Polish Studies at the University of Delaware.

**SCR 28** – SOKOLA & REPRESENTATIVE LAVELLE – Commending the Department of Elections for Its Voting Security Review and Requesting a Copy of the Review be Provided to the General Assembly.

**SCR 29** – BLEVINS ON BEHALF OF ALL SENATORS & REPRESENTATIVE MAIER ON BEHALF OF ALL REPRESENTATIVES – Establishing the Month of February 2004 as National Parent Leadership Month in Delaware.

**Consent Calendar #17** was adopted by voice vote and **HR 45** was declared passed and **SCR 25**, **SCR 28** & **SCR 29** were returned to the Senate.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: George Robert Quillen  
Representative – Thirtieth Representative District  
RE: Absence from Session  
DATE: January 28, 2004

Please be advised that I will be unable to attend session, Wednesday, January 28, 2004 and Thursday, January 29, 2004 due to illness.

Thank you for your consideration in this matter.



The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:25 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:25 P.M.: Representatives Boulden, Gilligan, Lavelle, Miro, Viola & Williams.

Mr. Acting Speaker Oberle called the House to order at 2:11 p.m. on January 29, 2004.

Representative Plant requested that she be marked present for the current Legislative Day.

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

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **SB 198** - 1F,9M.

LAND USE AND INFRASTRUCTURE: **HB 249** - 1F,4M.

PUBLIC SAFETY: **HB 321** - 1F,4M.

JUDICIARY: **HB 295** - 5F,1M; **HB 309** - 6M; **SB 96** - 6M.

Mr. Acting Speaker assigned **HB 295** to the Appropriations Committee.

The Majority Leader moved to adjourn at 2:12 p.m., thereby ending the current legislative day. The House reconvened at 2:13 p.m.

### **8th LEGISLATIVE DAY - 142nd GENERAL ASSEMBLY - Second Session January 29, 2004**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Buckworth, Quillen & Spence – 3.

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

Mr. Acting Speaker led those present in the 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 329** - OBERLE & REPRESENTATIVE SMITH; REPRESENTATIVES BOOTH, BOULDEN, CAREY, CAULK, DIPINTO, D. ENNIS, HOCKER, HUDSON, LOFINK, MAIER, MIRO, REYNOLDS, ROY, STONE, ULBRICH, VALIHURA - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to Budget and Fiscal Regulations.

**HB 330** - HALL-LONG & SENATOR VAUGHN - HOUSE ADMINISTRATION - An Act to Reincorporate the Town of Townsend. (2/3 bill)

**HB 331** - ROY; REPRESENTATIVES HUDSON, MIRO, GILLIGAN, VANSANT, B. ENNIS; SENATORS BLEVINS, SOKOLA, BONINI - PUBLIC SAFETY - An Act to Amend Title 4 of the Delaware Code Relating to Alcoholic Liquors.

**SB 196** - MARSHALL & REPRESENTATIVE MAIER - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Chapter 258, Volume 73, Laws of Delaware, Entitled "An Act to Amend Title 16 of the Delaware Code Relating to Minimum Staffing for Nursing Home Facilities and Training for Certified Nursing Assistants".

Representative Smith deferred to Representative Boulden. Representative Boulden introduced guests and made an announcement. Representatives Smith, Gilligan, Houghton, Maier, Ulbrich, Atkins, Lavelle, Hudson, Miro, Cathcart, B. Ennis, Mulrooney, Ewing & Mr. Acting Speaker made comments. Representative Maier requested and was granted privilege of the floor for Senator Liane M. Sorenson. Senator Sorenson made comments. Zachary Boulden, Mr. Acting Speaker, Representatives George & Boulden made comments.

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

The House reconvened at 5:36 p.m.

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

TOURISM: **HB 317** – 5F,1M.

HEALTH & HUMAN DEVELOPMENT: **SB 196** - 5M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SJR 8** and requests the concurrence of the House; **HB 192 w/HA 1** and is returning same to the House; **SB 196** and requests the concurrence of the House; **HB 209 & HB 289 w/HA 1** and is returning same to the House.

#### **M E M O R A N D U M**

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Gerald A. Buckworth  
State Representative  
34th District  
RE: Absence from Session  
DATE: January 29, 2004

Please be advised that it necessary for me to be absent from session today due to a prior commitment. Thank you for your understanding.

Mr. Acting Speaker assigned **HB 282** to the Gaming & Parimutuels Committee

Mr. Acting Speaker reassigned **SB 201** to the Appropriations Committee.

Representatives Williams, Hall-Long & Miro requested that they be marked present.

Representative Wagner requested and was granted privilege of the floor to present a House Tribute Jeanette Wessel, Executive Vice President, Central Delaware Chamber of Commerce. Mr. Acting Speaker made comments.

Representative Hocker requested and was granted personal privilege of the floor to introduce guests.

The House observed a moment of silence in memory of Arthur Linderman at the request of Representative Hall-Long.

Mr. Acting Speaker made comments.

Representative George requested that **HJR 16** be stricken.

Representative Lee deferred to Representative Maier.

Representative Maier moved to suspend the rules which interfere with action on **SB 196**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Maier brought **SB 196**, jointly sponsored by Senator Marshall, before the House for consideration.

**SB 196 - AN ACT TO AMEND CHAPTER 258, VOLUME 73, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO MINIMUM STAFFING FOR NURSING HOME FACILITIES AND TRAINING FOR CERTIFIED NURSING ASSISTANTS".**

Representative Maier made comments.

The roll call on **SB 196** was taken and revealed:

YES: 38.

ABSENT: Representatives Buckworth, Quillen & Spence - 3.

Therefore, having received a constitutional majority, **SB 196** was returned to the Senate.

Representatives D. Ennis, Lavelle, Stone & Viola requested that they be marked present during the roll call.

Representative Lee deferred to Representative Miro.

Representative Miro moved to lift **HB 222** from the Speaker's Table. The motion was properly seconded and adopted by voice vote.

**HB 222 – AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO IN-STATE TUITION CHARGES FOR DELAWARE RESIDENTS.**

Representative Miro brought **HA 2** to **HB 222** before the House for consideration.

Representative Miro made comments.

Representative Miro requested that **HB 222** be stricken.

Representative Miro requested that **HA 2** be stricken.

Representative Miro introduced and brought **HR 59**, cosponsored by Representatives Booth, Carey, Caulk, Fallon, Keeley, Stone & Ulbrich, before the House for consideration.

**HR 59 - ENCOURAGING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT THE DEVELOPMENT, RELIEF AND EDUCATION FOR ALIEN MINORS ("DREAM") ACT.**

Representatives Miro & Keeley made comments.

**HR 59** was adopted by voice vote.

Representative Lee deferred to Representative Gilligan.

Representative Gilligan requested and was granted privilege of the floor for present a House Tribute to Representative Hazel D. Plant on the occasion of her seventieth birthday. Representatives Plant & Smith made comments.

The Majority Leader moved to recess for caucus at 5:58 p.m.

The House reconvened at 6:38 p.m.

Representative Lee made an announcement.

Representative Smith introduced and brought **HR 63**, jointly sponsored by Representatives Spence, DiPinto, Hudson, Lofink, Oberle & Reynolds, before the House for consideration.

**HR 63 - A RESOLUTION CALLING ON THE HOUSE APPROPRIATIONS COMMITTEE TO DEVELOP AND SUBMIT TO THE FULL HOUSE A FINANCIAL COMPENSATION PACKAGE FOR STATE EMPLOYEES WHICH INCLUDES A MID-BUDGET COMPENSATION ENHANCEMENT.**

Representative Smith made comments. Representative Smith deferred to Representative Gilligan.

Representatives Gilligan & George made comments. Representative Smith deferred to Representative DiPinto. Representatives DiPinto & Gilligan made comments. Representative Smith deferred to Representative Reynolds. Representatives Reynolds & Gilligan made comments.

The roll call on **HR 63** was taken and revealed:

YES: 24.

NO: Representatives B. Ennis, George, Gilligan, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf, VanSant, Viola & Williams - 12.

NOT VOTING: Representatives Cathcart & Caulk - 2.

ABSENT: Representatives Buckworth, Quillen & Spence - 3.

Therefore, having received a constitutional majority, **HR 63** was declared passed.

Representative Gilligan made comments regarding **HR 63**.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds introduced **HB 304**, jointly sponsored by Senator Sokola &

Representatives Booth, Buckworth, Carey, Fallon, George, Maier, Mulrooney, Oberle, Viola & Wagner & Senator Simpson.

**HB 304** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE STUDENT TESTING PROGRAM.

Mr. Acting Speaker assigned **HB 304** to the Education Committee.

Representative Smith deferred to Representative Stone.

Representative Stone moved to suspend the rules which interfere with action on **SB 198**. The motion was seconded by Representative Lofink and adopted by voice vote.

Representative Stone brought **SB 198**, jointly sponsored by Senator DeLuca & Senators Bunting, Sokola, Sorenson & Still & Representatives Carey, D. Ennis, Fallon, Hocker, Houghton, Hudson, Keeley, Lavelle, Miro & Valihura, before the House for consideration.

**SB 198** - AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO AN AUTOMATED SERVICE BRANCH.

Representative Stone made comments.

The roll call on **SB 198** was taken and revealed:

YES: 36.

ABSENT: Representatives Buckworth, Quillen, Roy, Spence & Williams - 5.

Therefore, having received a constitutional majority, **SB 198** was returned to the Senate.

Representative Smith deferred to Representative Hall-Long.

Representative Hall-Long moved to lift **HB 198 w/HA 1** from the Speaker's Table. The motion was seconded by Representative Caulk and adopted by voice vote.

Representative Hall-Long brought **HB 198 w/HA 1**, jointly sponsored by Senator Sokola & Representatives B. Ennis, George, Keeley, Mulrooney & Plant, before the House for consideration.

**HB 198** - AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO APPROVAL BY THE STATE BOARD OF EDUCATION OF CERTIFICATES OF INCORPORATION OR ANY AMENDMENT THEREOF PRIOR TO FILING. (2/3 bill)

Representatives Hall-Long & Valihura made comments.

The roll call on **HB 198 w/HA 1** was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Quillen, Spence & Williams - 4.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 198 w/HA 1** was sent to the Senate for concurrence.

Representative Smith made an announcement.

Representative Smith brought **HB 289 w/SA 1**, sponsored by Representative Schwartzkopf & Senator Simpson, before the House for concurrence on **SA 1**.

**HB 289** - AN ACT AUTHORIZING THE CONVEYANCE OF THE STATE OF DELAWARE'S INTEREST IN CERTAIN LANDS LOCATED IN SUSSEX COUNTY, DELAWARE.

Representatives Schwartzkopf & D. Ennis made comments.

The roll call on **HB 289 w/SA 1** was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Quillen, Spence & Williams - 4.

Therefore, having received a constitutional majority, **HB 289 w/SA 1** was sent to the Governor.

Representative Gilligan made comments.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 321**, jointly sponsored by Representative Lee & Senator Vaughn & Senator Simpson & Representative Ewing & Representative Oberle & Representatives Atkins, Booth, Boulden, Buckworth, Carey, D. Ennis, Fallon, George, Gilligan, Hall-Long, Hocker, Houghton, Hudson, Keeley, Maier, Mulrooney, Plant, Quillen, Reynolds, Schwartzkopf, Smith, Spence, Stone, Thornburg, Valihura, VanSant, Viola & Williams & Senators Blevins, Bonini, Bunting & Connor, before the House for consideration.

**HB 321** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO HEALTH CARE INSURANCE. (F/N)

Representative B. Ennis made comments.

The roll call on **HB 321** was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Quillen, Spence & Williams - 4.

Therefore, having received a constitutional majority, **HB 321** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Booth.

Representative Booth introduced and brought **HCR 43**, jointly sponsored by Senator Bunting & Representative Schwartzkopf & Senator Simpson, before the House for consideration.

**HCR 43** - EXTENDING THE REPORTING DATE FOR THE COMMITTEE CREATED BY HOUSE CONCURRENT RESOLUTION NO. 33 OF THE 142ND GENERAL ASSEMBLY.

Representatives Booth & Schwartzkopf made comments.

**HCR 43** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Atkins.

Representative Atkins introduced and brought **HR 60** before the House for consideration.

**HR 60** - ESTABLISHING A TASK FORCE TO ASSESS THE CONDITION OF THE POULTRY INDUSTRY IN DELAWARE

Representative Atkins made comments.

**HR 60** was adopted by voice vote.

Representative Smith requested and was granted personal privilege of the floor to make comments regarding **HR 60**.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich introduced and brought **HR 61**, jointly sponsored by Representative VanSant, before the House for consideration.

**HR 61** - URGING THE DELAWARE ECONOMIC DEVELOPMENT OFFICE TO FUND BILLBOARDS RECOGNIZING THE IMPORTANCE OF THE TWO MAJOR AUTO ASSEMBLY PLANTS AND THEIR EMPLOYEES TO THE ECONOMIC SUCCESS OF DELAWARE.

Representative Ulbrich made comments.

**HR 61** was adopted by voice vote.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis introduced and brought **HR 62**, sponsored on behalf of All Representatives & cosponsored by Representatives B. Ennis, Keeley, Lavelle, Oberle & Valihura, before the House for consideration.

**HR 62** - BIDDING A FOND FAREWELL TO MARK CHURA AS HE LEAVES STATE GOVERNMENT AFTER A DISTINGUISHED CAREER AND WISHING HIM WELL IN HIS FUTURE ENDEAVORS.

Representative D. Ennis & Mr. Acting Speaker made comments.

**HR 62** was adopted by voice vote.

Representative Smith moved to suspend the rules which interfere with introduction of and action on **SJR 8**. The motion was properly seconded and adopted by voice vote.

Representative Smith introduced and brought **SJR 8**, jointly sponsored by Senator Adams on behalf of All Senators & Representative Spence on behalf of All Representatives, before the House for consideration.

**SJR 8** - CELEBRATING THE LIFE AND HONORING THE MEMORY OF THE LATE JOHN E. BURRIS OF MILFORD, WHO DEPARTED THIS LIFE ON THURSDAY, THE TWENTY-SECOND DAY OF JANUARY, 2004, AT THE AGE OF EIGHTY-THREE YEARS.

Representative Smith, Mr. Acting Speaker, Representatives Ewing, Hocker, Keeley & D. Ennis made comments.

The roll call on **SJR 8** was taken and revealed:

YES: 36.

ABSENT: Representatives Buckworth, Ewing, Quillen, Spence & Williams - 5.

Therefore, having received a constitutional majority, **SJR 8** was returned to the Senate.

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

APPROPRIATIONS: **SB 201** - 1F,4M.

Mr. Acting Speaker made an announcement.

Representative Smith deferred to Representative Lavelle.

Representative Lavelle made comments regarding **HB 320**.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan introduced **HB 325**, jointly sponsored by Senators Adams, McDowell, DeLuca & Venables & Representative VanSant.

**HB 325** - A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2005; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; APPROPRIATING FUNDS FROM THE TRANSPORTATION TRUST FUND; APPROPRIATING SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; APPROPRIATING

GENERAL FUNDS AND SPECIAL FUNDS OF THE STATE; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS. (3/4 bill)

Mr. Acting Speaker assigned **HB 325** to the Capital Infrastructure Committee.

The Majority Leader moved to recess to the call of the Chair at 7:48 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:05 p.m. on March 16, 2004.

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

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 132 w/HA 3, HB 50, HB 322 & HB 323** and is returning same to the House.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Dave Ennis, do hereby request that my name be removed as cosponsor of **House Bill #329**.

Date: January 29, 2004

Signed: David H. Ennis

Representative Smith deferred to Representative Roy.

Representative Roy introduced **HB 338**, jointly sponsored by Senator Adams & Representatives Hudson, Lavelle & Stone & Senators Still & McBride.

**HB 338** - AN ACT TO AMEND TITLE 30, CHAPTER 55 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES TAXES.

Mr. Speaker Spence assigned **HB 338** to the Revenue & Finance Committee.

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.

**9th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session  
March 16, 2004**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Wagner – 1.

A prayer was offered by Representative Gerald A. Buckworth, Thirty-Fourth Representative District.

Mr. Speaker Spence led those present in the 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:

February 13, 2004

**HB 332** - WILLIAMS - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to the Requirements of Employers to Report Injuries. (2/3 bill)

**HB 335** - WILLIAMS - LABOR - An Act to Amend Titles 14 and 29 of the Delaware Code Relating to the Donated Leave Program.

The following prefiled legislation was introduced:

**HA 1 to HB 234** - HOCKER - Placed with the Bill.

**HA 1 to SS 1 for SB 199** - ATKINS & REPRESENTATIVE OBERLE – Placed with the Bill.

**HA 2 to SS 1 for SB 199** - HUDSON - Placed with the Bill.

**HA 3 to SS 1 for SB 199** - MIRO - Placed with the Bill.

Representative Smith deferred to Representative Hudson.

Representative Hudson requested and was granted privilege of the floor for Dr. Saleem A. Khan who read a poem.

Representative Smith made comments. Representative Buckworth requested and was granted privilege of the floor to make an announcement. Representatives George & Buckworth made comments. Representative Quillen requested and was granted personal privilege of the floor to make comments. Representative Gilligan made comments. Representative Smith made an announcement.

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

The House reconvened at 3:14 p.m. with Representative Quillen as Acting Speaker.

Representatives Cathcart, DiPinto, Boulden, Miro, Hocker & Houghton requested that they be marked present. Representative Hudson made an announcement. Representatives Carey & Plant requested that they be marked present. Mr. Acting Speaker introduced a guest.

The Reading Clerk read the following communications into the record:

February 10, 2004

LEGISLATIVE ADVISORY #17

Governor Ruth Ann Minner signed the following legislation on the date indicated:

1/13/04 – SJR 6; 1/21/04 – HJR 17, HB 158 aab HA 1, HB 213, SB 63, SB 64, SB 132 aab SA 1 & 2, SB 192 aab SA 1 & SB 193; 1/28/04 – HB 233 aab SA 1 & SB 134 aab HA 1; 1/29/04 – SJR 8; 2/3/04 – HB 50, HB 132 aab HA 3, HB 192 aab HA 1, HB 209, HB 289 aab SA 1, HB 322, HB 323 & SB 194 aab SA 1; 2/6/04 – SB 196 & SB 198.

February 12, 2004

LEGISLATIVE ADVISORY #18

The following legislation was returned unsigned and vetoed by Governor Ruth Ann Minner on the date indicated: 1/30/04 – SB 53.

February 10, 2004

Speaker of the House Terry R. Spence

Legislative Hall

Dover, DE 19901

Dear Speaker:

A resolution opposing the infringement of constitutional rights by certain provisions of the Patriot Act was approved by members of our Village Assembly by a vote of 40 to 1 on 26 January, 2004. A copy of that resolution is enclosed for public reading and inclusion in the record of the Delaware State Assembly.

Sincerely yours,

Danny N. Schweers

Secretary

Village of Arden, Delaware

**RESOLUTION BY THE TOWN ASSEMBLY OF THE VILLAGE OF ARDEN**

**WHEREAS**, the prevention of terrorist attacks is a critical national priority, it is equally important to preserve the fundamental civil liberties and personal freedoms embodied in the Bill of Rights over 200 years ago, and which have been preserved through a constant vigilance against periodic threats to its principles; and

**WHEREAS**, a number of provisions of the USA PATRIOT Act threaten fundamental rights and civil liberties, including:

1. Section 213 which permits law enforcement to perform searches with no one present and to delay notification of the search of a citizen's home;
2. Section 215 which permits the FBI Director to seek records from bookstores and libraries including books of patrons based on minimal evidence of wrongdoing and prohibits librarians and bookstore employees from disclosing the fact that they have been ordered to produce such documents;
3. Section 218 which amends the "probable cause" requirement before conducting secret searches or surveillance to obtain evidence of a crime;
4. Sections, 215, 218, 358 and 508 which permit law enforcement authorities to have broad access to sensitive mental health, library, business, financial, and educational records despite the existence of previously adopted state and federal laws which were intended to strengthen the protection of these types of records;
5. Sections 411 and 412 which give the Secretary of State broad powers to designate domestic groups as "terrorist organizations" and the Attorney General power to subject immigrants to indefinite detention or deportation even if no crime has been committed; and
6. Sections 507 and 508 which impose an unfunded mandate on state and local public universities who must collect information on students that may be of interest to the Attorney General.

**WHEREAS**, new legislation has been drafted entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II) which contains numerous new law enforcement and intelligence gathering powers, many of which are not related to terrorism, and which would severely dilute, if not undermine, many basic constitutional rights; and

**WHEREAS**, in response to the threats against civil liberties embodied in certain provisions of the PATRIOT Act legislation has been introduced; therefore by the Town Assembly of the Village of Arden be it

RESOLVED that we, the Village of Arden in Delaware, join approximately 235 other US communities in affirming its strong opposition to terrorism, and also affirm that any efforts to end terrorism not be waged at the expense of the fundamental civil rights and liberties of the people of Arden, the United States, and the world; and be it

FURTHER RESOLVED that we affirm the rights of all people, including United States citizens and citizens of other nations, living within the Village of Arden in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and be it

FURTHER RESOLVED that we reaffirm the concepts and doctrines promulgated in the Bill of Rights and the U.S. Constitution by lawfully resisting every effort to erode those rights and protections including:

freedom of religion, speech, assembly and privacy; protection from unreasonable searches and seizures; due process and equal protection to any person; equality before the law and the presumption of innocence; access to counsel in judicial proceedings; and a fair, speedy and public trial; and be it FURTHER RESOLVED that we call on our United States Representative and Senators to monitor the implementation of the USA PATRIOT Act and the Orders in furtherance thereof and actively work for the repeal or amendment of those sections in the Act and those Orders that violate fundamental rights and liberties as stated in the Bill of Rights and the U.S. Constitution, by sending a copy of this resolution to Senators Biden and Carper and Representative Castle; and be it FURTHER RESOLVED that by sending a copy of this resolution to the Governor and Attorney General of Delaware, to the Chairpersons of both Houses of the Delaware General Assembly for public reading and the President, we encourage our elected and appointed officials to work for repeal or amendment of the USA PATRIOT Act and those Orders in furtherance thereof which undermine basic civil rights and liberties provided in the Bill of Rights and Constitution of both the state of Delaware and the United States of America.

Mr. Acting Speaker welcomed a guest to the Chamber.  
Representative Maier made an announcement.  
Mr. Speaker Spence resumed the Chair.  
Representative Ulbrich requested and was granted personal privilege of the floor to introduce a guest.  
Representative Smith made an announcement.  
Representative Smith requested and was granted privilege of the floor for The Honorable Anthony J. Principi, Secretary, United States Department of Veterans Affairs.  
Representatives Smith, Gilligan & Mr. Speaker Spence made comments.  
Representative Smith deferred to Representative Cathcart.  
Representative Cathcart requested and was granted privilege of the floor to present a House Tribute to the Honorable Anthony J. Principi.  
Representative Oberle requested that he be marked present.  
Mr. Speaker Spence introduced a guest and made comments.  
Representative Reynolds requested that he be marked present.  
Representative Smith deferred to Representative Valihura.  
Representative Valihura brought **HB 230**, jointly sponsored by Representatives Boulden, DiPinto, D. Ennis, Hudson, Lavelle, Mulrooney & Spence & Senators Cloutier, Copeland, Henry, Peterson & Sokola, before the House for consideration.

**HB 230 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE RULES OF THE ROAD.**

Representatives Valihura, Lee, Ewing, Smith, Valihura, Keeley & Miro made comments.  
The roll call on **HB 230** was taken and revealed:  
YES: 38.  
ABSENT: Representatives Cathcart, Hocker & Wagner - 3.  
Therefore, having received a constitutional majority, **HB 230** was sent to the Senate for concurrence.  
Representatives Lofink, Schwartzkopf & Viola requested that they be marked present during the roll call.

Representative Smith deferred to Representative Ewing. The House observed a moment of silence in memory of Ray Ellerman, Sussex County Clerk of the Peace, at the request of Representative Ewing.  
Representative Lofink made an announcement.  
The Majority Leader moved to recess to the call of the Chair at 4:13 p.m.  
Mr. Speaker Spence called the House to order at 2:09 p.m. on March 17, 2004.  
Representative Smith deferred to Representative Wagner.  
Representative Wagner requested that she be marked present for the current Legislative Day.  
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.

**10th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session  
March 17, 2004**

The Chief Clerk called the roll:  
Members Present: 40.  
Member Absent: Representative Boulden – 1.  
Representative Gilligan made comments.  
A prayer was offered by Representative Robert F. Gilligan, Nineteenth Representative District.  
Mr. Speaker Spence led those present in the 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 336** - KEELEY & SENATOR HENRY - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Motor Vehicles.

**HB 337** - SMITH & SENATOR ADAMS - HOUSE ADMINISTRATION - An Act to Amend Title 4 and Title 29 of the Delaware Code Relating to Financial Disclosure Reports for Certain Public Officers.

**HB 340** - MIRO & SENATOR PETERSON; REPRESENTATIVES HUDSON, KEELEY, OBERLE; SENATOR AMICK - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 25 of the Delaware Code Relating to Liens of the State and/or Its Political Subdivisions.

Representative Smith deferred to Representative George.

Representative George moved to suspend the rules which interfere with introduction of and action on **HJR 18**. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative George introduced and brought **HJR 18**, jointly sponsored by Representative Spence on behalf of All Representatives & Senators Henry & Still on behalf of All Senators, before the House for consideration.

**HJR 18** - HONORING THE MEN AND WOMEN OF THE DELAWARE NATIONAL GUARD AND RESERVE FOR THEIR SERVICE IN THE WAR ON TERRORISM AND THE MEMBERS OF THE DELAWARE NATIONAL GUARD AND RESERVES EMERGENCY ASSISTANCE FUND BOARD OF TRUSTEES FOR THEIR FUNDRAISING AND FINANCIAL ASSISTANCE PROVIDED TO MEMBERS OF THE DELAWARE NATIONAL GUARD AND RESERVES AND THEIR FAMILIES.

Representative George requested and was granted privilege of the floor for Adjutant General Francis D. Vavala, Delaware National Guard. Representative George, Mr. Speaker Spence & Representative Gilligan made comments.

The roll call on **HJR 18** was taken and revealed:

YES: 36.

ABSENT: Representatives Boulden, Cathcart, Lavelle, Reynolds & Ulbrich - 5.

Therefore, having received a constitutional majority, **HJR 18** was sent to the Senate for concurrence.

Representatives D. Ennis, Keeley, Maier, Viola & Williams requested that they be marked present during the roll call.

Representative Stone requested and was granted personal privilege of the floor to introduce a guest.

Representative Wagner requested that **HB 147** be stricken.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #55

DATE: March 17, 2004

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	Date	Type	Description
H142-1249	B. Ennis	12/29/2003	M	Edward K. Ewell
H142-1250	Hudson	12/28/2003	T	Caileigh Stoops - Contributed to Sunday Breakfast Mission
H142-1251	George	1/10/2004	T	Geoffrey Ryan Guinnup - Eagle Scout
H142-1252	Maier	12/27/2003	M	Raymond K. Lindell
H142-1253	B. Ennis	1/26/2004	T	Eve Thomas - 90th Birthday
H142-1254	Hall-Long	1/10/2004	T	Janet Williams - 75th Birthday
H142-1255	Hall-Long cosponsor: Rep. B. Ennis	1/15/2004	T	Hilda Naylor - 100th Birthday
H142-1256	Buckworth	1/8/2004	T	Joan Taylor - 70th Birthday
H142-1257	Hocker	1/8/2004	T	Corporal Troy Pezzuto - Troop 7 Trooper of the Year
H142-1258	B. Ennis	1/1/2004	T	George H. Hoffecker, Inc. - 50th Anniversary
H142-1259	Stone cosponsor: Rep. B. Ennis	1/10/2004	T	Little Creek Volunteer Fire Company - 60th Anniversary
H142-1260	Quillen	1/13/2004	T	Colleen Gleeson - All-State Field Hockey First Team
H142-1261	Quillen	1/13/2004	T	Taryn Neeman - All-State Field Hockey First Team
H142-1262	Maier	1/5/2004	M	Nora M. Nantais
H142-1263	Maier	1/8/2004	T	Joey Wright - Football Player of the Year – News Journal
H142-1264	Smith	1/2/2004	M	Miles E. Coverdale
H142-1265	D. Ennis	1/18/2004	T	Stephen M. Perry - Eagle Scout



H142-1266	D. Ennis	1/18/2004	T	Craig S. Ripski - Eagle Scout
H142-1267	Quillen	1/17/2004	T	Harrington Fire Company Ladies Auxiliary – 75th Anniversary
H142-1268	Boulden	12/19/2003	M	Robert L. Glaser
H142-1269	Williams	1/9/2004	M	Susie Catherine Fullman
H142-1270	Hocker	1/1/2004	T	Mary & John McGee - 65th Wedding Anniversary
H142-1271	Miro	1/17/2004	T	Chinese American Community - Chinese New Year Celebration
H142-1272	Lofink	2/20/2004	T	Ron Schmidt, Jr. - 40th Birthday
H142-1273	Carey	1/15/2004	T	Karen Lloyd - 25 Years - Milford Senior Center

#### HOUSE TRIBUTE ANNOUNCEMENT #56

DATE: March 17, 2004

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>Date</u>	<u>Type</u>	<u>Description</u>
H142-1274	Buckworth	1/15/2004	T	Michael Sampere - Polytech District Teacher of the Year
H142-1275	Buckworth	1/15/2004	T	Michael Kijowski - Caesar Rodney District Teacher of the Year
H142-1276	Booth	1/31/2004	T	Merrill Jester - 50 Years - Georgetown Fire Company
H142-1277	Atkins	1/24/2004	T	Josh Stevens - 50 Years - Dagsboro Fire Company
H142-1278	Wagner	1/22/2004	T	Frances Lewis - Retirement - 32 Years – Department of Correction
H142-1279	Keeley	1/24/2004	T	Quaker Hill Place - 20th Anniversary
H142-1280	Ulbrich	1/21/2004	T	K. C. Keeler, Head Coach - National Football Championship
H142-1281	Ewing	1/17/2004	M	Mark A. Wix
H142-1282	D. Ennis	1/21/2004	T	Christiana Care Health System - Telecast Championship Game
H142-1283	Carey	2/7/2004	T	D. A. R. Chapter - Milford - 55th Anniversary
H142-1284	Fallon	2/7/2004	T	Seaford Volunteer Fire Department - National Certification - 9-1-1
H142-1285	Hocker	1/23/2004	T	Rae Weising - Retirement - 35 Years - Division of Social Services
H142-1286	George	1/22/2004	T	Honorable Orlando George, Jr. - Global Leadership Award
H142-1287	Schwartzkopf	1/30/2004	T	Ruth Smythe - Retirement - 32 Years - Public Defender's Office
H142-1288	Smith	1/29/2004	T	Sharon Gaudino - Retirement - 16+ Years – Brandywine Schools
H142-1289	Smith	1/29/2004	T	Lois Perry - Retirement - 31 Years – Brandywine Schools
H142-1290	Maier	1/28/2004	T	Mark Chura - Retirement - DNREC - 20 Years
H142-1291	Oberle	1/21/2004	T	James Hunt - President - Christina Woods Civic Association
H142-1292	Caulk	1/22/2004	M	John E. Burris
H142-1293	Thornburg	9/28/2003	T	Delores & Ronald Jess - 50th Wedding Anniversary
H142-1294	Quillen	2/6/2004	T	Joe & Sharpy McFaul - 50th Wedding Anniversary
H142-1295	Wagner	1/31/2004	T	Eva Scotton - 90th Birthday
H142-1296	Ewing	1/30/2004	T	Catherine Parker - Retirement - Bridgeville Post Office - 27 Years

#### HOUSE TRIBUTE ANNOUNCEMENT #57

DATE: March 17, 2004

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>Date</u>	<u>Type</u>	<u>Description</u>
H142-1297	Buckworth cosponsor: Rep. B. Ennis	2/28/2004	T	Matthew LaFountain - Royal Rangers - Gold Medal of Achievement
H142-1298	Schwartzkopf	2/7/2004	T	Dennard Quillen, Jr. - 50 Years - Rehoboth Beach Fire Company
H142-1299	Wagner	1/30/2004	T	Jeanette Wessel - Executive Vice President – Central Delaware Chamber of Commerce
H142-1300	Lee & Rep. Smith cosponsors: All Representatives	2/7/2004	T	Honorable George R. Quillen - Lincoln Day Dinner Honoree
H142-1301	Roy	2/7/2004	T	David Roser - Retirement - Chief - Hockessin Fire Company
H142-1302	Mulrooney	12/23/2003	T	Charlotte & John Houben - 50th Wedding Anniversary
H142-1303	Gilligan	12/25/2003	T	Paul & Annamae Simonds - 60th Wedding Anniversary
H142-1304	Cathcart cosponsor: Rep. Roy	12/11/2003	T	Deborah & David Poffenberger - 50th Wedding Anniversary
H142-1305	Hocker cosponsor: Rep. Roy	12/12/2003	T	Margaret & John Kirk, Jr. - 50th Wedding Anniversary
H142-1306	Hudson	11/21/2003	T	Dorothy & John King - 50th Wedding Anniversary
H142-1307	Hudson	1/28/2004	T	Martha Fong - National Board Certification
H142-1308	Hall-Long	1/28/2004	T	Sharon Williams-Mayo - UAW Woman of the Year
H142-1309	D. Ennis cosponsors: All Representatives	2/3/2004	T	M. C. & Bobby Byrd - 25th Wedding Anniversary
H142-1310	Gilligan cosponsors: All Representatives	1/29/2004	T	Honorable Hazel Plant - 70th Birthday
H142-1311	Quillen	1/31/2004	T	John Horsman - Harrington Police Chief – Retirement
H142-1312	Fallon cosponsor: Rep. Lee	1/30/2004	T	Lenny Moore - Role Model for Youth
H142-1313	Fallon & Rep. Hocker  cosponsor: Rep. Lee	1/30/2004	T	Coach William Yoast - Tireless Work – Young People
H142-1314	Fallon	1/30/2004	T	Horse Family Youth Foundation - Investing in Youth Programs
H142-1315	Atkins	1/30/2004	T	Harry Elliott - Retirement - DelDOT - 35+ Years
H142-1316	Hall-Long	1/30/2004	T	Clarence Schwatka - Firefighter Hall of Fame
H142-1317	Hall-Long	1/30/2004	T	Montague Martinez - Fireman of the Year – Townsend

#### HOUSE TRIBUTE ANNOUNCEMENT #58

DATE: March 17, 2004

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>Date</u>	<u>Type</u>	<u>Description</u>
H142-1318	Hall-Long	1/30/2004	T	Leonard Wallace, Jr. - EMT of the Year – Townsend
H142-1319	Wagner	1/15/2004	M	Dr. Theophilus Elisha McKinney, Jr.
H142-1320	Booth	1/30/2004	T	Cape Gazette - Ribbon-Cutting - New Office
H142-1321	Wagner	1/10/2004	T	Victoria Boyd & John Cairns - Marriage
H142-1322	Wagner	1/26/2004	T	Dorothy Lee & Harry Mikesell - Marriage
H142-1323	Thornburg cosponsors: Reps. B. Ennis & Hall-Long	2/3/2004	T	John Bassett Moore School - Re-Dedication
H142-1324	Spence	2/27/2004	T	Wendell Howell - Founded National Coalition for Full Opportunity for Felons
H142-1325	Spence	2/20/2004	T	Addictions Coalition of Delaware - Annual Breakfast Progress Meeting

H142-1326	Mulrooney	1/7/2004	T	Thelma & Heber Thornton - 60th Wedding Anniversary
H142-1327	Mulrooney	2/6/2004	T	Mary & William Elisee - 60th Wedding Anniversary
H142-1328	Hudson	1/16/2004	T	Mary & George Anthony, Jr. - 50th Wedding Anniversary
H142-1329	Hudson	2/26/2004	T	Ruth Sokolowski - Retirement - 12 Years – YWCA
H142-1330	VanSant	2/7/2004	T	Griff Jordan, II - New Member Award - Five Points Fire Company
H142-1331	VanSant	2/7/2004	T	Frank Lindell, Jr. - Member of the Year - Five Points Fire Company
H142-1332	VanSant	2/7/2004	T	William Lewis, Jr. - 50 Active Years Award – Five Points Fire Company
H142-1333	Thornburg	2/2/2004	M	Walter John Layton, Jr.
H142-1334	Lofink	2/6/2004	T	Roslyn Edge - 35th Birthday
H142-1335	Fallon	2/5/2004	T	Butler's Sewing Center - Community Involvement
H142-1336	Atkins	2/6/2004	T	Millsboro Police Department - Law Enforcement Services
H142-1337	Maier	2/7/2004	T	Dr. Kenneth Weinig - Retirement – Independence School - 25 Years
H142-1338	Wagner	3/6/2004	T	Caroline Stanley - Retirement - 37 Years - Mt. Zion AME Church
H142-1339	Spence	2/4/2004	T	William Bowers - 80th Birthday
H142-1340	Stone	2/9/2004	T	Wayne Pryor & Chuck Crissman - Retirement of Cams Fortune
H142-1341	DiPinto	2/15/2004	T	Reverend Dr. Gregory Jones - New Pastor – Westminster Presbyterian Church
H142-1342	Maier	2/10/2004	M	Alanna C. Herfindahl-Riess
H142-1343	Caulk	2/27/2004	T	Ralph Catts - 80th Birthday

#### HOUSE TRIBUTE ANNOUNCEMENT #59

DATE: March 17, 2004

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	Date	Type	Description
H142-1344	Booth	1/22/2004	T	Bob Carnahan - Retirement
H142-1345	Smith	2/9/2004	M	John S. Boykin
H142-1346	B. Ennis	2/8/2004	M	Ruth Joanna Snow
H142-1347	Valihura	2/18/2004	T	Professor Randall Thomas - Chair in Law & Business - Vanderbilt University
H142-1348	Quillen	2/18/2004	T	Nancy Kimbro -Retirement - 31 Years – DNREC
H142-1349	Atkins	2/21/2004	T	John Downes - 50 Years - Gumboro Fire Company
H142-1350	Atkins	2/21/2004	T	Maurice Daisey - 50 Years - Gumboro Fire Company
H142-1351	Atkins	2/21/2004	T	John & Rosalee Downes - 50th Wedding Anniversary
H142-1352	DiPinto	2/24/2004	T	Dr. Lozelle DeLuz - Community Leader
H142-1353	Stone	2/21/2004	T	Jacqueline Crane - 60th Birthday
H142-1354	Carey	2/28/2004	T	Frederick Duffy - Retirement - 32+ Years – Schools
H142-1355	Carey	2/21/2004	T	Vanessa Harper - Community Service
H142-1356	Carey	2/21/2004	T	Tiffany Hinton - Community Service
H142-1357	Carey	2/21/2004	T	Susan Pennell - Community Service
H142-1358	Carey	2/21/2004	T	Peggy Strine - Community Service
H142-1359	Carey	2/21/2004	T	Betty Foster - Community Service
H142-1360	Carey	2/21/2004	T	Joe Myer - Community Service
H142-1361	Carey	2/21/2004	T	Le'vern Lee, Jr. - Community Service

H142-1362	Carey	2/21/2004	T	Honorable George Smith - Community Service
H142-1363	Carey	2/21/2004	T	William Lecates - Community Service
H142-1364	Atkins	2/19/2004	T	Mark Rogers - Delaware State Police Graduate
H142-1365	Buckworth	2/21/2004	T	Tom Rigsby - Heroic Award - Camden Wyoming Fire Company
H142-1366	Buckworth	2/21/2004	T	Harry Neese, IV - Heroic Award - Camden Wyoming Fire Company
H142-1367	Booth	2/26/2004	T	James Johnson, Jr. - Engineer of the Year
H142-1368	Quillen	1/31/2004	T	Lake Forest High Cheerleaders - Grand Champions - Cheer Challenge

#### HOUSE TRIBUTE ANNOUNCEMENT #60

DATE: March 17, 2004

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	Date	Type	Description
H142-1369	Wagner	2/19/2004	M	Dr. James C. Hardcastle
	cosponsors: All Representatives			
H142-1370	Roy	2/16/2004	T	Ethel & John Reichley - 50th Wedding Anniversary
H142-1371	Roy	2/24/2004	T	Dr. Robert Andrzejewski - Superintendent of the Year
H142-1372	Buckworth	2/28/2004	T	First Pilgrim Baptist Church - New Church Edifice
H142-1373	D. Ennis	3/6/2004	T	John Land - J. Thompson Brown Award
H142-1374	Maier	3/6/2004	T	Delaware Women's Conference - 20th Anniversary
	cosponsors: Reps. Fallon, George, Hall-Long, Hudson, Keeley, Plant, Stone, Thornburg, Ulbrich & Wagner			
H142-1375	B. Ennis	3/6/2004	T	Joyce Hennessey - Retirement - 25+ Years – DNREC
H142-1376	Hocker	3/11/2004	T	Ethel Woodward - 90th Birthday
H142-1377	Quillen	3/5/2004	T	Elizabeth & Harry Lindale - 50th Wedding Anniversary
H142-1378	Hocker	2/21/2004	T	Robert Grover - Member of the Year - Roxana Fire Company
H142-1379	Hocker	2/21/2004	T	Kenny Kinsell - Firefighter of the Year – Roxana Fire Company
H142-1380	Hocker	2/21/2004	T	Ralph Browning - EMS of the Year - Roxana Fire Company
H142-1381	Buckworth	2/18/2004	T	Dickie Howell - Head Coach - Caesar Rodney High Wrestling - State Championship
H142-1382	Buckworth	2/18/2004	T	Darrell Gravatt - Assistant Coach - Caesar Rodney High Wrestling - State Championship
H142-1383	Buckworth	2/18/2004	T	James Reynolds - Assistant Coach - Caesar Rodney High Wrestling - State Championship
H142-1384	Buckworth	2/18/2004	T	Britney Mumford - Caesar Rodney High Wrestling - State Championship
H142-1385	Buckworth	2/18/2004	T	Emily Nield - Caesar Rodney High Wrestling – State Championship
H142-1386	Buckworth	2/18/2004	T	Melody Whitley - Caesar Rodney High Wrestling - State Championship
H142-1387	Buckworth	2/18/2004	T	Ian Moser - Caesar Rodney High Wrestling – State Championship
H142-1388	Buckworth	2/18/2004	T	Luis Burgos - Caesar Rodney High Wrestling – State Championship
H142-1389	Buckworth	2/18/2004	T	Sean Corea - Caesar Rodney High Wrestling – State Championship

T- Tribute

M - Memoriam

Representative D. Ennis requested and was granted personal privilege of the floor to introduce guests.

The Reading Clerk read the following communication into the record:

TO: House of Representatives

FROM: Marie Robinson  
Thank all of you very much for the Memoriam Certificate for my wonderful husband, Jack "Doc" Robinson. He was the best. Also, I thank Representative Oberle for sponsoring the Memoriam.  
May God Bless all of you and good luck; also the best of health.  
Thanks again.

Sincerely,  
Marie

The Majority Leader moved to recess to the call of the Chair at 2:32 p.m.  
Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:32 P.M.: Representatives Cathcart, Lavelle, Reynolds & Ulbrich.

Mr. Speaker Spence called the House to order at 2:15 p.m. on March 18, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 203 w/SA 1** & **SB 215** and requests the concurrence of the House.

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

PUBLIC SAFETY: **SB 191** - 1F,6M.

REVENUE & FINANCE: **HB 338** - 5M.

HEALTH & HUMAN DEVELOPMENT: **HB 174** - 7M.

EDUCATION: **HB 304** - 7M.

GAMING & PARIMUTUELS: **HB 282** - 1F,7M; **HB 312** - 1F,5M.

Representative Roy introduced **HCR 46**, jointly sponsored by Senator McDowell & Representatives Miro, Hudson & DiPinto & cosponsored by Representative Keeley.

**HCR 46** - URGING THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO STRENGTHEN TRADE RELATIONS WITH TAIWAN AND TO SUPPORT THE PARTICIPATION OF TAIWAN IN THE UNITED NATIONS, THE WORLD TRADE ORGANIZATION, AND THE WORLD HEALTH ORGANIZATION.

Mr. Speaker Spence assigned **HCR 46** to the Business/Corporations/Commerce Committee.

The Majority Leader moved to adjourn at 2:20 p.m., thereby ending the current legislative day. The House reconvened at 2:21 p.m.

#### **11th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session March 18, 2004**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Williams – 1.

A prayer was offered by Representative John C. Atkins, Forty-First Representative District.

Mr. Speaker Spence led those present in the 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 339** - HUDSON & REPRESENTATIVE ROY & SENATOR DELUCA; REPRESENTATIVES SPENCE, DIPINTO, BUCKWORTH, D. ENNIS, EWING, MIRO, HOUGHTON; WILLIAMS; SENATORS ADAMS, BLEVINS, BUNTING, VAUGHN - REVENUE & FINANCE - An Act to Amend Title 4, Delaware Code, Relating to Alcoholic Beverage Licenses.

**HB 341** - MIRO & SENATOR PETERSON; REPRESENTATIVES HUDSON, OBERLE; SENATOR AMICK - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9 of the Delaware Code Relating to Public Health and Welfare.

**HB 342** - ULBRICH & SENATOR MCBRIDE; REPRESENTATIVES HUDSON, SCHWARTZKOPF, VALIHURA, VIOLA; SENATORS COPELAND, PETERSON, SOKOLA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Delaware Advisory Council on Career Education.

**HB 343** - ROY & SENATOR MCDOWELL; REPRESENTATIVES D. ENNIS, VALIHURA, GILLIGAN - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9 of the Delaware Code Relating to New Castle County.

**HB 344** - BOOTH & SENATOR SIMPSON; REPRESENTATIVES BUCKWORTH, MAIER, REYNOLDS; SENATORS BUNTING, SOKOLA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Employee Salaries, Work Conditions.

**HA 1 to HB 330** - HALL-LONG - Placed with the Bill.

**HA 1 to HB 335** - WILLIAMS - Placed with the Bill.

**HR 64 - LOFINK & REPRESENTATIVE SMITH & REPRESENTATIVE SPENCE & REPRESENTATIVE GILLIGAN & REPRESENTATIVE VANSANT - HOUSE RULES -** Relating to Permanent Rules of the House of Representatives of the 142nd General Assembly of the State of Delaware.

**HR 65 - LOFINK & REPRESENTATIVE SMITH & REPRESENTATIVE SPENCE & REPRESENTATIVE GILLIGAN & REPRESENTATIVE VANSANT - HOUSE RULES -** Relating to Permanent Procedures of the House of Representatives of the 142nd General Assembly of the State of Delaware for Ethics Violations.

**SB 203 w/SA 1 - BUNTING & REPRESENTATIVE HOCKER - HOUSE ADMINISTRATION -** An Act to Amend the Charter of the Town of South Bethany, Chapter 268, Volume 69, Laws of Delaware, as Amended, by Clarifying Voting Qualifications, Prohibiting Members of Council from Being Employed by the Town, Clarifying the Powers of the Mayor, Authorizing the Town Council to Establish Code of Conduct, Contract, and Competitive Bidding Provisions by Ordinance, Clarifying Forfeiture of Office Provisions, Authorizing Remote Electronic Access Meeting Participation by Council Members, Expanding the Town's Ability to Create Liens and to Collect Costs and Attorney's Fees, Authorizing the Town to Adopt Subdivision Regulations, and Impose Impact Fees. (2/3 bill)

**SB 215 - ADAMS & REPRESENTATIVE EWING; ALL SENATORS; ALL REPRESENTATIVES - HOUSE ADMINISTRATION -** An Act to Amend Title 23 of the Delaware Code Relating to Pilotage Rates.

Representative Gilligan requested and was granted personal privilege of the floor to make an announcement. Representatives DiPinto & Lofink made comments.

Representative Boulden requested that he be marked present.

Representative Wagner requested and was granted personal privilege of the floor to introduce a guest and make comments.

Representatives Maier, Schwartzkopf & D. Ennis requested that they be marked present.

Mr. Speaker Spence appointed Representative Buckworth as Acting Speaker.

Representative Spence requested and was granted privilege of the floor to present a House Tribute to Frank Michael Marsico.

Mr. Speaker Spence resumed the Chair.

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

March 10, 2004

The Honorable Terry R. Spence

Legislative Hall

Dover, DE 19901

Dear Rep. Spence,

I am aware that the House Appropriations Committee is looking at a number of options for giving state workers a well-deserved pay raise.

But I am asking you not to delay this matter further, and to place **S.B. 199** on the agenda for a vote when we return next week from the Joint Finance Committee break.

Many of the workers have had to tighten their belts in the last 18 months as they struggled to make ends meet without a pay increase. They can make immediate use of any additional money in their pay envelope.

I also wish to emphasize that **S.B. 199**, which provides a one-time salary supplement for this fiscal year, has been recommended by the governor and is affordable.

I look forward to providing immediate salary relief to state workers next week and hope we can reach agreement on a fair salary increase for next fiscal year.

Sincerely,

Robert F. Gilligan

State Representative

19th District

Representatives Gilligan, Smith & Mr. Speaker Spence made comments.

Representatives Carey, Roy & Lavelle requested that they be marked present. Representative Buckworth requested and was granted privilege of the floor to make comments. Representative Carey made comments. Representative VanSant requested and was granted privilege of the floor for himself and Representative Maier and to present a House Tribute to Senator Patricia M. Blevins. Senator Blevins made comments. Representative Lofink made an announcement. Mr. Speaker Spence introduced guests.

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

The House reconvened at 5:40 p.m. with Representative Buckworth as Acting Speaker.

Representatives Ulbrich, Oberle, Reynolds, Stone, Ewing & Viola requested that they be marked present.

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

LABOR: **HB 299 - 4F,1M; SB 163 - 4F,1M.**

Representative Lee deferred to Representative Lavelle.

Representative Lavelle brought **HB 320**, jointly sponsored by Senator Sokola & Representatives Hudson, Smith & Valihura & Senators Copeland & Sorenson, before the House for consideration.

**HB 320** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE COUNTY AUDITOR.

Representatives Lavelle, Oberle & Roy made comments.

The roll call on **HB 320** was taken and revealed:

YES: 25.

NO: Representatives B. Ennis, Gilligan, Hall-Long, Houghton, Keeley, Lofink, Mulrooney, Oberle, Plant, Roy & VanSant - 11.

NOT VOTING: Representative Spence - 1.

ABSENT: Representatives DiPinto, D. Ennis, Hudson & Williams - 4.

Therefore, having received a constitutional majority, **HB 320** was sent to the Senate for concurrence.

Representatives Cathcart & Miro requested that they be marked present during the roll call.

Representative Lee deferred to Representative Reynolds.

Representative Reynolds brought **HB 304**, jointly sponsored by Senator Sokola & Representatives Booth, Buckworth, Carey, Fallon, George, Maier, Mulrooney, Oberle, Viola & Wagner & Senator Simpson, before the House for consideration.

**HB 304** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE STUDENT TESTING PROGRAM. (F/N)

Representatives Reynolds, Caulk & Fallon made comments.

Representative Reynolds moved to suspend the rules which interfere with action on **HB 304**. The motion was seconded by Representative Lee and adopted by voice vote.

The roll call on **HB 304** was taken and revealed:

YES: 38.

ABSENT: Representatives DiPinto, Hudson & Williams - 3.

Therefore, having received a constitutional majority, **HB 304** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner. Representative Wagner made comments.

Representative Wagner requested that **HB 144** be stricken.

Representative Gilligan made an announcement.

Representative Booth requested that **HB 311** be stricken.

The Majority Whip moved to recess to the call of the Chair at 6:02 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:14 p.m. on March 23, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 179**, **SB 183** & **SB 186** and requests the concurrence of the House; **HJR 18** and is returning same to the House.

Memorandum

TO: Terry R. Spence, Speaker of the House of Representatives  
FROM: Representative Joseph E. Miro  
DATE: March 18, 2004  
RE: Absence From Session

Please excuse my absence from session next week, March 23rd-25th, as I will be out of town on business.

If you require additional information, please let me know.

March 15, 2004

House Majority Caucus & Staff

C/O Mrs. JoAnn Hedrick

Chief Clerk of the House

PO Box 1401

Dover, Delaware 19903

Dear JoAnn:

I would like to take this opportunity to convey my sincere appreciation to the Republican House Caucus and the members of our staff, for the Rubber Tree and beautiful vase of flowers that I received during my latest knee surgery.

The Rubber Tree is thriving under Nancy's care and it looks absolutely gorgeous in our living room.

Thank you again for your kindness during my recovery.

Sincerely,

Terry R. Spence

Speaker of the House

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.

**12th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session  
March 23, 2004**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Miro – 1.

A prayer was offered by Representative Vincent A. Lofink, Twenty-Seventh Representative District.

Mr. Speaker Spence led those present in the 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 345 - WAGNER & SENATOR VAUGHN - JUDICIARY -** An Act to Amend Part IV, Chapter 47 of Title 16 of the Delaware Code Relating to Jurisdiction of the Courts Over Violations Concerning the Uniform Controlled Substances Act. (2/3 bill)

**HB 346 - WAGNER & SENATOR BLEVINS - HOUSE ADMINISTRATION -** An Act to Amend Title 15 of the Delaware Code Relating to Delaware Voter Registration Information.

**HA 1 to HB 174 - MAIER -** Placed with the Bill.

**HJR 19 - GEORGE & SENATOR SOKOLA - EDUCATION -** Extending the Reporting Date of the Task Force Examining Early Childhood Education Programs Established by House Joint Resolution No. 9, as Amended.

**SB 179 - SORENSON; SENATORS CLOUTIER, CONNOR, COOK, HENRY, PETERSON, STILL; REPRESENTATIVES BUCKWORTH, CAULK, DIPINTO, EWING, FALLON, GEORGE, HALL-LONG, MAIER, PLANT, ULBRICH, WAGNER - HEALTH & HUMAN DEVELOPMENT -** An Act to Amend Title 30 of the Delaware Code Relating to the Delaware Breast Cancer Education and Early Detection Fund.

**SB 183 - BLEVINS & REPRESENTATIVE ROY - HOUSE ADMINISTRATION -** An Act to Amend Title 15 of the Delaware Code Relating to Elections. (2/3 bill)

**SB 186 - MCBRIDE & SENATOR BUNTING; REPRESENTATIVES SPENCE, CATHCART - VETERANS AFFAIRS -** An Act to Amend Title 1 of the Delaware Code Relating to Legal Holidays.

The House observed a moment of silence in memory of William B. Keene at the request of Representative Fallon. Representative Smith deferred to Representative Carey. Representative Carey requested and was granted privilege of the floor to present a House Commendation to Kathryn J. Hearn, 36th District Legislative Essay Scholarship winner.

Representative Smith deferred to Representative Roy.

Representative Roy requested and was granted privilege of the floor for himself and Representative Gilligan to present a House Tribute to Dr. Robert J. Andrzejewski, Ed.D, Superintendent of the Year, Red Clay Consolidated School District who addressed the House. Representative Smith made comments.

Representative Smith deferred to Representative Atkins.

Representative Atkins introduced guests.

Representative Smith deferred to Representative Hall-Long.

Representative Hall-Long made comments and introduced the Caesar Rodney High School Vocal Jazz Ensemble who sang a song. Representatives Buckworth & Hall-Long made comments.

Representative Gilligan requested and was granted personal privilege of the floor to make comments. Representatives Buckworth & Smith made comments. Representative Smith deferred to Representative Reynolds. Representative Reynolds made comments and requested and was granted personal privilege of the floor to introduce guests. Representative Reynolds requested and was granted privilege of the floor for Steve Celbuka, Chair, Drivers Education Department, William Penn High School regarding the Drivers' Education program in Delaware. Representative Reynolds made comments. Mr. Celbuka presented a videotape about driver's education. Representative Reynolds, Mr. Speaker Spence, Representatives Buckworth, Maier, Smith, D. Ennis, Wagner and Ulbrich made comments.

Representative Reynolds brought **HCR 40**, jointly sponsored by Representative Spence & Senator Sokola & Senator Connor & Representatives Booth, George & Mulrooney & cosponsored by Representatives D. Ennis, Maier & Ulbrich, before the House for consideration.

**HCR 40 - URGING ALL MOTOR VEHICLE CASUALTY INSURANCE COMPANIES TO CONSIDER THE SUCCESS OF DELAWARE'S DRIVER EDUCATION PROGRAMS IN LOWERING DELAWARE'S TEEN ACCIDENT RATE AND TO RECOGNIZE THIS SUCCESS WITH APPROPRIATE LOWER INSURANCE PREMIUMS IN DELAWARE.**

Mr. Speaker Spence granted privilege of the floor to Dean Betts, Education Associate, Safety and Driver Education, Department of Education. Representatives Ewing, Wagner, Maier & Reynolds made comments.



**HCR 40** was adopted by voice vote and was sent to the Senate for concurrence. Representatives Oberle, Schwartzkopf, Cathcart, Ulbrich & Wagner requested that they be marked present.

The Majority Leader moved to recess for caucus at 3:22 p.m.

The House reconvened at 5:46 p.m. with Representative Oberle as Acting Speaker.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **HB 317**, jointly sponsored by Representative Schwartzkopf & Representative Buckworth & Senator Sokola, before the House for consideration.

**HB 317 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO TAPROOMS AND TAVERNS.**

Representative Hudson brought **HA 1 to HB 317** before the House for consideration.

Representative Hudson made a comment. **HA 1** was adopted by voice vote. Representative Booth introduced and brought **HA 2 to HB 317** before the House for consideration. Representative Booth made comments. **HA 2** was adopted by voice vote. Representatives Hudson & Hocker made comments.

The roll call on **HB 317 w/HA 1 & 2** was taken and revealed:

YES: 36.

NO: Representative Oberle - 1.

ABSENT: Representatives DiPinto, Miro, Plant & Stone - 4.

Therefore, having received a constitutional majority, **HB 317 w/HA 1 & 2** was sent to the Senate for concurrence.

Representatives Viola, Williams & Lavelle requested that they be marked present during the roll call.

Representative Smith deferred to Representative Keeley.

Representative Keeley requested that **HB 281** be stricken.

Representative Spence introduced **HB 353**, jointly sponsored by Senator Vaughn.

**HB 353 - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO HOME RULE.**

Mr. Acting Speaker assigned **HB 353** to the Labor Committee.

Representative Plant requested that she be marked present. Representative Plant made comments.

Representative Stone requested that she be marked present. Representative Lofink made an announcement.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 173** and requests the concurrence of the House; **HB 272** and is returning same to the House.

The Majority Whip moved to recess to the call of the Chair at 5:57 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:05 p.m. on March 24, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 222 w/SA 1 & SCR 30** and requests the concurrence of the House.

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.

### **13th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session March 24, 2004**

The Chief Clerk called the roll:

Members Present: 35.

Members Absent: Representatives Boulden, Cathcart, Lavelle, Miro, Plant & Thornburg – 6.

A prayer was offered by Representative Bethany A. Hall-Long, Eighth Representative District.

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

The following prefilled legislation was introduced:

**HB 347 - DIPINTO & SENATOR MARSHALL; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, HUDSON, GILLIGAN, B. ENNIS, GEORGE, HOUGHTON, KEELEY, PLANT; SENATOR STILL - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 22, Delaware Code Relating to Monition Sales by Municipalities. (2/3 bill)**

**HB 348 - KEELEY; REPRESENTATIVES CAREY, DIPINTO, HALL-LONG, HOUGHTON, HUDSON, PLANT; SENATOR HENRY - HOUSE ADMINISTRATION - An Act to Amend the Charter of the City of Wilmington Relating to Citizenship and Residency Requirements of Employees of the City of Wilmington. (2/3 bill)**

**HB 349 - KEELEY; REPRESENTATIVES CAREY, DIPINTO, GEORGE, HOUGHTON, HUDSON, PLANT, REYNOLDS, WILLIAMS; SENATORS BLEVINS, HENRY, MARSHALL, MCDOWELL - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 22 of the Delaware Code Relating to the Possession or Concealment of Paintball Guns Within the City of Wilmington. (2/3 bill)**

**HB 350** - WAGNER & SENATOR MCDOWELL; REPRESENTATIVES FALLON, MAIER, QUILLEN, HOUGHTON - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

**HB 351** - WAGNER & REPRESENTATIVE MAIER & SENATOR DELUCA; REPRESENTATIVES BUCKWORTH, CATHCART, D. ENNIS, FALLON, HOCKER, LOFINK, MIRO, QUILLEN, REYNOLDS, KEELEY, MULROONEY, PLANT, WILLIAMS - REVENUE & FINANCE - An Act to Amend Title 6 of the Delaware Code Relating to Gift Certificates and Gift Cards.

**HB 352** - SCHWARTZKOPF & REPRESENTATIVE BOOTH & SENATOR BUNTING - BUSINESS/CORPORATIONS /COMMERCE - An Act to Amend Title 4 of the Delaware Code Relating to Licenses and Taxes.

**HA 1 to HB 282** - OBERLE - Placed with the Bill.

**HJR 20** - HALL-LONG & SENATOR BLEVINS - HEALTH & HUMAN DEVELOPMENT - Commending the Task Force on Chronic Illness, Disease Management and Prevention and Extending the Date by Which the Task Force is to Issue Its Final Report

**SB 173** - CLOUTIER; SENATORS CONNOR, COPELAND, PETERSON, SORENSON, STILL; REPRESENTATIVES BUCKWORTH, CATHCART, B. ENNIS, EWING, MULROONEY, SPENCE, VALIHURA, WILLIAMS - LABOR - An Act to Amend Title 19 a0nd Title 29 of the Delaware Code Relating to Whistleblowers' Protection.

**HA 1 to SB 191** - EWING - Placed with the Bill.

Mr. Speaker Spence resumed the Chair.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #61

DATE: March 24, 2004

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	Date	Type	Description
H142-1390	Buckworth	2/18/2004	T	Chase Webb - Caesar Rodney High Wrestling - State Championship
H142-1391	Buckworth	2/18/2004	T	Christopher Harris - Caesar Rodney High Wrestling - State Championship
H142-1392	Buckworth	2/18/2004	T	Matthew Cathell - Caesar Rodney High Wrestling - State Championship
H142-1393	Buckworth	2/18/2004	T	Nicolas Ganley - Caesar Rodney High Wrestling - State Championship
H142-1394	Buckworth	2/18/2004	T	Matt Shelor - Caesar Rodney High Wrestling – State Championship
H142-1395	Buckworth	2/18/2004	T	Josh McGregor - Caesar Rodney High Wrestling - State Championship
H142-1396	Buckworth	2/18/2004	T	Anthony Edwards - Caesar Rodney High Wrestling - State Championship
H142-1397	Buckworth	2/18/2004	T	Beau Moore - Caesar Rodney High Wrestling – State Championship
H142-1398	Buckworth	2/18/2004	T	Daniel Rigby - Caesar Rodney High Wrestling - State Championship
H142-1399	Buckworth	2/18/2004	T	Matthew Rigby - Caesar Rodney High Wrestling - State Championship
H142-1400	Buckworth	2/18/2004	T	Kagan Nuss - Caesar Rodney High Wrestling – State Championship
H142-1401	Buckworth	2/18/2004	T	Steve Bilbrough - Caesar Rodney High Wrestling - State Championship
H142-1402	Buckworth	2/18/2004	T	Bryan Robinson - Caesar Rodney High Wrestling - State Championship
H142-1403	D. Ennis	2/20/2004	M	Brett Thomas Kelly
H142-1404	Quillen	2/27/2004	T	Norman Short - 50th Birthday
H142-1405	Atkins	3/21/2004	T	C. Vernon Timmons - 70th Birthday
H142-1406	Ewing	3/4/2004	T	Martin Johnson, III - 71st Birthday
H142-1407	D. Ennis	3/3/2004	M	Arthur F. DiSabatino, Jr.
H142-1408	Roy	3/13/2004	T	Rita & Kermit Justice - 50th Wedding Anniversary
H142-1409	Cathcart	3/13/2004	T	David Frail - Fireman of the Year - Odessa
H142-1410	Cathcart	3/13/2004	T	Tara Lydick - EMT Responder of the Year – Odessa

H142-1411	Cathcart	3/13/2004	T	John Marcus - Junior Fireman of the Year – Odessa
H142-1412	Cathcart	3/13/2004	T	Arthur Guessford - President & Chief's Award - Odessa
H142-1413	Buckworth	3/10/2004	T	Honorable Jane Maroney - Carrie Chapman Catt Award
H142-1414	Boulden	3/10/2004	T	Honorable Ada Leigh Soles - Carrie Chapman Catt Award
H142-1415	Wagner	3/20/2004	T	Kimberly Butterfield & Dean Holden – Marriage

#### HOUSE TRIBUTE ANNOUNCEMENT #62

DATE: March 24, 2004

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	Date	Type	Description
H142-1416	Ewing	3/15/2004	T	Kiwanis Club of Bridgeville - 65th Anniversary
H142-1417	Carey	3/9/2004	T	Bernice Edwards - Woman in History
H142-1418	Ewing	3/2/2004	M	Roy Friedel
H142-1419	Carey	3/2/2004	M	Margaret M. Rogers
H142-1420	Atkins	2/20/2004	T	Josephine & Ralph Dorey - 50th Wedding Anniversary
H142-1421	B. Ennis	3/2/2004	T	Myrtle Tush - 99th Birthday
H142-1422	Ulbrich	3/14/2004	T	American Legion Post #10 - 85th Anniversary
H142-1423	Schwartzkopf	3/9/2004	T	Professor George Luther - Claire C. Patterson Award
H142-1424	Hocker	10/4/2003	T	Amber Steele & Matthew Brock - Marriage
H142-1425	Hocker	8/23/2003	T	Erin Glenn & Jay West - Marriage
H142-1426	Williams	2/18/2004	M	Wayne H. Bonner
H142-1427	Booth	4/9/2004	T	36th Annual Great Delaware Kite Festival
H142-1428	Fallon	3/17/2004	T	Nanticoke Senior Center - 33rd Anniversary
H142-1429	Buckworth	3/17/2004	T	Mary Fitzpatrick & Shawn Dewey - Marriage
H142-1430	Wagner	3/5/2004	M	Clifton H. Hubbard, Jr.
H142-1431	Quillen	3/11/2004	T	John Brienden - American Legion National Commander
H142-1432	Maier	3/1/2004	M	Joseph A. McNesby
H142-1433	Lofink	3/16/2004	T	Regina Dunnigan - 40th Birthday
H142-1434	Thornburg	3/5/2004	M	Joan W. Guzniczak
H142-1435	Plant	3/8/2004	M	Pastor Henry Sellers, Sr.
H142-1436	Lee	3/15/2004	T	Dale Boyce - Laurel Chamber of Commerce Co-citizen of the Year
H142-1437	Lee	3/15/2004	T	Catherine Boyce - Laurel Chamber of Commerce Co-citizen of the Year
H142-1438	Smith	3/12/2004	T	Bisit Stewart - 65th Birthday
H142-1439	Smith	2/18/2004	T	Kenneth De Groot - 50th Birthday
H142-1440	Smith	3/13/2004	T	John Washburn - 34th Birthday
H142-1441	Smith	3/19/2004	T	Denise Adams - 39th Birthday
H142-1442	Hocker	3/12/2004	T	Delaware National Bank - Ocean View – Branch of the Year

T- Tribute

M – Memoriam

Representative Smith brought the following prefiled **Consent Calendar #18** before the House for consideration.

Representative Smith requested that **HCR 44** be removed from **Consent Calendar #18**.

**HCR 44 – OBERLE & REPRESENTATIVE MAIER & REPRESENTATIVES SPENCE, LOFINK, REYNOLDS, GEORGE & VIOLA & SENATORS BLEVINS, AMICK & DELUCA – Urging the Delaware Congressional Delegation to Support the Preservation of the United States Automobile Industry.**

Mr. Speaker Spence assigned **HCR 44** to the House Administration Committee.

**HR 66 – WAGNER – Extending the Reporting Date for the Alderman Court Task Force Created by House Resolution 41.**

**HCR 45 – WAGNER & REPRESENTATIVE D. ENNIS & SENATOR MCDOWELL & SENATOR STILL – Re-Establishing the Commuter Task Force to Examine and Make Recommendations to the General Assembly Regarding Restoring and Implementing Commuter Rail Service Between New Castle and Kent Counties.**

**HCR 47 – B. ENNIS & SENATOR VAUGHN & REPRESENTATIVES D. ENNIS, HALL-LONG, HOUGHTON, SPENCE & VANSANT & SENATOR PETERSON– Proclaiming the Month of May 2004 as “Motorcycle Awareness Month” and Requesting the Governor to Issue a Proclamation Declaring Same.**

**Consent Calendar #18** was adopted by voice vote and **HR 66** was declared passed and **HCR 45 & HCR 47** were sent to the Senate for concurrence.

Representative Smith deferred to Representative Stone. Representative Stone introduced guests. Representative Smith deferred to Representative Ewing. The House observed a moment of silence in memory of Sergeant Preston L. Beauchamp at the request of Representative Ewing. The House observed a moment of silence in memory of William Lloyd Spence, Jr. at the request of Representative Quillen.

Mr. Speaker Spence granted privilege of the floor to Morton Kimmel, representing the Blue/Gold All Star Basketball Teams. The team members, cheerleaders and Opportunity Center employees announced their names and affiliations for the record.

Representatives Keeley & DiPinto requested that they be marked present. Representative Wagner requested that she be marked present and introduced guests. Representatives VanSant, Hudson, Oberle, Schwartzkopf, Mulrooney & Viola requested that they be marked present. Representative DiPinto requested and was granted personal privilege of the floor to make an announcement. Representative Gilligan requested that he be marked present. Representative Maier requested and was granted privilege of the floor for Mary L. Hudson, President, Delta Sigma Theta Sorority. Representative Fallon made comments. Representative Smith made an announcement. Representative Ulbrich requested that she be marked present.

The Reading Clerk read the following communication into the record:

MEMORANDUM

TO: THE HONORABLE TERRY R. SPENCE  
SPEAKER OF THE HOUSE OF REPRESENTATIVES  
FROM: REP. GREG LAVELLE  
DATE: March 24, 2004  
RE: ABSENCE FROM SESSION

Please be advised that it is necessary for me to be absent today due to a personal matter.

Thank you for understanding.

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

LABOR: **HB 353** - 5M.

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

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:40 P.M.: Representative Reynolds.

Mr. Acting Speaker Oberle called the House to order at 2:30 p.m. on March 25, 2004.

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

PUBLIC SAFETY: **HB 336** - 6M.

JUDICIARY: **HB 345** - 5M.

HOUSE ADMINISTRATION: **HB 229** - 5F; **HB 328** - 5M; **HB 329** - 3F; **HB 330** - 5M; **HB 337** - 5F; **SS 1/SB 72** - 5M; **SB 203** - 5M; **SB 215** - 5M.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 227** and requests the concurrence of the House; **HB 304** and is returning same to the House.

Representatives Thornburg & Boulden requested that they be marked present for the current Legislative Day.

Representative Buckworth, Acting Majority Leader, moved to adjourn at 2:31 p.m., thereby ending the current legislative day. The House reconvened at 2:32 p.m.

**14th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session  
March 25, 2004**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Miro – 1.

The House observed a moment of silence in memory of former Senator Charles E. Hughes at the request of Representative Bruce C. Ennis.

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

Page Sordelet, fourth grade student at Wilmington Christian School, led those present in the pledge of allegiance to the American Flag.

The following prefiled legislation was introduced:

**HS 1 for HB 22** - WAGNER & SENATOR VAUGHN - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Rules of the Road and Drivers' Licenses.

**HB 354** - MULROONEY & SENATOR SOKOLA; REPRESENTATIVES B. ENNIS, GEORGE, HALL-LONG, KEELEY, LOFINK, PLANT, REYNOLDS, SCHWARTZKOPF, VANSANT, VIOLA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to State High School Diploma Requirements.

**HB 355** - SPENCE & SENATOR MCBRIDE - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Special License Plates for Vietnam War Veterans.

**SB 222 w/SA 1** - BUNTING; SENATOR VENABLES; REPRESENTATIVE SCHWARTZKOPF - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 25 of the Delaware Code Relating to Rent Increases

**SB 227** - SOKOLA; REPRESENTATIVE REYNOLDS - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Appeals to the State Board of Education from Decisions of Local School Boards.

Representatives Roy, Cathcart & Hall-Long requested that they be marked present. Representative Hall-Long requested and was granted personal privilege of the floor to make comments. The House sang "Happy Birthday" to Representative B. Ennis. Representative B. Ennis made a comment. Representatives Hudson & Stone requested that they be marked present. Representative Wagner requested that **HB 205** be stricken.

Representative Wagner requested and was granted personal privilege of the floor to make comments. Representative Hall-Long made comments. Representative George requested and was granted personal privilege of the floor to introduce a guest.

Representatives Schwartzkopf, Mulrooney & Plant requested that they be marked present.

Representative Buckworth deferred to Representative Roy.

Representative Roy moved to suspend the rules which interfere with introduction of and action on

**HJR 21**. The motion was properly seconded and adopted by voice vote.

Representative Roy introduced and brought **HJR 21**, jointly sponsored by Representative DiPinto & Representative Hudson on behalf of All Representatives & Senators Adams & McDowell & Cook & Vaughn on behalf of All Senators, before the House for consideration.

**HJR 21** - EXPRESSING PROFOUND SORROW AND CONDOLENCES ON THE PASSING OF VIRGIL F. PUSKARICH, EXECUTIVE DIRECTOR OF THE LOCAL GOVERNMENT COMMISSION, AND RECOGNIZING HIS CONTRIBUTIONS TO THE PENNSYLVANIA GENERAL ASSEMBLY AND COMMONWEALTH.

Representative Roy made comments.

The roll call on **HJR 21** was taken and revealed:

YES: 34.

ABSENT: Representatives Boulden, Gilligan, Lee, Miro, Smith, Spence & VanSant - 7.

Therefore, having received a constitutional majority, **HJR 21** was sent to the Senate for concurrence.

Representatives Lavelle, Maier, Reynolds & Ulbrich requested that they be marked present during the roll call.

Representative Buckworth deferred to Representative Keeley.

Representative Keeley requested and was granted personal privilege of the floor for American Field Services exchange students who announced their names, countries and schools for the record.

Representative Keeley requested and was granted personal privilege of the floor for Jeanine Kleimo, Coordinator, American Field Service.

Mr. Acting Speaker & Representative Fallon made comments.

The Majority Leader moved to recess for caucus at 2:54 p.m.

The House reconvened at 4:40 p.m.

The Reading Clerk read the following communication into the record:

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative John Viola, do hereby request that my name be removed as a co-sponsor of **HB 296**.

Date: March 25, 2004

Signed: John Viola

Representatives Smith & Lee requested that they be marked present.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 215**, jointly sponsored by Senator Adams & All Senators & All Representatives, before the House for consideration.

**SB 215 - AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATING TO PILOTAGE RATES.**

Representative Ewing made comments.

The roll call on **SB 215** was taken and revealed:

YES: 37.

ABSENT: Representatives DiPinto, D. Ennis, Keeley & Miro - 4.

Therefore, having received a constitutional majority, **SB 215** was returned to the Senate.

Representatives Spence, VanSant & Gilligan requested that they be marked present during the roll call.

Representative Smith deferred to Representative Maier.

Representative Maier brought **SB 119 w/SA 1**, jointly sponsored by Senators Marshall & Blevins, before the House for consideration.

**SB 119 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO NURSING AND SIMILAR FACILITIES.**

Representative Maier made comments.

The roll call on **SB 119 w/SA 1** was taken and revealed:

YES: 37.

ABSENT: Representatives DiPinto, D. Ennis, Keeley & Miro - 4.

Therefore, having received a constitutional majority, **SB 119 w/SA 1** was returned to the Senate.

Representative Smith deferred to Representative Maier.

Representative Maier brought **SB 142**, jointly sponsored by Senator Marshall, before the House for consideration.

**SB 142 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS AND THE SIGNING OF DEATH CERTIFICATES.**

Representative Maier made comments.

The roll call on **SB 142** was taken and revealed:

YES: 40.

ABSENT: Representative Miro - 1.

Therefore, having received a constitutional majority, **SB 142** was returned to the Senate.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **HB 20**, jointly sponsored by Representative Cathcart & Senator DeLuca & Representatives Atkins, Booth, Buckworth, Carey, DiPinto, B. Ennis, D. Ennis, Fallon, Hocker, Houghton, Keeley, Lavelle, Lee, Lofink, Miro, Mulrooney, Plant, Quillen, Reynolds, Schwartzkopf, Smith, Spence, Thornburg, Ulbrich, Valihura, VanSant & Viola, before the House for consideration.

**HB 20 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR FORMER PRISONERS OF WAR AND FOR RECIPIENTS OF THE PURPLE HEART. (F/N)**

Representative Ewing made comments.

The roll call on **HB 20** was taken and revealed:

YES: 39.

ABSENT: Representatives Hudson & Miro - 2.

Therefore, having received a constitutional majority, **HB 20** was sent to the Senate for concurrence.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 191**, jointly sponsored by Senator Henry & Representatives Plant & Williams, before the House for consideration.

**SB 191 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMERCIAL DRIVER'S LICENSES AND COMMERCIAL MOTOR VEHICLES INCLUDING SCHOOL BUSES.**

Representative Ewing requested that **HA 1 to SB 191** be stricken.

Representative Ewing introduced and brought **HA 2 to SB 191** before the House for consideration.

Representative Ewing made a comment. **HA 2** was adopted by voice vote. Representative Ewing made a comment.

The roll call on **SB 191 w/HA 2** was taken and revealed:

YES: 39.

ABSENT: Representatives DiPinto & Miro - 2.

Therefore, having received a constitutional majority, **SB 191 w/HA 2** was returned to the Senate for concurrence on **HA 2**.

The Majority Leader moved to recess for the purpose of changing the recording tape at 5:04 p.m.

The House reconvened at 5:25 p.m.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 282**, jointly sponsored by Representative Quillen & Senator Cook & Senator Vaughn, before the House for consideration.

**HB 282 - AN ACT TO AMEND TITLE 28 OF THE DELAWARE CODE RELATING TO INFLUENCING RESULTS OF SPORTING EVENTS BY UNLAWFUL MEANS.**

Representative Oberle brought **HA 1 to HB 282** before the House for consideration. Representative Oberle made comments. **HA 1** was adopted by voice vote.

Representative Oberle made comments.

The roll call on **HB 282 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Miro - 1.

Therefore, having received a constitutional majority, **HB 282 w/HA 1** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Ulbrich.

Representative Ulbrich moved to suspend the rules which interfere with introduction of and action on **HJR 22**. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Ulbrich introduced and brought **HJR 22**, jointly sponsored by Senator Sokola & All Representatives & All Senators, before the House for consideration.

**HJR 22 - CELEBRATING THE LIFE AND HONORING THE MEMORY OF THE LATE WILLIAM B. KEENE OF NEWARK WHO DEPARTED THIS LIFE ON FRIDAY, THE NINETEENTH DAY OF MARCH 2004 AT THE AGE OF SEVENTY YEARS.**

Representatives Ulbrich, Oberle, Mr. Speaker Spence, Representatives Reynolds, & DiPinto made comments.

The roll call on **HJR 22** was taken and revealed:

YES: 39.

ABSENT: Representatives Miro & Smith - 2.

Therefore, having received a constitutional majority, **HJR 22** was sent to the Senate for concurrence.

The House observed a moment of silence in memory of William B. Keene at the request of Representative Ulbrich.

Representative Lee deferred to Representative Roy.

Representative Valihura requested and was granted personal privilege of the floor to introduce a guest. Representatives Cathcart & George made comments.

Representative Roy introduced **HS 1 for HB 338**, jointly sponsored by Senator Adams & Representatives Hudson, Lavelle & Stone & Senators Still & McBride.

**HB 338 - AN ACT TO AMEND TITLE 30, CHAPTER 55 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES TAXES.**

Mr. Speaker Spence assigned **HS 1 for HB 338** to the Appropriations Committee.

Representative Lee deferred to Representative DiPinto.

Representative DiPinto moved to suspend the rules which interfere with introduction of and action on **HJR 23**. The motion was properly seconded and adopted by voice vote.

Representative DiPinto introduced and brought **HJR 23**, jointly sponsored by Representative Hudson, before the House for consideration.

**HJR 23 - THE OFFICIAL ESTIMATE OF GENERAL FUND REVENUES FOR FISCAL YEAR 2004.**

Representative DiPinto made comments.

The roll call on **HJR 23** was taken and revealed:

YES: 39.

ABSENT: Representatives Miro & Smith - 2.

Therefore, having received a constitutional majority, **HJR 23** was sent to the Senate for concurrence.

Representative Lee deferred to Representative B. Ennis.

Mr. Speaker Spence appointed Representative Oberle as Acting Speaker.

Representative B. Ennis introduced **HB 334** jointly sponsored by Representative Hall-Long, & Senator Sokola & Representatives Cathcart, D. Ennis, Ewing, George, Gilligan, Houghton, Schwartzkopf, VanSant & Viola & Senators Blevins, Cook & Vaughn.

**HB 334 - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO ANNEXATIONS BY A CITY OR TOWN HAVING A POPULATION OF 50,000 OR UNDER.**

Mr. Acting Speaker assigned **HB 334** to the Housing & Community Affairs Committee.

Representative Lee deferred to Representative Spence.

Representative Spence moved to suspend the rules which interfere with introduction of and action on **HB 333**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Spence introduced and brought **HB 333**, jointly sponsored by Representative Reynolds & Representative DiPinto & Representatives Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lee, Lofink, Maier, Miro, Quillen, Roy, Smith,

Stone, Thornburg, Ulbrich, Valihura & Wagner & Senators Still, Sorenson, Connor, Amick & Cloutier, before the House for consideration.

**HB 333** - AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS TO PROVIDE FOR A RETROACTIVE GENERAL SALARY INCREASE FOR STATE EMPLOYEES AND TO PROVIDE FOR A ONE-TIME SALARY SUPPLEMENT FOR PART-TIME, CASUAL/SEASONAL AND 100% LOCALLY FUNDED EDUCATIONAL EMPLOYEES FOR THE FISCAL YEAR ENDING JUNE 30, 2004

Representatives Spence, DiPinto, Gilligan, George, DiPinto, Reynolds, Gilligan, George, Schwartzkopf & Spence made comments.

The roll call on **HB 333** was taken and revealed:

YES: 25.

NO: Representatives George, Gilligan, Houghton, Keeley, Mulrooney, Plant & Viola - 7.

NOT VOTING: Representatives B. Ennis, Hall-Long, Lavelle, Schwartzkopf, VanSant, Williams & Oberle - 7.

ABSENT: Representatives Miro & Smith - 2.

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

Representative Spence introduced **HB 358** jointly sponsored by Senator Adams & Representatives Lee, Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Gilligan, VanSant, B. Ennis, George, Hall-Long, Houghton, Keeley, Plant, Schwartzkopf, Viola & Williams & Senators McDowell, Still & Sorenson.

**HB 358** - AN ACT TO AMEND TITLE 11 RELATING TO THE ESTABLISHMENT OF A SPECIAL COMMISSION ON CRIMINAL JUSTICE.

Mr. Acting Speaker assigned **HB 358** to the Judiciary Committee.

Mr. Speaker Spence resumed the Chair.

The Majority Whip moved to recess to the call of the Chair at 6:40 p.m.

Mr. Speaker Spence called the House to order at 2:10 p.m. on March 30, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HJR 21 & HJR 22** and is returning same to the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Helene Keeley, do hereby request that my name be removed as cosponsor of **HB 334**.

Date: March 25, 2004

Signed: Helene M. Keeley

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

Representative Smith 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.

#### 15th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session March 30, 2004

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Joseph W. Booth, Thirty-Seventh Representative District.

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

The minutes of the previous three legislative days were approved as posted.

The following prefiled legislation was introduced:

**HB 356** - LEE & REPRESENTATIVE B. ENNIS & SENATOR BUNTING & SENATOR CONNOR; REPRESENTATIVES BOOTH, BOULDEN, BUCKWORTH, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, HOCKER, HUDSON, LOFINK, REYNOLDS, THORNBURG, ULBRICH, VALIHURA, VANSANT, GEORGE, HALL-LONG, HOUGHTON, KEELEY, MULROONEY, SCHWARTZKOPF, VIOLA; SENATORS ADAMS, COOK, VAUGHN, VENABLES, STILL, SORENSON, AMICK, BONINI, SIMPSON - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Personal Income Tax.

**HB 357** - MAIER & REPRESENTATIVE OBERLE & REPRESENTATIVE HUDSON & REPRESENTATIVE ULBRICH & SENATOR SOKOLA & SENATOR PETERSON & SENATOR SIMPSON; REPRESENTATIVES ATKINS, BOOTH, BUCKWORTH, CAREY, CATHCART, B. ENNIS, EWING, FALLON, HOUGHTON, KEELEY, LOFINK, MULROONEY, PLANT, REYNOLDS, SPENCE, STONE, THORNBURG, VANSANT, VIOLA, WAGNER; SENATORS BLEVINS, BONINI, COPELAND - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the State High School Diploma Requirements.

**HB 359** - DIPINTO; REPRESENTATIVES SPENCE, ATKINS, CATHCART, HUDSON, LOFINK, OBERLE, GILLIGAN, HOUGHTON, KEELEY, VIOLA; SENATORS BLEVINS, MCBRIDE,



SOKOLA, VAUGHN, BONINI, COPELAND - REVENUE & FINANCE - An Act to Amend Subchapter VII, Chapter 5 of Title 4, Delaware Code, Regarding Taxes and License Fees.

**HB 360** - HUDSON & SENATOR COPELAND; REPRESENTATIVE VALIHURA - AGRICULTURE - An Act to Amend Title 3, Chapter 101 of the Delaware Code Relating to Thoroughbred Racing.

**HB 362** - SMITH - HOUSE ADMINISTRATION - An Act Amending Title 27 of the Delaware Code Relating to the Election of Trustees of Religious Societies and Corporations.

**HA 1 to HB 332** - WILLIAMS - Placed with the Bill.

**HA 1 to HB 353** - SPENCE - Placed with the Bill.

**HCR 50** - MAIER & REPRESENTATIVE OBERLE & REPRESENTATIVE ULBRICH & SENATOR SOKOLA & SENATOR PETERSON & SENATOR SIMPSON; REPRESENTATIVES ATKINS, BOOTH, BUCKWORTH, CAREY, CATHCART, B. ENNIS, EWING, FALLON, HALL-LONG, KEELEY, LAVELLE, LOFINK, REYNOLDS, SCHWARTZKOPF, SPENCE, STONE, THORNBURG, VANSANT, VIOLA; SENATORS BONINI, CONNOR, COPELAND, SORENSON - EDUCATION - Establishing the Delaware Education Reform Task Force to Review the Delaware Student Testing Program and the Three Tiered High School Diploma Program Scheduled to be Implemented Beginning with Students Graduating in 2004 and to Investigate and Report on the Potential Impact of Changing Either or Both Programs for the Purposes of Refining and Improving Them.

Representative Cathcart requested and was granted personal privilege of the floor to introduce a guest. Representative Smith deferred to Representative Oberle. Representative Oberle requested and was granted privilege of the floor for the Jenny E. Smith Elementary School Travelling Chorus. Representative Smith made comments, introduced a guest and made an announcement. Mr. Speaker Spence introduced a guest and made comments. Representatives Quillen & DiPinto requested and were granted personal privilege of the floor to introduce guests.

Representative Smith introduced and brought **HCR 48**, jointly sponsored by Representative D. Ennis & Representative Hudson & Representative Lavelle & Representative Valihura & Senator Cloutier & Senator Copeland on behalf of All Representatives & on behalf of All Senators, before the House for consideration.

**HCR 48** - CONGRATULATING THE NAAMANS LITTLE LEAGUE ALL-STAR'S ON AN OUTSTANDING AND IMPRESSIVE 2003 SEASON AND FOR BECOMING THE FIRST TEAM FROM DELAWARE TO MAKE IT TO THE LITTLE LEAGUE WORLD SERIES IN THE EVENT'S 57-YEAR HISTORY.

Representative Smith made comments and introduced guests. Coach Joseph E. Mascelli addressed the House. Representatives Hudson & Lavelle made comments. Representative Smith requested and was granted privilege of the floor for himself and Representatives Hudson & Lavelle to present House Tributes to the Naaman's Little League All-Star Baseball coaches. The coaches and players announced their names and positions for the record.

Mr. Speaker Spence & Representative Smith made comments.

**HCR 48** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Roy.

Representative Roy introduced and brought **HCR 54**, jointly sponsored by Senator Sorenson, before the House for consideration.

**HCR 54** - COMMENDING MEGHAN PASRICHA AS THE 20TH DISTRICT AND FIRST PLACE STATEWIDE WINNER OF THE LEGISLATIVE ESSAY SCHOLARSHIP CONTEST, AND FOR RECEIVING A 2004 PRUDENTIAL SPIRIT OF COMMUNITY AWARD FOR BEING DELAWARE'S TOP YOUTH VOLUNTEER.

Representative Roy made comments.

**HCR 54** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Roy requested and was granted privilege of the floor for Meghan Pasricha.

Mr. Speaker Spence introduced guests.

Representative George requested that she be marked present.

Representative George requested that **HCR 6** be stricken.

Representatives Wagner, Ulbrich & Plant requested that they be marked present.

Representative Smith deferred to Representative Caulk.

Representative Caulk requested and was granted privilege of the floor to present a House Tribute to Kirsten G. W. Winston, third place winner, Legislative Essay Scholarship Contest, who addressed the House.

Representative Smith deferred to Representative Ewing.

Representative Ewing made a comment.

Representative Valihura requested that he be marked present.

The Majority Leader moved to recess for caucus at 2:50 p.m.

The House reconvened at 5:06 p.m. with Representative Quillen as Acting Speaker.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 231 & SB 223 w/SA 1** and requests the concurrence of the House; **HCR 48** and is returning same to the House.

Representative Boulden requested that he be marked present.

Representative Smith brought **HB 337**, jointly sponsored by Senator Adams, before the House for consideration.

**HB 337** - AN ACT TO AMEND TITLE 4 AND TITLE 29 OF THE DELAWARE CODE RELATING TO FINANCIAL DISCLOSURE REPORTS FOR CERTAIN PUBLIC OFFICERS.

Representative Smith made comments.

The roll call on **HB 337** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 337** was sent to the Senate for concurrence.

Representatives D. Ennis, Maier, Reynolds, Stone & Viola requested that they be marked present during the roll call.

Representative Smith made comments regarding **SB 96**. Representative Smith deferred to

Representative Valihura. Representative Valihura made comments.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 171**, jointly sponsored by Senator Henry, before the House for consideration.

**SB 171** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO MOTOR VEHICLES AND HAZARDOUS MATERIALS ENDORSEMENTS ON COMMERCIAL DRIVER LICENSES.

Representative Ewing made comments.

The roll call on **SB 171** was taken and revealed:

YES: 40.

ABSENT: Representative Williams - 1.

Therefore, having received a constitutional majority, **SB 171** was returned to the Senate.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan made comments.

Mr. Speaker Spence reassigned **SB 96** to the Judiciary Committee.

Representative Smith moved to restore **HB 337** and to rescind the roll call. The motion was properly seconded and adopted by voice vote.

**HB 337** - AN ACT TO AMEND TITLE 4 AND TITLE 29 OF THE DELAWARE CODE RELATING TO FINANCIAL DISCLOSURE REPORTS FOR CERTAIN PUBLIC OFFICERS.

Representative Smith made a comment.

Representative Smith introduced and brought **HA 1 to HB 337** before the House for consideration.

**HA 1** was adopted by voice vote.

The roll call on **HB 337 w/HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 337 w/HA 1** was sent to the Senate for concurrence.

Representative Smith made comments regarding **HB 353**.

Representative Smith brought **SB 203 w/SA 1**, sponsored by Senator Bunting & Representative Hocker, before the House for consideration.

**SB 203** - AN ACT TO AMEND THE CHARTER OF THE TOWN OF SOUTH BETHANY, CHAPTER 268, VOLUME 69, LAWS OF DELAWARE, AS AMENDED, BY CLARIFYING VOTING QUALIFICATIONS, PROHIBITING MEMBERS OF COUNCIL FROM BEING EMPLOYED BY THE TOWN, CLARIFYING THE POWERS OF THE MAYOR, AUTHORIZING THE TOWN COUNCIL TO ESTABLISH CODE OF CONDUCT, CONTRACT, AND COMPETITIVE BIDDING PROVISIONS BY ORDINANCE, CLARIFYING FORFEITURE OF OFFICE PROVISIONS, AUTHORIZING REMOTE ELECTRONIC ACCESS MEETING PARTICIPATION BY COUNCIL MEMBERS, EXPANDING THE TOWN'S ABILITY TO CREATE LIENS AND TO COLLECT COSTS AND ATTORNEY'S FEES, AUTHORIZING THE TOWN TO ADOPT SUBDIVISION REGULATIONS, AND IMPOSE IMPACT FEES. (2/3 bill)

Representative Smith made comments.

The roll call on **SB 203 w/SA 1** was taken and revealed:

YES: 40.

NOT VOTING: Representative Wagner - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 203 w/SA 1** was returned to the Senate.

Representative Smith deferred to Representative Hocker.

Representative Hocker made comments regarding **SB 203**.

Representative Smith deferred to Representative Lofink.  
 Representative Lofink brought **SB 163**, sponsored by Senator Marshall & Representative Keeley & Representative Oberle, before the House for consideration.  
**SB 163** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE PENSION ADVISORY COUNCIL PLAN.  
 Representative Lofink made a comment.  
 The roll call on **SB 163** was taken and revealed:  
 YES: 41.  
 Therefore, having received a constitutional majority, **SB 163** was returned to the Senate.  
 Representative Smith made comments.  
 Representative Smith deferred to Representative Lofink.  
 Representative Lofink moved to suspend the rules which interfere with action on **HR 64**. The motion was seconded by Representative Smith and adopted by voice vote.  
 Representative Lofink brought **HR 64**, jointly sponsored by Representative Smith & Representative Spence & Representative Gilligan & Representative VanSant, before the House for consideration.  
**HR 64** - RELATING TO PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES OF THE 142ND GENERAL ASSEMBLY OF THE STATE OF DELAWARE.  
 Representative Lofink made comments.  
**HR 64** was adopted by voice vote.  
 Representative Lofink moved to suspend the rules which interfere with action on **HR 65**. The motion was seconded by Representative Quillen and adopted by voice vote.  
 Representative Lofink brought **HR 65**, jointly sponsored by Representative Smith & Representative Spence & Representative Gilligan & Representative VanSant, before the House for consideration.  
**HR 65** - RELATING TO PERMANENT PROCEDURES OF THE HOUSE OF REPRESENTATIVES OF THE 142ND GENERAL ASSEMBLY OF THE STATE OF DELAWARE FOR ETHICS VIOLATIONS.  
 Representative Lofink made comments.  
**HR 65** was adopted by voice vote.  
 Representatives Lofink & Gilligan made comments.  
 Representative Smith deferred to Representative Hudson.  
 Representative Hudson made an announcement.  
 Those present sang "Happy Birthday" to Representative Reynolds.  
 The Majority Leader moved to recess to the call of the Chair at 5:42 p.m.  
 Mr. Speaker Spence called the House to order at 2:28 p.m. on March 31, 2004.  
 Mr. Speaker Spence reassigned **HB 349** to the Public Safety Committee.  
 Mr. Speaker Spence introduced a guest.  
 The Majority Leader moved to adjourn at 2:29 p.m., thereby ending the current legislative day. The House reconvened at 2:30 p.m.

### **16th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session March 31, 2004**

The Chief Clerk called the roll:  
 Members Present: 37.  
 Members Absent: Representatives Boulden, Lofink, Plant & Williams – 4.  
 A prayer was offered by Dr. James Van Der Wall, Senior Pastor, St. Paul's United Methodist Church, Wilmington.  
 Mr. Speaker Spence led those present in the 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 339** - HUDSON & REPRESENTATIVE ROY & SENATOR DELUCA; REPRESENTATIVES SPENCE, DIPINTO, BUCKWORTH, D. ENNIS, EWING, MIRO, HOUGHTON, WILLIAMS; SENATORS ADAMS, BLEVINS, BUNTING, VAUGHN - REVENUE & FINANCE - An Act to Amend Title 4, Delaware Code, Relating to Alcoholic Beverage Licenses.  
**HB 361** - WAGNER & SENATOR HENRY; REPRESENTATIVES SPENCE, BUCKWORTH, THORNBURG, PLANT, SCHWARTZKOPF - PUBLIC SAFETY - An Act to Amend Titles 7 and 21 of the Delaware Code Relating to Parking.  
**HB 363** - VALIHURA & SENATOR CLOUTIER - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Drivers' Permits and Licenses.  
**HB 364** - B. ENNIS & SENATOR VAUGHN & REPRESENTATIVE LEE & SENATOR SIMPSON; REPRESENTATIVES ATKINS, BOOTH, BUCKWORTH, CAREY, CAULK, D. ENNIS, EWING, HALL-LONG, HOUGHTON, KEELEY, MAIER, MULROONEY, OBERLE, QUILLEN,

SCHWARTZKOPF, SPENCE, THORNBURG, ULBRICH, VIOLA, WAGNER; SENATORS BLEVINS, CONNOR, MARSHALL, STILL - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Chapter 67a, Title 18 of the Delaware Code Relating to Funeral Expenses of Volunteers.

**HB 365** - SCHWARTZKOPF & SENATOR HENRY; REPRESENTATIVES CAREY, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GEORGE, HALL-LONG, HOUGHTON, HUDSON, MAIER, MULROONEY, PLANT, REYNOLDS, VANSANT, VIOLA, WILLIAMS - PUBLIC SAFETY - An Act to Amend Chapter 48 of Title 21 of the Delaware Code Relating to Driver's Licenses.

**SB 223 w/SA 1** - VAUGHN; SENATOR HENRY & REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Title 12 of the Delaware Code Relating to the Accounting and Distribution of a Decedent's Property.

**SB 231** - COOK & REPRESENTATIVE DIPINTO; SENATORS BUNTING, HENRY, VAUGHN, AMICK, CLOUTIER; REPRESENTATIVES BUCKWORTH, D. ENNIS, FALLON, HOUGHTON, WILLIAMS - APPROPRIATIONS - An Act Creating a Public Education Classroom Instruction Fund and Appropriating Nine Million Dollars from the Federal Fiscal Relief Fund for Such Purposes.

**HA 2 to SB 96** - SMITH - Placed with the Bill.

Representative Smith requested and was granted privilege of the floor to present a House Tribute to Dr. James Van Der Wall, Senior Pastor, St. Paul's United Methodist Church. Representative Wagner requested and was granted personal privilege of the floor to introduce professors from the University of Algiers who announced their names for the record. Mr. Speaker Spence & Representatives Wagner, Ulbrich & Carey made comments. Representative Miro requested that he be marked present. Representative Thornburg requested and was granted personal privilege of the floor to introduce guests. Representative Smith made comments. Representatives Ulbrich, Cathcart & Gilligan requested that they be marked present.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #63

DATE: March 31, 2004

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	Date	Type	Description
H142-1443	Hocker	3/12/2004	T	Village at Bear Trap Dunes - American Living Award
H142-1444	Mulrooney	1/23/2004	T	Agnes & Frank Stroz - 50th Wedding Anniversary
H142-1445	Gilligan	2/14/2004	T	Daniel & Mary Nicoletti - 60th Wedding Anniversary
H142-1446	Keeley	12/31/2003	T	Anna & Giuseppe D'Eramo - 50th Wedding Anniversary
H142-1447	Gilligan	3/27/2004	T	John & Jeanette Hettel - 50th Wedding Anniversary
H142-1448	Booth	4/3/2004	T	Mark Banks - Eagle Scout
H142-1449	Carey	3/28/2004	T	William Irwin - 80th Birthday
H142-1450	Williams	2/14/2004	M	Hezekiah Jerome Garlic
H142-1451	Miro	3/16/2004	T	Honorable Paul Feleciano - Service - State of Kansas
H142-1452	Miro	3/16/2004	T	Patrick Gaston - President - Verizon Foundation
H142-1453	Booth	3/29/2004	T	Lewes-Rehoboth Rotary Club - 75th Anniversary
H142-1454	VanSant cosponsor: Rep. Maier	3/17/2004	T	Honorable Patricia Blevins - Hall of Fame of Delaware Women
H142-1455	Booth	2/27/2004	T	Mike Hobyak - 2004 Oyster Knife Purchase
H142-1456	Carey	4/4/2004	T	William Chandler - Carlisle Fire Company - 70 Years
H142-1457	Cathcart	3/16/2004	T	Anthony Principi - US Secretary of Veterans Affairs
H142-1458	Carey	4/24/2004	T	Lula Ross Elementary School - 30th Anniversary - State Bug Legislation
H142-1459	Hocker	3/17/2004	T	Wallace Melson - Ocean View Police Department
H142-1460	Stone	2/23/2004	T	Elizabeth Little - 102nd Birthday
H142-1461	Ewing	3/14/2004	M	D. Ray Ellerman
cosponsors: All Representatives				

H142-1462	Houghton	3/4/2004	M	McClester DeRamus, Sr.
H142-1463	Atkins	3/14/2004	M	E. Edward Carey, Jr.
H142-1464	Atkins	3/18/2004	T	Dr. Hiram Lasher - Induction - Poultry Historical Society Hall of Fame
H142-1465	Quillen	3/14/2004	M	James Mills Davis
H142-1466	Spence	3/13/2004	M	Henry W. Grasing, Jr.
H142-1467	Spence	3/15/2004	M	Albert J. Homiak

#### HOUSE TRIBUTE ANNOUNCEMENT #64

DATE: March 31, 2004

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	Date	Type	Description
H142-1468	Wagner	3/17/2004	T	Ann Devine - Dover High School Teacher of the Year
H142-1469	Booth	3/17/2004	T	Dr. Jim Beebe - Lewes-Rehoboth Rotary Club - 52 Years
H142-1470	Booth	3/17/2004	T	Halsey Knapp - Lewes-Rehoboth Rotary Club - 50 Years
H142-1471	Williams	3/13/2004	M	Mary Frances Smith
H142-1472	Booth	3/18/2004	T	George Bradford - Duck and Trout Stamp Contest Winner
H142-1473	Buckworth	3/18/2004	T	Captain Harry Downes - 13 Years Trainer of Correctional Cadets
H142-1474	Spence	3/18/2004	T	Frank Marsico - Tennis - #1 Ranking
H142-1475	Oberle	3/15/2004	M	James Q. Townley
H142-1476	Buckworth	3/20/2004	T	Gregory Henry - Teenager of the Year - Dover Elks
H142-1477	Buckworth	3/20/2004	T	Patrick O'Shea - Student of the Year - Dover Elks
H142-1478	Buckworth	3/20/2004	T	Reverend Thomas Hanley - Citizen of the Year - Dover Elks
H142-1479	Carey	3/31/2004	T	Walter Feindt - Retirement - 30 Years - State Service
H142-1480	Spence	3/23/2004	T	Joseph Farley - President - Utilities State Government Organization
H142-1481	Carey	3/25/2004	T	Slaughter Neck Cheer Center - 30th Anniversary
H142-1482	Hocker	3/23/2004	T	Selbyville Middle School - Delaware Reads About Humor Contest Winner
H142-1483	Roy	3/30/2004	T	Meghan Pasricha - Legislative Essay Winner
H142-1484	Roy	3/23/2004	T	Drew Vincent - Soccer Coaches Association - All-American Team
H142-1485	Hocker	2/19/2004	T	Pauline & Louis Lieb - 60th Wedding Anniversary
H142-1486	Atkins	4/9/2004	T	Mary & Joseph Schroen - 55th Wedding Anniversary
H142-1487	Ewing	3/17/2004	T	Edith Vincent - Induction - Hall of Fame of Delaware Women
H142-1488	Wagner	3/21/2004	M	William Lloyd Spence, Jr.
H142-1489	Buckworth	3/23/2004	T	Mark A. Crouse
H142-1490	Carey	2/27/2004	T	Honorable Randy Holland - Adjunct Faculty Distinguished Service Award - Widener University
H142-1491	George & Valihura	3/29/2004	T	Honorable E. Norman Veasey - Retirement - Chief Justice

cosponsors: Reps. DiPinto, Hudson, Wagner & All Representatives

T - Tribute

M - Memoriam

Representative Smith brought the following prefiled **Consent Calendar #19** before the House for consideration.

Representative Smith requested that **SCR 30** be removed from **Consent Calendar #19**.

**SCR 30** – HENRY & REPRESENTATIVE SPENCE & SENATOR MARSHALL & SENATOR MCDOWELL & REPRESENTATIVE PLANT & SENATORS PETERSON & SOKOLA &

REPRESENTATIVES HOUGHTON, KEELEY & WILLIAMS – Urging Congress to Amend the Maritime Transportation Security Act of 2002 So that it is Applicable Only to Workers Who have been Convicted of Acts of Terrorism, Sabotage, or Espionage Against the United States.

Mr. Speaker Spence assigned **SCR 30** to the House Administration Committee.

**HR 67** – HOCKER & REPRESENTATIVES LEE, ATKINS, BOOTH, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, FALLON, HUDSON, LOFINK, QUILLEN, VALIHURA, GILLIGAN, HALL-LONG, HOUGHTON, MULROONEY, SCHWARTZKOPF & VANSANT – Urging Congress to Reject All Efforts to Withdraw From or Limit the Federal Government's Role in Our Nation's Beach Restoration Projects.

**HR 68** – ATKINS & REPRESENTATIVES BOOTH, BUCKWORTH, CAREY, CAULK, D. ENNIS, FALLON, HUDSON, OBERLE, QUILLEN, THORNBURG, ULBRICH, B. ENNIS, HALL-LONG, MULROONEY, SCHWARTZKOPF & WILLIAMS – Urging Manufactured Home Communities, Inc. to Modify Its Business Practices in Delaware, to Adopt Practices Consistent with Delaware Industry Standards, to Continue Its Pursuit of an Amicable Settlement with Residents of Its Communities in Delaware, to Grant Those Residents Reprieve from Eviction Proceedings and Other Landlord Remedies Provided Under the Law Until Such Time as an Amicable Settlement Can be Reached in the Matter, and to Remove Those Provisions from its Delaware Leases Which have been Found to be Unenforceable.

**HCR 51** – EWING & SENATOR HENRY ON BEHALF OF ALL REPRESENTATIVES & ON BEHALF OF ALL SENATORS – Proclaiming the Week of April 11 through April 17, 2004 as National Public Safety Telecommunications Week.

**HCR 52** – VALIHURA & SENATOR HENRY – Re-Establishing the Juvenile Justice Review Task Force.

**HCR 55** – GEORGE & REPRESENTATIVE THORNBURG & SENATOR HENRY – Declaring March 2004 American Red Cross Month.

**Consent Calendar #19** was adopted by voice vote and **HR 67** & **HR 68** were declared passed &

**HCR 51, HCR 52 & HCR 55** were sent to the Senate for concurrence.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:53 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:53 P.M.: Representatives D. Ennis, Oberle, Reynolds & Stone.

Mr. Acting Speaker Oberle called the House to order at 2:10 p.m. on April 1, 2004.

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

HOUSE ADMINISTRATION: **HB 362** - 5F; **HCR 44** - 3M,1U.

PUBLIC SAFETY: **HS 1/HB 22** - 7M; **HB 355** - 7M.

GAMING & PARIMUTUELS: **HB 298** - 6M.

NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: **HB 103** - 9M; **HB 326** - 7M.

APPROPRIATIONS: **HS 1/HB 338** - 1F,5M; **HB 116** - 6M; **SB 231** - 1F,5M.

JUDICIARY: **HB 358** - 5M.

EDUCATION: **HCR 50** - 2F,7M; **HB 357** - 2F,7M.

HOUSING & COMMUNITY AFFAIRS: **HB 347** - 7M.

REVENUE & FINANCE: **HB 356** - 6M.

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.

## **17th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session April 1, 2004**

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives Buckworth & Miro – 2.

A prayer was offered by Representative Pamela S. Maier, Twenty-First Representative District.

Mr. Acting Speaker led those present in the 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 366** - EWING & SENATOR ADAMS - HOUSE ADMINISTRATION - An Act to Amend Chapter 237, Volume 51, Entitled "An Act to Reincorporate the Town of Bridgeville" Relating to the Treasurer. (2/3 bill)

**HCR 57** - MAIER ON BEHALF OF ALL REPRESENTATIVES & SENATOR BLEVINS ON BEHALF OF ALL SENATORS - HEALTH & HUMAN DEVELOPMENT - Recognizing April as Child Abuse Prevention Month in Delaware

**HA 1 to HB 351** - WAGNER - Placed with the Bill.

**HA 1 to HJR 20** - HALL-LONG - Placed with the Bill.

Representative Quillen requested and was granted personal privilege of the floor to introduce a guest and to make an announcement. Representative Quillen, Mr. Acting Speaker & Representative Smith made comments. Representative Gilligan requested and was granted personal privilege of the floor to make comments. Representatives Ewing, Thornburg, Wagner, Mr. Acting Speaker, Representatives Carey, Ewing, B. Ennis, Caulk, D. Ennis & Atkins & Senator McBride made comments.

Representative Atkins requested and was granted personal privilege of the floor to introduce a guest. Representative Ulbrich requested that she be marked present. Representative Ulbrich made comments. Representative Hudson requested and was granted personal privilege of the floor to make an announcement. Representatives Gilligan, Hocker, Smith & Quillen made comments. Representative D. Ennis requested that he be marked present. Representative Maier requested and was granted personal privilege of the floor to introduce guests.

Representative Maier moved to suspend the rules which interfere with action on **HCR 57**. The motion was seconded by Representative Smith and adopted by voice vote.

Representative Maier brought **HCR 57**, sponsored on behalf of All Representatives & jointly sponsored by Senator Blevins on behalf of All Senators, before the House for consideration.

**HCR 57 - RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH IN DELAWARE**  
Representatives Wagner, Viola, Cathcart, Lavelle & Schwartzkopf requested that they be marked present.

Mr. Acting Speaker made comments.

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

Representative Smith deferred to Representative DiPinto.

Representative DiPinto introduced guests. Representative DiPinto requested and was granted privilege of the floor for Mr. Allen J. DeWalle, Chairman and CEO, AAA Mid-Atlantic. Representative Gilligan requested and was granted personal privilege of the floor to make comments. Representative Lofink made a comment. Representative Wagner requested and was granted personal privilege of the floor to introduce a guest. Representative Smith deferred to Representative George. Mr. Acting Speaker Oberle appointed Representative Roy as Acting Speaker. Representative George requested and was granted privilege of the floor for Margi Pruett, Chief Executive Officer, American Red Cross, Delaware Chapter. Representative Smith deferred to Representative Thornburg. Representative Thornburg requested and was granted privilege of the floor to make comments. Representatives Keeley, Gilligan & Ulbrich made comments. Representative George introduced a guest.

The Reading Clerk read the following communication into the record:

#### MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Gerald A. Buckworth  
State Representative  
34th District  
RE: Absence from Session  
DATE: April 1, 2004

Please be advised that it is necessary for me to be absent from session today due to a prior commitment. Thank you for your understanding.

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

LABOR: **HB 335** - 5M.

The Majority Leader moved to recess for caucus at 2:55 p.m.

The House reconvened at 4:45 p.m. with Representative Quillen as Acting Speaker.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SCR 33** and requests the concurrence of the House; **HB 319 w/SA 1, 2 & 3** & **HCR 57** and is returning same to the House; **SB 226, SCR 32 & SCR 31** and requests the concurrence of the House; **HCR 40, HCR 43, HCR 47, HCR 55, HCR 51 & HCR 54** and is returning same to the House.

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

PUBLIC SAFETY: **HB 349** - 1F,4M.

Mr. Acting Speaker assigned **HB 234, HB 356, HB 358 & HB 335** to the Appropriations Committee.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 326**, jointly sponsored by Representative Smith & Senator McDowell & cosponsored by Representatives Atkins, Carey, Hocker, Booth, Fallon, Thornburg & Ulbrich, before the House for consideration.

**HB 326 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE PROVIDING CERTAIN RESIDENT VETERANS OF THE ARMED FORCES WITH FREE HUNTING AND FISHING LICENSES AND FREE PASSES TO THE STATE'S PARKS FOR A YEAR.**

Representative Oberle made comments.

The roll call on **HB 326** was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, DiPinto, Miro & Williams - 4.

Therefore, having received a constitutional majority, **HB 326** was sent to the Senate for concurrence.

Representatives Boulden, Reynolds, Stone & Spence requested that they be marked present during

the roll call.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HS 1 for HB 22**, jointly sponsored by Senator Vaughn, before the House for consideration.

**HB 22 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD AND DRIVERS' LICENSES.**

Representative Wagner made comments.

The roll call on **HS 1 for HB 22** was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Miro, Smith & Williams - 4.

Therefore, having received a constitutional majority, **HS 1 for HB 22** was sent to the Senate for concurrence.

Representative Lee deferred to Representative Hall-Long.

Representative Hall-Long moved to suspend the rules which interfere with action on **HJR 20**. The motion was seconded by Representative B. Ennis and adopted by voice vote.

Representative Hall-Long brought **HJR 20**, jointly sponsored by Senator Blevins, before the House for consideration.

**HJR 20 - COMMENDING THE TASK FORCE ON CHRONIC ILLNESS, DISEASE MANAGEMENT AND PREVENTION AND EXTENDING THE DATE BY WHICH THE TASK FORCE IS TO ISSUE ITS FINAL REPORT.**

Representative Hall-Long made a comment.

Representative Hall-Long brought **HA 1 to HJR 20** before the House for consideration.

Representative Hall-Long made a comment. **HA 1** was adopted by voice vote.

Representative Hall-Long made comments.

The roll call on **HJR 20 w/HA 1** was taken and revealed:

YES: 37.

ABSENT: Representatives Buckworth, Cathcart, Miro & Williams - 4.

Therefore, having received a constitutional majority, **HJR 20 w/HA 1** was sent to the Senate for concurrence.

Representative Spence brought **HB 355**, jointly sponsored by Senator McBride & cosponsored by Representatives Atkins, Valihura, Lee, Reynolds, Lavelle, Wagner, Hocker, Ewing, Ulbrich, Thornburg, Schwartzkopf, VanSant, Cathcart, B. Ennis & D. Ennis & Senator Bunting, before the House for consideration.

**HB 355 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES FOR VIETNAM WAR VETERANS.**

Representative Spence made comments.

The roll call on **HB 355** was taken and revealed:

YES: 36.

ABSENT: Representatives Buckworth, Miro, Roy, Smith & Williams - 5.

Therefore, having received a constitutional majority, **HB 355** was sent to the Senate for concurrence.

Representative Lee deferred to Representative George.

Representative George moved to suspend the rules which interfere with action on **HJR 19**. The motion was properly seconded and adopted by voice vote.

Representative George brought **HJR 19**, jointly sponsored by Senator Sokola, before the House for consideration.

**HJR 19 - EXTENDING THE REPORTING DATE OF THE TASK FORCE EXAMINING EARLY CHILDHOOD EDUCATION PROGRAMS ESTABLISHED BY HOUSE JOINT RESOLUTION NO. 9, AS AMENDED.**

Representative George made comments.

The roll call on **HJR 19** was taken and revealed:

YES: 36.

ABSENT: Representatives Buckworth, Cathcart, Miro, Smith & Williams - 5.

Therefore, having received a constitutional majority, **HJR 19** was sent to the Senate for concurrence.



Representatives Stone, Spence, Ewing, B. Ennis, D. Ennis, Smith, Oberle, Stone & Keeley made comments. Representative Stone presented a gift to Representative Spence. Representatives Spence, Reynolds & Smith made comments.

Representative Lee deferred to Representative Thornburg.

Representative Thornburg introduced and brought **HR 69**, jointly sponsored by Representative Caulk, before the House for consideration.

**HR 69 - ESTABLISHING A TASK FORCE TO EVALUATE AND MAKE RECOMMENDATIONS ON REVISIONS TO ECOSYSTEMS AND WATERSHED STANDARDS FOR MIDDLE SCHOOLS.**

Representative Lee moved to place **HR 69** on the Speaker's Table. The motion was properly seconded and adopted by voice vote.

The Majority Whip moved to recess to the call of the Chair at 5:35 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:12 p.m. on April 6, 2004.

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

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

**APPROPRIATIONS: HB 358 - SF.**

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

Representative Miro made an announcement.

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

### **18th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session April 6, 2004**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Plant -1.

A prayer was offered by Representative David H. Ennis, Sixth Representative District.

The Girl Scouts of the Chesapeake Bay Council presented the colors.

Mr. Speaker Spence led those present in the pledge of allegiance to the American Flag.

The colors were retired.

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

The following prefiled legislation was introduced:

**HB 367 - OBERLE - APPROPRIATIONS - An Act to Amend Title 29 of the Delaware Code Relating to the General Fund.**

**HB 368 - BOOTH & SENATOR SIMPSON; REPRESENTATIVES BUCKWORTH, MAIER, REYNOLDS; SENATORS BUNTING, SOKOLA - EDUCATION - An Act to Amend Title 14 of the Delaware Code Pertaining to School Nurses.**

**HB 369 - VANSANT & SENATOR BLEVINS; REPRESENTATIVES ATKINS, BUCKWORTH, B. ENNIS, EWING, FALLON, HALL-LONG, LEE, MAIER, MULROONEY, PLANT, SCHWARTZKOPF, THORNBURG; SENATORS AMICK, HENRY, SORENSON, STILL - JUDICIARY - An Act to Amend Titles 11 and 16 of the Delaware Code Relating to Tongue Splitting. (2/3 bill)**

**HB 370 - BUCKWORTH & REPRESENTATIVE REYNOLDS & SENATOR SOKOLA; REPRESENTATIVES BOOTH, VIOLA; SENATOR SIMPSON - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Assistant Principal Unit.**

**HB 371 - EWING & SENATOR ADAMS - HOUSE ADMINISTRATION - An Act to Amend Chapter 237, Volume 51, Entitled "An Act to Reincorporate the Town of Bridgeville" Relating to the Power to Raise Revenue and the Ten Year Exemption for Plants and Businesses Brought Within the Boundaries of the Town by Reason of Future Extensions of the Town's Boundaries. (2/3 bill)**

**HB 374 - STONE & SENATOR BLEVINS - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to the Standard Nonforfeiture Law for Individual Deferred Annuities.**

**HA 1 to HB 357 - SMITH; REPRESENTATIVES CAREY, MAIER - Placed with the Bill.**

**HA 1 to HCR 44 - MAIER - Placed with the Bill.**

**SB 226 - VAUGHN & REPRESENTATIVE HALL-LONG - HOUSE ADMINISTRATION - An Act to Amend Volume 66, Chapter 291, Laws of Delaware, as Amended, the Charter of the Town of Clayton, Pertaining to the Duties of the Council Treasurer and Pertaining to Borrowing for Current Expenses. (2/3 bill)**

Representative Mulrooney requested that he be marked present.

Representative Smith deferred to Representative Maier.

Representative Smith requested and was granted privilege of the floor for Anna Shovestul representing the Girl Scouts of the Chesapeake Bay Council.

Representative Maier introduced and brought **HCR 49**, sponsored on behalf of All Representatives & jointly sponsored by Senator Blevins on behalf of All Senators, before the House for consideration.

**HCR 49 - DESIGNATING TUESDAY, APRIL 6, 2004 AS GIRL SCOUT LEGISLATIVE DAY IN THE STATE OF DELAWARE.**

**HCR 49** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith requested and was granted privilege of the floor for himself and Representative Buckworth to present House Tributes to Sandra Wilson-Hypes and Darrin Anderson representing the American Heart Association, Dian Thompson, citizen and the staff of F. Neil Postlethwait Middle School. Representative Wagner made comments. Representative B. Ennis requested that he be marked present. Representative B. Ennis requested and was granted personal privilege of the floor to make comments.

Representative Smith made comments.

Representatives Gilligan, Schwartzkopf & Valihura requested that they be marked present.

Representative Smith introduced guests.

Representative Smith requested and was granted privilege of the floor for Chief Justice E. Norman Veasey who delivered the State of the Judiciary Address.

Thank you very much, Mr. Speaker, President pro Tempore Adams, Lieutenant Governor Carney, Members of the 142nd Delaware General Assembly of the State of Delaware. I appreciate very much also the attendance of my judicial colleagues here today and many of my distinguished friends from around the State and former Governor Dale Wolf is here I see. Thank you, Governor, for being here. Friends too numerous to mention but Mr. Majority Leader thank you very much for acknowledging my wife's presence. That's one presence I would also like to acknowledge, putting up with me for 48 years and leading me and guiding me through the last twelve years as Chief Justice.

Well, it's a high honor for me to appear here in this Chamber to give my final State of the Judiciary Message. And in each of the prior eleven State of the Judiciary Messages I've had a theme that I've tried to develop for that particular message and this year, I have two themes: and one is the recognition and excellence of our trial courts and some thoughts for the future.

And, before I go there however, I would like to express my deep gratitude to the General Assembly and the Governor for your great support of the Delaware Judiciary over the past twelve years. And on a personal note, I'd like to thank the members of the House and the members of the Senate for honoring me with your very moving Tributes that were personally delivered to me by delegations from each of the Houses to the retirement dinner that was given for me last Monday, March the twenty-ninth. It was a great occasion and I was deeply honored and I was also honored that evening when the Governor graciously presented to me the "Order of the First State". For all of these singular honors, I am very grateful and I will cherish them forever.

The State of the Delaware Judiciary is excellent. As I leave office, I look back in retrospect and look forward prospectively over the landscape of our court system as a vital keystone of Delaware's government and its economy. First the look back.

A leader of any organization strives to make certain that the organization has not been harmed or diminished on that leader's watch. The leader hopes, moreover, that maybe the organization has been improved on that leader's watch. I believe the Delaware Judiciary has not been harmed or diminished in the past twelve years. And I hope that history will show over those 144 months that we were productive in performance improvements that have yet to be measured but can be measured.

I would measure the success of that history by the primary standard that's used by national judicial bodies such as the Conference of Chief Justices and the National Center for State Courts. And that standard is public trust and confidence. It is essential that the Judiciary, as a separate branch of government, must have that public trust and confidence. Otherwise, the promise of the rule of law that is vital to our civilization is an empty, unfulfilled promise.

There are no definitive or statistical criteria to measure public trust and confidence. In our annual reports and in our budget presentations to the Joint Finance Committee we quantify and set forth most urgently our needs in the context of what is realistic for the Judiciary to request. And what I would like to do today is give you a brief overview of some of the accomplishments and needs of our court that are most important to leave you with.

We all hear regularly and happily about the international recognition and preeminent reputation of the Delaware Judiciary. And in the retrospective, I'd like to try to demonstrate to you where to place that credit. And in terms of the prospective to look ahead—I will mention a few categories where the leadership of all three branches of government should consider focusing their priorities to affect public trust and confidence in the Judiciary.

Well, first in the Supreme Court and all of the Justices in Delaware enjoy a distinguished reputation of unquestioned integrity, competence and stability. And although the Supreme Court sets the tone and the

policy for the Judiciary, a court system is only as good as its trial bench. And as for the allocation of credit or the assessment of credit for the preeminent local, national and international reputation of our courts, I give that lion's share to our trial courts. The Court of Chancery, the Superior Court, the Family Court, Court of Common Pleas and the Justice of the Peace Court.

First, there is no doubt in the minds of business leaders inside and outside Delaware that the Court of Chancery is the crown jewel of our Delaware Judiciary. Proxy Statements of corporations seeking stockholder approval to move their state of incorporation to Delaware regularly praise all three branches of Delaware's government. And in focusing primarily on the Judiciary, they say, and I'll quote a short excerpt from one of them:

the Delaware Court of Chancery, which brings to its handling of complex corporate issues a level of experience, a speed of decision and a degree of sophistication and understanding unmatched by any other court in the country, and the Delaware Supreme Court, the only appeals court, which is highly regarded and currently consists primarily of former Vice Chancellors and corporate practitioners; ...

That's just one little quote from one of these proxy statements. Well, the views expressed in all these proxy statements have been and continue to be the overwhelming sentiment among managements, directors and institutional investors. The Delaware Court of Chancery is regarded by legal experts as *the* national court of first instance in resolving disputes in corporate America. That reputation and the reputation of all of our courts has tangible results for our State, contributing well over 20% of our annual revenue.

Well, this "verdict" if you will, of competence is likewise reflected in the appellate record of these courts before our Supreme Court. And this is true for all these courts where appeals go directly to the Delaware Supreme Court. There are three of those, Chancery, Superior and Family.

The overwhelming majority of decisions in the Family Court are never appealed. To some extent that reflects the economic pragmatism of a particular matter, but it also reflects the respect—even for the losing party—of the integrity and expertise of that Court. And where there are appeals, from the Delaware Court of Chancery to the Supreme Court, the data that I've had researched over the last 12 years show that over 83% of Chancery judgments are affirmed by our Court. And the General Assembly and the Governor have shown increasing confidence in that Court with the new law in technology disputes and the new mediation-only procedure.

We have competition, we have competition from other states but we also have competition from the Federal Government. The Federal Government has laws and has regulations that threaten us by intruding into the internal affairs of Delaware corporations. We can't do much about that but we must continue to supply swift and certain justice in all areas of the law to maintain the strength, integrity and competence of the Judicial Branch.

Next, the Superior Court. It's an extraordinary court of general jurisdiction. And like the Court of Chancery, it also enjoys a glittering national reputation. Indeed, we have celebrated again this year—for the third year in a row and, I think, Mr. Majority Speaker, you referred that the Delaware Court system is the Number One court system in the United States for liability systems by a poll of the United States Chamber of Commerce. That poll, conducted professionally among a cross section of 1,400 business lawyers by the Harris Interactive poll, ranked our courts first in the following categories: overall treatment of civil litigation, treatment of class actions, punitive damages, timeliness, discovery, scientific evidence, judges' impartiality, and judges' competence. And that poll showed also that an overwhelming 80% of those surveyed report that litigation environment in a state could affect important business decisions. And I think this bodes well for Delaware's economy.

Well, as you can see from these categories, the principal credit for the outstanding accomplishments of this number one rating belongs to the Superior Court. What is even more remarkable is that this Court maintains this superb civil case record while handling a full docket of serious criminal cases that are increasingly complex including a burden of a large number of death penalty proceedings.

In the Superior Court as well as in the Court of Chancery the affirmance rate by the Delaware Supreme Court is impressive over the past 12 years of my tenure. And those data show the following affirmance rate for the Superior Court: over 86% for civil cases, over 92% for non-capital crime cases and over 86% of capital cases.

Given the diverse and increasingly heavy workload of the undermanned, understaffed Superior Court over these twelve years, this very positive affirmance rate is a great tribute to that Court.

The third of the three courts where direct appeals go to the Delaware Supreme Court is the Family Court. That Court has extraordinarily wide and diverse jurisdiction. Their docket includes child custody, termination of parental rights, adoption, protection from abuse, divorce, alimony, marital property, crimes against children, juvenile delinquency and many related aspects of family law. I know of no other specialized family court in this country that has a broader portfolio of jurisdictional subject matter.

Moreover, this Court has instituted innovative procedures to improve its quality and effectiveness of delivering justice. This Court, along with the Court of Common Pleas and the Justice of the Peace Court, is the court that most of our citizens see. Yet our Family Court handles these stressful and ever growing (in numbers and complexity) caseload with skill and compassion. Family Court Judges who, like the other trial courts, are shorthanded and need more judges and resources, and they deserve great credit and thanks for the extraordinary work they do.

Like the Court of Chancery and the Superior Court, this Court also has a stellar record of success on review by the Delaware Supreme Court - affirmance rate of over 87% over this twelve year period. Again, a high tribute to that Court.

And although I have stressed the appellate records of these three courts where direct appeals go to the Supreme Court, I have equal praise for the Court of Common Pleas and the Justice of the Peace Court. These courts, as I said about the Family Court, are high volume court that people see, they're the "people's courts." And because they are high volume courts, they have to develop and have developed innovative techniques to provide swift, fair and equal justice to our citizens. They are experts at efficiency, whether it's the use of videoconferencing, expansion of Drug Courts, Truancy Court, or enhancing vitally needed collections of fines, assessments and restitutions.

All in all, we have the finest court system in the nation from the Justice of the Peace Court to the Supreme Court. And the important point is that we must keep our courts on top. All three branches of government must continue Delaware's cooperative and interdependent policy of providing the needed resources to help our courts, nourish the environment of administrative efficiency of the court system and avoid obstacles that adversely impact our courts.

Systemwide, over the past twelve years, we have seen many advances in the Delaware Judiciary. And that's part of a team effort, that's not just me, that's everybody working together. This has come about not only as a result of the teamwork of the judges, but also as a result of the foresight and assistance of a succession of seven General Assemblies and three Governors over my twelve year tenure. And I'll just mention a few of these very briefly.

Remember the Commission on Courts 2000? That was started in my first year as Chief Justice with a Joint Resolution of both the House and the Senate that supported major structural reforms in our court. And with the help of the General Assembly and three Governors, we've built modern courthouses in all three counties, including the New Castle County Courthouse where we just put an art exhibit up yesterday as part of our program. And our courts have become user-friendly.

We have modern, uniform and technological and other processes established through our Judiciary, including the COTS which has now proven to be effective.

New advances in electronic filing and high-tech litigation that is at the national cutting-edge.

Businesslike efficiency has been a top priority. You remember the Court Task Force that was chaired by the late Jim Gilliam, Jr.

Inter-branch cooperation has been advanced through these State of the Judiciary Messages, annual invitations to members of the General Assembly and others to come visit our courts and through a Three-Branch Personnel System Reform Task Force that I'll talk about at the end.

Task forces and committees on Racial and Ethnic and Gender Fairness have been established. Administrative Directives against any bias in the court systems.

Delivery of Criminal Justice Policy which is speedy trials and many other advances in our Court are being implemented.

But one of the things that maybe not everybody sees is our judges are ambassadors. Our judges go out all over the country to speak about ethics and corporate governance and matters that are important to Delaware. So we have a long list, I have a list in the written version, of twenty-five additional things I'm not gonna bore you with right now that have been done in various categories of uniform systems that we have that this team has established.

Let me give you a little look ahead and then I'll sit down.

As we all know, no organization of national importance can afford to remain static, only tweaking its systems and improving at the margins. And Delaware Judiciary is no exception. We cannot be static.

The greatest asset, and I say this all over the country, of the State of Delaware in this competitive environment that I mentioned earlier is the spirit of cooperation among all three branches of our government. Together we can stay on the cutting edge by improving. And I would like to mention a few ways.

One, with respect to providing resources to help our Judiciary maintain its excellence, I have already presented to the Joint Finance Committee operating budget requests and we will likewise be presenting capital budget requests to the Bond Bill Committee.

Those requests include vital needs for modest resources for our existing judicial officers. And in addition, we have put before the Joint Finance Committee a comprehensive documented case for additional judgeships in several courts.

The continuation of our proven COTS case management system and courthouse improvements in all three counties are on the table and will be before the Bond Committee.

In terms of overall priorities for the State of Delaware, there is a need, in my view and I mentioned this in my State of the Judiciary Message to you last year, to continue to look at the overall criminal justice policy, much of which impacts our courts.

We start with the reality that many pieces of legislation in the criminal justice area have an impact, have a cost and those costs are there and they need to be recognized and you are recognizing them.

There are violent offenders who must be incarcerated and there are nonviolent offenders serving mandatory minimum sentences in our prisons. The mandatory minimums impact costs and courts and I applaud the General Assembly, as well as the Department of Correction and the Speedy Trial Committee of the Judiciary and SENTAC for stepping up to the plate and bringing focus and some action to the problem. Legislation passed last year and legislation before you this year are significant.

Last year I mentioned in this address the American Bar Association "Blueprint for Cost-Effective Pretrial, Detention, Sentencing and Corrections Systems." That resolution which was 107 at the American Bar Association is a comprehensive one, and I gave you a complete list of what they were doing.

But now you have before you in this session House Bill No. 358. I think it was mentioned earlier today that would create a special commission on criminal justice. According to that bill, it would undertake a comprehensive review of Delaware's charging decisions, pre-trial detention, plea bargaining, sentencing, correctional systems, rehabilitation, programming, offender re-entry mechanisms, services, programming available in the community, and further, to identify modifications that can be made in those systems to improve their cost-effectiveness, in conformance with justice, public safety and constitutional requirements. And you can see that cuts across the board because what we have to be responsible for is not only efficiency in the court but providing indigent services. That is a very important thing. My wife and I just got back from Seattle, picked up the Sunday paper and, reading it on the plane that said their indigent system is failed. Their public defender system is failed. Their lawyer system is failed. Why? Because they don't have the money and they haven't had the resources and they haven't had the cooperation that you all have provided to us.

I think the concept in House Bill Number 358 that has wide sponsorship in both Houses is a concept that is a good one and I think it's consistent with the idea of the study I suggested last year. I hope you will favorably consider that bill.

In terms of general reform, there are two other things that I would like to briefly mention. One is the Personnel System. In the Judicial Branch alone, for example, there are two personnel systems. Some courts have a State Merit System, other courts have the Judicial Branch Personnel System. Over two years ago a Three-Branch Task Force was created jointly by the Governor, the Speaker of the House, the President Pro Tem of the Senate and the Chief Justice. We all signed this Memorandum of Understanding and the purpose of that Task Force is to rationalize and reform the current State compensation and benefit structure. I would respectfully urge that the Task Force work move forward.

Second, I'd like to mention again the Court Resources Task Force that had been chaired by Jim Gilliam. The Final Report was given to us in 2002. I think you have copies. That Report recommended a number of things that have already been implemented for businesslike efficiency in the Judicial Branch. And in addition to the recommendations that have been implemented, there's one that's in the process of implementation and that's the creation of a Permanent Advisory Committee on Administrative Efficiency of business and legal experts. And you can see all of this in our administrative directives that are on our website. Well, that permanent committee is hard at work to coordinate and make more effective the various administrative functions that are distributed throughout the Judicial Branch. That committee is expected to make important recommendations in the future. And some of those can be accomplished under the Constitutional authority of the Chief Justice. But others may require legislation and I am certain you will be hearing more from this committee and the next Chief Justice.

Let me say in conclusion it has been a high honor for me to serve this State as Chief Justice for this past twelve years. It has likewise been an honor and a pleasure to work with all of you and your predecessors and I shall be interested in seeing the continuing progress of the Judiciary under the next Chief

Justice who will—I am certain—have the support of this body, future General Assemblies, this Governor and future Governors.

So, I want to thank you very much for all your help and support. And thank you particularly for the privilege of addressing you today.

Mr. Speaker Spence made comments and presented a gift to Chief Justice E. Norman Veasey.

Representative D. Ennis made comments.

Mr. Speaker Spence introduced a guest.

Representative Hudson introduced and brought **HCR 56**, jointly sponsored by Representative Wagner & Senator Copeland & Senator Adams & Representatives Valihura & George & Senator Amick, before the House for consideration.

**HCR 56** - BIDDING A FOND FAREWELL TO CHIEF JUSTICE E. NORMAN VEASEY AS HIS TERM AS CHIEF JUSTICE OF THE DELAWARE SUPREME COURT EXPIRES ON APRIL 7, 2004.

Representative Hudson made comments.

**HCR 56** was adopted by voice vote and was sent to the Senate for concurrence.

Representatives George, Valihura & Wagner made comments. Representative D. Ennis made an announcement.

Representative Miro requested and was granted privilege of the floor to introduce guests.

Representative Cathcart requested that he be marked present. Representative Smith introduced a guest.

Representative Smith deferred to Representative Wagner. Representative Williams requested that he be marked present. Representative Wagner requested and was granted privilege of the floor to present a House Tribute to Eric S. Parker, reporter, WBOC television station. Representative Boulden requested that he be marked present.

The Majority Leader moved to recess for caucus at 3:22 p.m.

Representative Oberle requested that he be marked present.

The House reconvened at 4:55 p.m. with Representative Oberle as Acting Speaker.

The Reading Clerk read the following communication into the record:

Memorandum

TO: Rep. Terry R. Spence

Speaker of the House

FROM: Rep. Hazel D. Plant

DATE: April 6, 2004

RE: Absence from Session

I will be unable to attend session on the following days this week because of a personal issue:

- Tuesday, April 6th
- Wednesday, April 7th
- Thursday, April 8th

Thank you for your consideration of this matter.

The Senate wishes to inform the House that it has passed **HCR 49 & HCR 56** and is returning same to the House; **SB 238** and requests the concurrence of the House.

Mr. Acting Speaker assigned **SS 1 for SB 72** to the House Administration Committee.

Representative Smith deferred to Representative Spence.

Representative Spence brought **HB 353**, jointly sponsored by Senator Vaughn, before the House for consideration.

**HB 353** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO HOME RULE.

Representative Spence brought **HA 1 to HB 353** before the House for consideration. Representative Spence made a comment. **HA 1** was adopted by voice vote. Representatives Spence & George made comments. Mr. Acting Speaker granted privilege of the floor to Ron Smith, House Attorney. Representative George, Mr. Acting Speaker, Representatives Spence, Boulden & Ulbrich made comments. Representative Spence requested and was granted privilege of the floor for Robert E. Donovan, Sergeant, Wilmington Department of Police and President, Fraternal Order of Police Lodge #1. Representatives Ulbrich, Valihura, Hudson, Spence, Valihura, Gilligan, Miro, DiPinto, Spence & Keeley made comments.

Representative Williams announced that he will not be voting on **HB 353** because of a possible conflict of interest.

The roll call on **HB 353 w/HA 1** was taken and revealed:

YES: 28.

NO: Representatives Booth, Keeley & Valihura - 3.

NOT VOTING: Representatives George, Hall-Long, Houghton, Hudson, Roy, Stone, Viola & Williams - 8.

ABSENT: Representatives Plant & Thornburg - 2.

Therefore, having received a constitutional majority, **HB 353 w/HA 1** was sent to the Senate for concurrence.

Representatives Lavelle, Reynolds & Stone requested that they be marked present during the roll call.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto brought **SB 231**, jointly sponsored by Senator Cook & Senators Bunting, Henry, Vaughn, Amick & Cloutier & Representatives Buckworth, D. Ennis, Fallon, Houghton & Williams, before the House for consideration.

**SB 231 - AN ACT CREATING A PUBLIC EDUCATION CLASSROOM INSTRUCTION FUND AND APPROPRIATING NINE MILLION DOLLARS FROM THE FEDERAL FISCAL RELIEF FUND FOR SUCH PURPOSES. (F/N)**

Representative DiPinto made comments.

The roll call on **SB 231** was taken and revealed:

YES: 39.

ABSENT: Representatives Plant & Thornburg - 2.

Therefore, having received a constitutional majority, **SB 231** was returned to the Senate.

Mr. Speaker Spence resumed the Chair.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **SB 201**, jointly sponsored by Senators Cook, Adams & Vaughn & Representative Quillen, before the House for consideration.

**SB 201 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE LOTTERY. (F/N)**

Representative Oberle made comments.

The roll call on **SB 201** was taken and revealed:

YES: 39.

ABSENT: Representatives Plant & Thornburg - 2.

Therefore, having received a constitutional majority, **SB 201** was returned to the Senate.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 357**, jointly sponsored by Representative Oberle & Representative Hudson & Representative Ulbrich & Senator Sokola & Senator Peterson & Senator Simpson & Representatives Atkins, Booth, Buckworth, Carey, Cathcart, B. Ennis, Ewing, Fallon, Houghton, Keeley, Lofink, Mulrooney, Plant, Reynolds, Spence, Stone, Thornburg, VanSant, Viola & Wagner & Senators Blevins, Bonini & Copeland, before the House for consideration.

**HB 357 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE STATE HIGH SCHOOL DIPLOMA REQUIREMENTS.**

Representative Maier deferred to Representative Smith. Representatives Smith, Maier & Hudson made comments.

Representative Smith brought **HA 1 to HB 357**, jointly sponsored by Representatives Carey & Maier, before the House for consideration. Representative Gilligan made comments. **HA 1** was adopted by voice vote.

The roll call on **HB 357 w/HA 1** was taken and revealed:

YES: 35.

NOT VOTING: Representatives Lavelle, Roy & Valihura - 3.

ABSENT: Representatives Plant, Thornburg & Williams - 3.

Therefore, having received a constitutional majority, **HB 357 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HCR 50**, jointly sponsored by Representative Oberle & Representative Ulbrich & Senator Sokola & Senator Peterson & Senator Simpson & Representatives Atkins, Booth, Buckworth, Carey, Cathcart, B. Ennis, Ewing, Fallon, Hall-Long, Keeley, Lavelle, Lofink, Reynolds, Schwartzkopf, Spence, Stone, Thornburg, VanSant & Viola & Senators Bonini, Connor, Copeland & Sorenson, before the House for consideration.

**HCR 50 - ESTABLISHING THE DELAWARE EDUCATION REFORM TASK FORCE TO REVIEW THE DELAWARE STUDENT TESTING PROGRAM AND THE THREE TIERED HIGH SCHOOL DIPLOMA PROGRAM SCHEDULED TO BE IMPLEMENTED BEGINNING WITH STUDENTS GRADUATING IN 2004 AND TO INVESTIGATE AND REPORT ON THE POTENTIAL IMPACT OF CHANGING EITHER OR BOTH PROGRAMS FOR THE PURPOSES OF REFINING AND IMPROVING THEM.**

Representative Maier introduced guests.

**HCR 50** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto moved to suspend the rules which interfere with introduction of and action on **SB 250**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative DiPinto introduced and brought **SB 250**, jointly sponsored by All Representatives and jointly sponsored by Senator Cook & All Senators, before the House for consideration.

**SB 250 - AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS TO PROVIDE FOR A ONE-TIME SALARY SUPPLEMENT FOR STATE EMPLOYEES FOR THE FISCAL YEAR ENDING JUNE 30, 2004. (F/N)**

Representatives DiPinto, Gilligan, Mr. Speaker Spence, Representatives DiPinto & Caulk made comments.

The roll call on **SB 250** was taken and revealed:

YES: 39.

ABSENT: Representatives Plant & Thornburg - 2.

Therefore, having received a constitutional majority, **SB 250** was returned to the Senate.

Representative Smith deferred to Representative Roy.

Representative Roy introduced **HS 1 for HCR 46**, jointly sponsored by Senator McDowell & Representatives DiPinto, Hudson, Miro & Keeley.

**HCR 46 - URGING THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO STRENGTHEN TRADE RELATIONS WITH TAIWAN BY A FREE TRADE AGREEMENT AND TO SUPPORT THE PARTICIPATION OF TAIWAN IN THE UNITED NATIONS AND THE WORLD HEALTH ORGANIZATION.**

Mr. Speaker Spence assigned **HS 1 for HCR 46** to the Business/Corporations/Commerce Committee. Representative Gilligan requested that **HB 298** be stricken.

The Majority Whip moved to recess to the call of the Chair at 6:06 pm

Mr. Speaker Spence called the House to order at 2:06 p.m. on April 7, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 250** and requests the concurrence of the House; **HJR 23, HS 1 for HB 324** and is returning same to the House.

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.

### **19th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session**

**April 7, 2004**

The Chief Clerk called the roll:

Members Present: 36.

Member Absent: Representatives Boulden, Lavelle, Lofink, Plant & Viola – 5.

A prayer was offered by Representative Deborah D. Hudson, Twelfth Representative District.

Mr. Speaker Spence led those present in the 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 372 - BOOTH & SENATOR VENABLES; REPRESENTATIVES SMITH, ATKINS, BUCKWORTH, CAREY, CATHCART, CAULK, EWING, FALLON, HOCKER, LOFINK, MIRO, OBERLE, STONE, THORNBURG, VALIHURA, GEORGE, PLANT, SCHWARTZKOPF; SENATORS COPELAND, SIMPSON - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 29 of the Delaware Code Relating to Health Care Insurance.**

**HB 373 - MAIER & SENATOR BLEVINS & REPRESENTATIVE VALIHURA; REPRESENTATIVES B. ENNIS, HUDSON, STONE, ULBRICH, VANSANT; SENATORS HENRY, SOKOLA, SORENSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Nursing Facilities and Similar Facilities and Home-based and Community-based Services.**

**HB 375 - ROY; REPRESENTATIVES HUDSON, MIRO, GILLIGAN, VANSANT, B. ENNIS; SENATORS BLEVINS, SOKOLA, BONINI - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Crimes and Criminal Procedure.**

**HB 376 - WAGNER & REPRESENTATIVE STONE & SENATOR HENRY; REPRESENTATIVES LEE, BUCKWORTH, CAREY, D. ENNIS, EWING, THORNBURG, PLANT - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Arrest and Commitment.**

**HA 2 to HB 330 - HALL-LONG - Placed with the Bill.**

**HA 1 to HR 69 - THORNBURG & REPRESENTATIVE CAULK - Placed with the Bill.**

**SB 238 - VAUGHN & REPRESENTATIVE SPENCE - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Homicide Offenses.**

**SCR 32 - HENRY & REPRESENTATIVE LAVELLE; SENATORS BLEVINS, BUNTING, CLOUTIER, COOK, MARSHALL, MCBRIDE, MCDOWELL, PETERSON, SIMPSON, SOKOLA; REPRESENTATIVES B. ENNIS, PLANT, WILLIAMS, OBERLE, GILLIGAN, SPENCE, KEELEY, HOUGHTON, GEORGE, MAIER, LOFINK, SCHWARTZKOPF & VIOLA - BUSINESS/ CORPORATIONS /COMMERCE - To Urge the Delaware Congressional Delegation to Oppose the Discharge of Treated Nerve Agent VX (Hydrolysate) Into the Delaware River.**

Representative Smith brought the following prefiled **Consent Calendar #20** before the House for consideration.



**HR 70** – LOFINK – Recognizing St. Edmond's Academy for their Successful 2003-2004 Basketball Season and for Winning the 2004 Mid-Atlantic Regional Catholic Youth Ministry (CYM) Basketball Championship.

**HCR 58** – BOOTH & SENATOR SIMPSON; REPRESENTATIVES HOCKER & STONE & SENATORS BUNTING, SOKOLA & AMICK – A Resolution Establishing a Task Force to Determine the Need of Establishing a Board or Commission for the Registration, Licensing, and Administration of Consumer and Commercial Home Inspections Within the State.

**SCR 31** – STILL; REPRESENTATIVES STONE & WAGNER – Declaring August 19, 2004, as Frank E. Schoonover Day in Delaware.

**SCR 33** – CONNOR ON BEHALF OF ALL SENATORS & REPRESENTATIVE SPENCE ON BEHALF OF ALL REPRESENTATIVES – Proclaiming the Week of April 18 through April 24, 2004, as Administrative Professionals Week.

**Consent Calendar #20** was adopted by voice vote and **HR 70** was declared passed and **HCR 58** was sent to the Senate for concurrence and **SCR 31** & **SCR 33** were returned to the Senate.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Spence requested and was granted privilege of the floor to present a House Tribute to Hugo S. Antonelli, World War II veteran. Representative Spence introduced guests. Representative Smith & Mr. Acting Speaker made comments.

Representatives Oberle, Wagner & Keeley requested that they be marked present.

Representative Spence introduced guests. Representative Hudson made an announcement.

Representative B. Ennis introduced guests.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:19 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:19 p.m.: Representatives Cathcart, D. Ennis, Hocker, Houghton, Maier, Miro, Reynolds, Schwartzkopf, Ulbrich & Valihura.

Mr. Acting Speaker Quillen called the House to order at 2:10 p.m. on April 8, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 56 w/SA 1** & **SB 233** and requests the concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Steve Amick, do hereby request that my name be removed as cosponsor of **HB 339**.

Date: April 7, 2004

Signed: Steven H. Amick

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

ECONOMIC DEVELOPMENT, BANKING & INSURANCE: **HB 374** – 6M.

PUBLIC SAFETY: **HB 361** - 6M; **HB 365** - 1F,5M.

HOUSING & COMMUNITY AFFAIRS: **HB 341** - 5M; **HB 340** - 5M.

JUDICIARY: **SB 223 w/SA 1** - 5M.

HOUSE ADMINISTRATION: **HB 366** - 3M; **SB 183** - 3M.

BUSINESS/CORPORATIONS/COMMERCE: **HB 352** - 2F,6M; **SCR 32** - 6M; **HS 1 for HCR 46** - 3F,4M.

APPROPRIATIONS: **HB 356** - 1F,4M.

Representative Wagner requested and was granted personal privilege of the floor to introduce guests.

Representatives Hocker, Maier, Boulden, Viola & Valihura requested that they be marked present for the current Legislative Day.

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.

#### **20th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session April 8, 2004**

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives Gilligan & Plant -2.

A prayer was offered by Representative Timothy U. Boulden, Twenty-Third Representative District.

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

The following prefiled legislation was introduced:

**HB 377** - MAIER & SENATOR BLEVINS; REPRESENTATIVES B. ENNIS, FALLON, MIRO, VALIHURA, WAGNER, HALL-LONG, MULROONEY; SENATORS HENRY, MCBRIDE, PETERSON, CONNOR - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to the Construction and Inspection of a Crematory.

**HB 378** - MAIER & SENATOR BLEVINS; REPRESENTATIVES SPENCE, DIPINTO, D. ENNIS, FALLON, HUDSON, STONE, VALIHURA, WAGNER; SENATORS HENRY, PETERSON, CONNOR - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 29 of the Delaware Code Relating to the Governor's Council on Volunteer Services.

**HB 379** - MIRO & SENATOR SOKOLA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Communication Devices in School Buses.

**HB 380** - WAGNER & SENATOR HENRY; REPRESENTATIVES MAIER, MIRO - TRANSPORTATION - An Act to Amend Title 17 of the Delaware Code Related to General Provisions.

**HB 381** - QUILLEN & SENATOR STILL; REPRESENTATIVES BUCKWORTH, WAGNER, STONE - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9 of the Delaware Code Relating to Kent County Sewer Districts.

**HB 382** - REYNOLDS & REPRESENTATIVE LEE & SENATOR BUNTING - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses. (2/3 bill)

**SB 56 w/SA 1** - HENRY & REPRESENTATIVE HUDSON; SENATORS BLEVINS, MARSHALL, PETERSON, AMICK, BONINI, CLOUTIER, SORENSON; REPRESENTATIVES KEELEY - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Driving Privileges for Persons Convicted of Drug Offenses.

**SB 233** - CONNOR & SENATOR AMICK & REPRESENTATIVE REYNOLDS; SENATORS BLEVINS, CLOUTIER, COPELAND, HENRY, MARSHALL, MCBRIDE, PETERSON, SIMPSON, SORENSON, STILL; REPRESENTATIVES BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, B. ENNIS, GEORGE, HALL-LONG, VALIHURA, WAGNER - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Reencoder and Scanning Devices.

Representative Maier introduced guests.

Representative Smith deferred to Representative Roy.

Representative Roy requested that action on **HS 1 for HB 338** be Deferred to a Day Certain, Thursday, May 6, 2004.

The Reading Clerk read the following communications into the record:

Memorandum

TO: Rep. Terry R. Spence  
Speaker of the House  
FROM: Rep. Robert F. Gilligan  
House Minority Leader  
DATE: April 8, 2004  
RE: Absence from Session

I will be unable to attend session today due to personal reasons. Thank you for your consideration of this matter.

April 8, 2004

#### LEGISLATIVE ADVISORY #19

Governor Ruth Ann Minner signed the following legislation on the date indicated: 3/25/04 - **SB 215 & HJR 21**; 3/30/04 - **SB 119 aab SA 1, SB 142, HB 272, HJR 18 & HJR 22**; 4/6/04 - **SB 163, SB 171, SB 191 aab HA 2, SB 203 aab SA 1, SB 250, HB 304, HS 1 to HB 324 & HJR 23**.

Representative Smith deferred to Representative Hocker.

Representative Hocker introduced **HB 384**, jointly sponsored by Representative Booth & Senator Bunting & Representatives Spence, Smith, Lee, Gilligan, VanSant, Atkins, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, B. Ennis, Hall-Long, Houghton, Mulrooney, Schwartzkopf & Williams & Senators Still, Cloutier, Copeland & Simpson.

**HB 384** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAXES.

Mr. Acting Speaker assigned **HB 384** to the Revenue & Finance Committee.

Representative D. Ennis requested that he be marked present.

Representative D. Ennis requested and was granted personal privilege of the floor to make comments.

Representative Booth requested and was granted personal privilege of the floor to introduce a guest. Representative Atkins made comments.

The Majority Leader moved to recess for caucus at 2:25 p.m.

The House reconvened at 3:35 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 234 w/SA 1 & 3 & SB 229 w/SA 1** and requests the concurrence of the House.

Representative Smith deferred to Representative Miro.

Representative Miro introduced and brought **HCR 60**, sponsored on behalf of All Representatives & jointly sponsored by Senator Sokola on behalf of All Senators, before the House for consideration.

**HCR 60** - RECOGNIZING THE WEEK OF APRIL 19-23 AS SCHOOL BUILDING WEEK AND APRIL 23, 2004 AS SCHOOL BUILDING DAY.

Representative Miro made comments.

**HCR 60** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lavelle.

Representative Lavelle brought **SCR 32**, jointly sponsored by Senator Henry & Senators Blevins, Bunting, Cloutier, Cook, Marshall, McBride, McDowell, Peterson, Simpson & Sokola & Representatives B. Ennis, Plant, Williams, Oberle, Gilligan, Spence, Keeley, Houghton, George, Maier, Lofink, Schwartzkopf & Viola, before the House for consideration.

**SCR 32** - TO URGE THE DELAWARE CONGRESSIONAL DELEGATION TO OPPOSE THE DISCHARGE OF TREATED NERVE AGENT VX (HYDROLYSATE) INTO THE DELAWARE RIVER.

Representative Lavelle made comments. Representatives George, Lavelle & Oberle requested that they be marked present. **SCR 32** was adopted by voice vote and was returned to the Senate.

Representative Smith brought **HB 319 w/SA 1, 2 & 3**, jointly sponsored by Senator Vaughn & Representative Spence & All Representatives & Senators Amick, Cloutier & Connor, before the House for concurrence on **SA 1, 2 & 3**.

**HB 319** - AN ACT TO AMEND TITLE 11, OF THE DELAWARE CODE RELATING TO THE STATE BUREAU OF IDENTIFICATION AND THE PUBLIC RELEASE OF POLICE, PROBATION, AND PAROLE OFFICER NAMES AND IDENTIFICATION NUMBERS.

Representative Smith made a comment.

The roll call on **HB 319 w/SA 1, 2 & 3** was taken and revealed:

YES: 36.

ABSENT: Representatives Cathcart, D. Ennis, Gilligan, Plant & Roy - 5.

Therefore, having received a constitutional majority, **HB 319 w/SA 1, 2 & 3** was sent to the Governor.

Representatives Reynolds, Ulbrich & Williams requested that they be marked present during the roll call.

Representative Smith deferred to Representative Hall-Long.

Representative Hall-Long brought **HB 330**, jointly sponsored by Senator Vaughn, before the House for consideration.

**HB 330** - AN ACT TO REINCORPORATE THE TOWN OF TOWNSEND. (2/3 bill)

Representative Hall-Long brought **HA 1 to HB 330** before the House for consideration.

Representative Hall-Long made comments. **HA 1** was adopted by voice vote. Representative Hall-Long brought **HA 2 to HB 330** before the House for consideration. Representative Hall-Long made comments. **HA 2** was adopted by voice vote. Representatives Hall-Long & DiPinto made comments.

The roll call on **HB 330 w/HA 1 & 2** was taken and revealed:

YES: 36.

ABSENT: Representatives Cathcart, D. Ennis, Gilligan, Plant & Roy - 5.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 330 w/HA 1 & 2** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Spence.

Representative Spence requested and was granted privilege of the floor to present a House Tribute to Joseph P. Farley. Representative Oberle made comments.

Representative Smith brought **HB 362**, jointly sponsored by Senator Bunting, before the House for consideration.

**HB 362** - AN ACT AMENDING TITLE 27 OF THE DELAWARE CODE RELATING TO THE ELECTION OF TRUSTEES OF RELIGIOUS SOCIETIES AND CORPORATIONS.

Representative Smith made comments.

The roll call on **HB 362** was taken and revealed:

YES: 37.

ABSENT: Representatives Cathcart, Gilligan, Plant & Roy - 4.

Therefore, having received a constitutional majority, **HB 362** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Lofink. Representative Lofink introduced a guest.

Representative Smith deferred to Representative B. Ennis. Representative B. Ennis requested and was granted personal privilege of the floor to introduce guests. Representative Valihura made a comment.

Representative Smith deferred to Representative Lee.

Representative Lee introduced and brought **HCR 59**, sponsored on behalf of All Representatives & jointly sponsored by Senator Venables on behalf of All Senators, before the House for consideration.

**HCR 59** - COMMENDING ALL THE PARTICIPANTS OF THE DELMARVA POULTRY INDUSTRY, INC.'S EMERGENCY POULTRY DISEASE TASK FORCE FOR THEIR PROFESSIONAL, COORDINATED RESPONSE TO THE RECENT OUTBREAK OF AVIAN INFLUENZA IN THE FIRST STATE.

Representatives Lee, Carey, B. Ennis & Thornburg made comments.

**HCR 59** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Spence.

Representative Spence brought **HB 358**, jointly sponsored by Senator Adams & Representatives Lee, Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich,

Valihura, Wagner, Gilligan, VanSant, B. Ennis, George, Hall-Long, Houghton, Keeley, Plant, Schwartzkopf, Viola & Williams & Senators McDowell, Still & Sorenson, before the House for consideration.

**HB 358** - AN ACT TO AMEND TITLE 11 RELATING TO THE ESTABLISHMENT OF A SPECIAL COMMISSION ON CRIMINAL JUSTICE. (F/N)

Representative Spence made comments. Representative Spence deferred to Representative Smith. Representative Smith brought **HA 1 to HB 358** before the House for consideration. Representative Smith made comments. **HA 1** was adopted by voice vote. Representative Spence made comments.

The roll call on **HB 358 w/HA 1** was taken and revealed:

YES: 37.

ABSENT: Representatives Cathcart, Gilligan, Plant & Roy - 4.

Therefore, having received a constitutional majority, **HB 358 w/HA 1** was sent to the Senate for concurrence.

Representative Smith made an announcement.

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 341**, jointly sponsored by Senator Peterson & Representatives Hudson & Oberle & Senator Amick, before the House for consideration.

**HB 341** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO PUBLIC HEALTH AND WELFARE.

Representative Miro made comments.

The roll call on **HB 341** was taken and revealed:

YES: 37.

ABSENT: Representatives Cathcart, Gilligan, Plant & Roy - 4.

Therefore, having received a constitutional majority, **HB 341** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 361**, jointly sponsored by Senator Henry & Representatives Spence, Buckworth, Thornburg, Plant & Schwartzkopf, before the House for consideration.

**HB 361** - AN ACT TO AMEND TITLES 7 AND 21 OF THE DELAWARE CODE RELATING TO PARKING.

Representative Wagner made a comment.

The roll call on **HB 361** was taken and revealed:

YES: 37.

ABSENT: Representatives Cathcart, Gilligan, Plant & Roy - 4.

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

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **SB 223 w/SA 1**, jointly sponsored by Senators Vaughn & Henry, before the House for consideration.

**SB 223** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE RELATING TO THE ACCOUNTING AND DISTRIBUTION OF A DECEDENT'S PROPERTY.

Representative Wagner made comments.

The roll call on **SB 223 w/SA 1** was taken and revealed:

YES: 37.

ABSENT: Representatives Cathcart, Gilligan, Plant & Roy - 4.

Therefore, having received a constitutional majority, **SB 223 w/SA 1** was returned to the Senate.

Representative Lee brought **HB 356**, jointly sponsored by Representative B. Ennis & Senator Bunting & Senator Connor & Representatives Booth, Boulden, Buckworth, Carey, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lofink, Reynolds, Thornburg, Ulbrich, Valihura, VanSant, George, Hall-Long, Houghton, Keeley, Mulrooney, Schwartzkopf & Viola & Senators Adams, Cook, Vaughn, Venables, Still, Sorenson, Amick, Bonini & Simpson, before the House for consideration.

**HB 356** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX. (F/N)

Representative Lee made comments.

The roll call on **HB 356** was taken and revealed:

YES: 37.

ABSENT: Representatives Cathcart, Gilligan, Plant & Roy - 4.

Therefore, having received a constitutional majority, **HB 356** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Thornburg.

Representative Thornburg moved to suspend the rules which interfere with lifting **HR 69** from the Speaker's Table. The motion was properly and adopted by voice vote.

Representative Thornburg brought **HR 69**, jointly sponsored by Representative Caulk, before the House for consideration.

**HR 69** - ESTABLISHING A TASK FORCE TO EVALUATE AND MAKE RECOMMENDATIONS ON REVISIONS TO ECOSYSTEMS AND WATERSHED STANDARDS FOR MIDDLE SCHOOLS.

Representative Thornburg brought **HA 1 to HR 69**, jointly sponsored by Representative Caulk, before the House for consideration. Representative Thornburg made comments. **HA 1** was adopted by voice vote.

Representative Thornburg made comments.

**HR 69 w/HA 1** was adopted by voice vote.

Representative Smith brought **HB 175 w/SA 1**, sponsored by Representative Maier & Senator Blevins, before the House for concurrence on **SA 1**.

**HB 175** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO DNA ANALYSIS AND DATA BANK.

Representatives Smith, Oberle & VanSant made comments.

The roll call on **HB 175 w/SA 1** was taken and revealed:

YES: 37.

ABSENT: Representatives Cathcart, Gilligan, Plant & Roy - 4.

Therefore, having received a constitutional majority, **HB 175 w/SA 1** was sent to the Governor.

Representative Smith requested and was granted personal privilege of the floor to make comments.

Representatives Stone, Oberle & Hall-Long made comments. The House observed a moment of silence in memory of Anthony Roberts at the request of Representative Hall-Long. The House observed a moment of silence in memory of all of our military who have been lost in wars at the request of Representative Spence. Representative Hudson requested and was granted personal privilege of the floor to make comments.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich introduced **HB 383**, jointly sponsored by Senator Sokola.

**HB 383** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE SCHOOL DISTRICT ENROLLMENT CHOICE PROGRAM.

Mr. Acting Speaker assigned **HB 383** to the Education Committee.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth introduced **HB 387**, jointly sponsored by Senator McBride & Representative Hudson & Senator Still & Representative Ewing.

**HB 387** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES.

Mr. Acting Speaker assigned **HB 387** to the Public Safety Committee.

Representative Smith deferred to Representative Valihura.

Representative Valihura introduced and brought **HR 72**, jointly sponsored by Representative Smith & Representative Lavelle & Representative Hudson & Representative D. Ennis, before the House for consideration.

**HR 72** - ENCOURAGING A RESOLUTION TO THE ISSUES SURROUNDING AIR TRAFFIC FLIGHT PATTERNS OVER NORTHERN DELAWARE.

Representatives Valihura, Smith, Lavelle & Miro made comments.

**HR 72** was adopted by voice vote.

Representative Smith deferred to Representative Spence.

Representative Spence moved to suspend the rules which interfere with introduction of and action on **HB 389**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Spence introduced and brought **HB 389**, jointly sponsored by Representative Cathcart & Representative Atkins & Senator McBride & Representatives Smith, Lee, Booth, Boulden, Buckworth, Carey, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lavelle, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, VanSant, B. Ennis, George, Hall-Long, Houghton, Mulrooney & Williams & Senators Bunting, Peterson, Vaughn, Still, Sorenson, Amick, Bonini, Cloutier, Connor & Copeland, before the House for consideration.

**HB 389** - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES FOR THE CONSTRUCTION OF A VETERANS HOME FACILITY. (3/4 bill) (F/N)

Representative Spence made comments. Representative Spence deferred to Representative Atkins. Representatives Atkins & Hocker made comments. Representative VanSant requested and was granted privilege of the floor for Jennifer Davis, Budget Director. Representatives VanSant, Smith, Spence, Keeley, George, Hall-Long, VanSant & Williams made comments.

The roll call on **HB 389** was taken and revealed:

YES: 38.

ABSENT: Representatives Gilligan, Plant & Roy - 3.

Therefore, having received a constitutional majority of at least three-fourths Members of the House, **HB 389** was sent to the Senate for concurrence.

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

Representative Cathcart requested and was granted personal privilege of the floor to make comments regarding **HB 389**.

Representative Smith made comments regarding **HB 389**.

Mr. Acting Speaker made an announcement.

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

Mr. Acting Speaker Buckworth called the House to order at 2:17 p.m. on April 27, 2004.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **HB 175 w/SA 1** and is returning same to the House.

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

## **21st LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session**

**April 27, 2004**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Quillen – 1.

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

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

The minutes of the two previous legislative days were approved as posted.

The following out-of-session prefiled legislation was introduced:

April 20, 2004

**HB 385** - SCHWARTZKOPF; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, B. ENNIS, GEORGE, HALL-LONG, MULROONEY, PLANT, VANSANT, VIOLA, WILLIAMS; SENATORS BLEVINS, BUNTING, SIMPSON - LAND USE AND INFRASTRUCTURE - An Act to Amend Title 22 and Title 9 of the Delaware Code Relating to the Zoning Power of Counties and Municipalities.

**HB 386** - QUILLEN & SENATOR BONINI - HOUSE ADMINISTRATION - An Act to Amend an Act Entitled "An Act to Reincorporate the City of Harrington", Being Chapter 115, Volume 69, Laws of Delaware, as Amended, Relating to Charter Revisions for the City of Harrington. (2/3 bill)

**HB 388** - ULBRICH; REPRESENTATIVES HUDSON, SCHWARTZKOPF, VALIHURA, VIOLA; SENATORS COPELAND, PETERSON, SOKOLA - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 16 and Title 24 of the Delaware Code Relating to the Medical Practices Act.

**HB 390** - OBERLE & REPRESENTATIVE ULBRICH; REPRESENTATIVES BUCKWORTH, CAREY, DIPINTO, EWING, HOCKER, HUDSON, MAIER, MIRO, REYNOLDS, WAGNER, VANSANT, B. ENNIS, HALL-LONG, KEELEY, SCHWARTZKOPF, VIOLA; SENATORS BLEVINS, AMICK - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Title 4, Delaware Code, Pertaining to Possession and Consumption of Alcohol by Underage Persons.

**HB 391** - REYNOLDS & SENATOR SOKOLA; REPRESENTATIVE ULBRICH; SENATOR CONNOR - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Permanent Student Records in Private Business and Trade Schools.

**HB 392** - CATHCART & SENATOR PETERSON; REPRESENTATIVES MAIER, WAGNER, GEORGE, HALL-LONG; SENATORS HENRY, AMICK, CLOUTIER - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses.

**HA 1 to HB 375** - ROY - Placed with the Bill.

**HCR 53** - DIPINTO & SENATOR BUNTING & SENATOR MARSHALL; REPRESENTATIVES BOULDEN, D. ENNIS, EWING, HUDSON, WILLIAMS; SENATOR HENRY - GAMING & PARIMUTUELS - Creating a Committee to Study Delaware's Existing Video-lottery Operations, the Impact on State Revenue if Neighboring States Authorize Gaming, and the Feasibility of Expanding Video-lottery Operations to Other Venues Within the State.

**SB 212** - DELUCA & REPRESENTATIVE OBERLE; SENATORS ADAMS, BLEVINS, BONINI, BUNTING, CONNOR, HENRY, MARSHALL, MCBRIDE, MCDOWELL, PETERSON, SOKOLA, STILL, VAUGHN, VENABLES; REPRESENTATIVES LOFINK, MULROONEY, VIOLA - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Board of Electrical Examiners.

**SB 216** - BUNTING & REPRESENTATIVE ATKINS - HOUSE ADMINISTRATION - An Act to Amend the Charter of the Town of Millsboro, Being Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Millsboro", to Amend Section 30, Enumeration of Powers, by Adding Authority for Collection of Costs in Enforcement Actions as a New Subsection Designated (48). (2/3 bill)

**SB 217** - BUNTING & REPRESENTATIVE ATKINS - HOUSE ADMINISTRATION - An Act to Amend the Charter of the Town of Millsboro, Being Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Millsboro", to Amend Section 3, Annexation of Territory, by Modifying the Provisions to Clarify Procedures, Eligibility to Vote, and to Provide for Annexation Agreements and Contiguity of Natural Features. (2/3 bill)

**SB 229 w/SA 1** - PETERSON; SENATORS AMICK, BLEVINS, CLOUTIER, CONNOR, COPELAND, HENRY, MCDOWELL, SIMPSON, SOKOLA, SORENSON, VENABLES; REPRESENTATIVES DIPINTO, SPENCE, GEORGE, HALL-LONG, HOUGHTON, KEELEY, MAIER, MULROONEY, PLANT, ROY, VIOLA - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Professions and Occupations.

**SB 234 w/SA 1 & 3** - MCBRIDE & REPRESENTATIVE SPENCE; SENATORS BLEVINS, BUNTING, HENRY, PETERSON, SOKOLA, CONNOR, SIMPSON, SORENSON; REPRESENTATIVES STONE, EWING, HUDSON, FALLON, DIPINTO, CAULK, BUCKWORTH, REYNOLDS, LOFINK, HOUGHTON, VIOLA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Operation of Go-Peds or Motorized Skateboards or Scooters. (2/3 bill)

Representative Booth requested and was granted personal privilege of the floor to introduce a guest.

Representative Smith deferred to Representative Oberle.

Representative Oberle introduced and brought **HR 71**, jointly sponsored by Representatives Lofink, Maier, Mulrooney, Plant, Reynolds, Thornburg, Viola & Williams, before the House for consideration.

**HR 71** - RECOGNIZING APRIL 28, 2004 AS WORKERS MEMORIAL DAY.

Representative Smith requested and was granted personal privilege of the floor to make comments.

Representative Oberle made comments.

**HR 71** was adopted by voice vote.

Representative Smith deferred to Representative Thornburg.

Representative Thornburg requested and was granted privilege of the floor for Delegate Don Murphy Member of the Maryland House of Delegates. Representative Smith made comments.

Representative Gilligan requested that he be marked present. Mr. Acting Speaker made comments.

Representative Fallon introduced guests.

The Majority Leader moved to recess for caucus at 2:34 p.m.

The House reconvened at 3:50 p.m. with Representative Roy as Acting Speaker.

Representatives Atkins & Ulbrich 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 216**, **SB 217** & **SB 212** and requests the concurrence of the House; **HB 321**, **HCR 60**, **HJR 20 w/HA 1** & **HJR 19** and is returning same to the House.

#### MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: George Robert Quillen  
Representative – Thirtieth Representative District  
RE: Absence from Session  
DATE: April 26, 2004

Please be advised that I will be unable to attend session, Tuesday, April 27, 2004, Wednesday, April 28, 2004 and Thursday, April 29, 2004 due to personal business.

Thank you for your consideration in this matter.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, John F. VanSant, do hereby request that my name be removed as cosponsor of **HB 339**.

Date: April 27, 2004

Signed: John F. VanSant

April 20, 2004

JoAnn M. Hedrick  
Chief Clerk of the House  
Delaware General Assembly  
Legislative Hall  
Dover, DE 19901

Dear Members of the House of Representatives:

Thank you for your certificate regarding House Joint Resolution 18. I want to commend members of the 142nd Delaware General Assembly in paying tribute to Delaware's men and women in uniform.

The men and women of the Delaware National Guard and Reserves have a proud history of service and sacrifice that is virtually unparalleled. It is important that we recognize their dedication, patriotism and everlasting sense of duty. It is also important to recognize the Reserve Emergency Assistance Fund. This fund allows Delaware to improve the financial hardships of Delawareans called to military service.

Delaware is fortunate to have such brave men and women serving in the National Guard and Reserves. Their contributions to freedom should not go unnoticed. I commend the Delaware General Assembly for recognizing the efforts of Delawareans toward the goals of freedom and democracy around the world.

Sincerely,  
Joseph R. Biden, Jr.  
United States Senator

Representatives Miro & Viola requested that they be marked present.

Representative Smith requested that action on **HB 128** be Deferred to a Day Certain, Thursday, April, 29, 2004.

Representative Smith brought **SB 183**, sponsored by Senator Blevins & Representative Roy, before the House for consideration.

**SB 183 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS. (2/3 bill)**

Representative Smith made comments.

The roll call on **SB 183** was taken and revealed:

YES: 39.

NOT VOTING: Representative B. Ennis - 1.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 183** was returned to the Senate.

Representatives Boulden, Cathcart, Lavelle, Lofink, Maier, Mulrooney, Plant, Reynolds, Spence, Wagner, Williams & D. Ennis requested that they be marked present during the roll call.

Representative Smith made an announcement regarding **HB 128**.

Representative Smith deferred to Representative Stone.

Representative Stone brought **HB 374**, jointly sponsored by Senator Blevins, before the House for consideration.

**HB 374 - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES.**

Representative Stone made comments.

The roll call on **HB 374** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, **HB 374** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HCR 44**, jointly sponsored by Representatives Maier, Spence, Lofink, Reynolds, George & Viola & Senators Blevins, Amick & DeLuca, before the House for consideration.

**HCR 44 - URGING THE DELAWARE CONGRESSIONAL DELEGATION TO SUPPORT THE PRESERVATION OF THE UNITED STATES AUTOMOBILE INDUSTRY.**

Representative Oberle deferred to Representative Maier.

Representative Maier brought **HA 1 to HCR 44** before the House for consideration. Representative Maier made a comment. **HA 1** was adopted by voice vote.

Representatives Oberle & Smith made comments.

**HCR 44 w/HA 1** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith introduced and brought **HCR 62**, sponsored by Representative Spence on behalf of All Representatives & Senator Adams on behalf of All Senators, before the House for consideration.

**HCR 62 - COMMENDING THE RECIPIENTS AND NOMINEES OF THE 2003 DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE.**

Representative Smith made comments.

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

Representative Buckworth requested that **HB 290** be stricken.

Mr. Acting Speaker made an announcement.

The Majority Leader moved to recess to the call of the Chair at 4:12 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:15 p.m. on April 28, 2004.

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.

## **22nd LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session**

**April 28, 2004**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Quillen – 1.

A prayer was offered by Representative Pamela J. Thornburg, Twenty-Ninth Representative District.

Mr. Speaker Spence led those present in the 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 393 - MIRO & SENATOR DELUCA & REPRESENTATIVE MULROONEY; REPRESENTATIVES BOULDEN, HOCKER, LAVELLE, ROY, VIOLA; SENATORS MCDOWELL,**



PETERSON - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Dishonored Checks, Drafts or Orders.

**HA 1 to HB 10** - MIRO - Placed with the Bill.

**SB 165 w/SA 1, 2 & 4** - STILL; REPRESENTATIVE BUCKWORTH - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Unlawful Use of Sound Devices. (2/3 bill)

Representative DiPinto requested that he be marked present. Representative Smith deferred to Representative Wagner. Representative Wagner requested that **HB 380** be stricken. Representatives D. Ennis & Stone requested that they be marked present.

Representative Smith requested and was granted personal privilege of the floor to make comments. Representative Smith introduced guests. Mr. Speaker Spence, Representatives Gilligan, D. Ennis & VanSant made comments. Mr. Speaker Spence introduced a guest. Mr. Speaker Spence, Representatives Smith, Lee, Gilligan & VanSant presented a gift to the family of the late Margaret Hood. Mr. Speaker Spence introduced guests. Representatives Lee, Plant, Hall-Long, Schwartzkopf, B. Ennis & Maier requested that they be marked present. Representative Gilligan requested and was granted personal privilege of the floor to make comments.

Representative Smith deferred to Representative Roy. Representative Roy introduced guests and requested and was granted privilege of the floor for Alan Sokolow, Executive Director, Council of State Governments, Eastern Regional Conference. Representative Roy made comments. Representative Fallon requested that she be marked present. Representative Hudson made comments. Representative Gilligan requested and was granted personal privilege of the floor to make comments. Representative Roy made an announcement. Representative D. Ennis made comments.

Mr. Speaker Spence reassigned **HB 334** to the Land Use and Infrastructure Committee.

Mr. Speaker Spence assigned **HB 312** to the Appropriations Committee.

#### HOUSE TRIBUTE ANNOUNCEMENT #65

DATE: April 28, 2004

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	Date	Type	Description
H142-1492	DiPinto	4/1/2004	T	Lozelle Deluz, Ph.D. - Lifetime Achievement Award
H142-1493	Carey	3/22/2004	M	Captain Jerry A. Blakeslee, Sr.
H142-1494	Cathcart	3/28/2004	T	Pete Trabbold - 87th Birthday
H142-1495	D. Ennis	3/28/2004	T	Walter Trabbold - 83rd Birthday
H142-1496	DiPinto	3/26/2004	T	Virgil Puskarich - Executive Director, Pennsylvania Local Government Commission
H142-1497	Ewing	3/24/2004	M	Sergeant Preston L. Beauchamp
H142-1498	Roy	3/26/2004	T	Mid-County Senior Center - 25th Anniversary
H142-1499	cosponsors: Reps. Gilligan & Maier Schwartzkopf 3/23/2004 cosponsors: All Representatives	3/23/2004	M	Honorable Charles E. Hughes
H142-1500	Boulden	3/24/2004	M	Dr. Joseph John Stout
H142-1501	Spence	3/15/2004	M	Donald E. Pease, Sr.
H142-1502	Caulk	3/30/2004	T	Kirsten Winston - Third Place - Legislative Essay Contest
H142-1503	Boulden	3/30/2004	T	Arjun Manrai - Second Place - Legislative Essay Contest
H142-1504	Hocker	4/3/2004	T	Sara Kubicki - President - Ladies Auxiliary - VFW
H142-1505	Lofink	4/3/2004	T	Karl Walters - State Commander - VFW
H142-1506	Smith	3/31/2004	T	Dr. James Van Der Wall - Invocation - House of Representatives
H142-1507	Carey	4/10/2004	T	Myron Morgan - Retirement - 40+ Years - DelDOT
H142-1508	Stone	3/25/2004	T	Michael Zimmerman - Individual Leadership Award
H142-1509	Stone	3/4/2004	T	Ray Braverman - Social Studies Teacher of the Year - Capital Schools
H142-1510	Buckworth	3/30/2004	T	James Case - Blind Worker of the Year
H142-1511	Fallon	4/5/2004	T	Wendy Daudt - Young Mother of the Year
H142-1512	Smith	4/5/2004	T	Mary Kegelman - Mother of the Year
H142-1513	Smith	3/30/2004	T	HJ Lopes, Coach - Naamans Little League - World Series Participants
H142-1514	Smith	3/30/2004	T	Bob Waters, Coach - Naamans Little League - World Series Participants

H142-1515 Lavelle 3/30/2004 T Joe Mascelli, Manager - Naamans Little League – World Series Participants

# HOUSE TRIBUTE ANNOUNCEMENT #66

DATE: April 28, 2004

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	Date	Type	Description
H142-1516	Miro	5/16/2004	T	John Masino - Eagle Scout
H142-1517	Hall-Long	3/20/2004	T	Ida Everett - 90th Birthday
H142-1518	B. Ennis	3/18/2004	M	William E. Hamburg, II
H142-1519	B. Ennis	3/27/2004	M	Reverend Edwin J. Horney
H142-1520	Atkins	3/22/2004	T	Brett Cordrey - Scholarship - Delaware Wrestling Alliance
H142-1521	Buckworth	3/22/2004	T	Dicky Howell - Wrestling Coach of the Year
H142-1522	Lofink	3/20/2004	T	Ryan Steiner - Regional Basketball Champions - St. Edmond's Academy
H142-1523	Lofink	3/20/2004	T	Jeff Lawson - Regional Basketball Champions - St. Edmond's Academy
H142-1524	Lofink	3/20/2004	T	Kyle Brown - Regional Basketball Champions - St. Edmond's Academy
H142-1525	Lofink	3/20/2004	T	Mike Johnson- Regional Basketball Champions - St. Edmond's Academy
H142-1526	Lofink	3/20/2004	T	Danny Kowal - Regional Basketball Champions - St. Edmond's Academy
H142-1527	Lofink	3/20/2004	T	Cory Jefferson - Regional Basketball Champions - St. Edmond's Academy
H142-1528	Lofink	3/20/2004	T	Matt Williams - Regional Basketball Champions - St. Edmond's Academy
H142-1529	Lofink	3/20/2004	T	Matt Bristow - Regional Basketball Champions - St. Edmond's Academy
H142-1530	Lofink	3/20/2004	T	B. J. Tigani - Regional Basketball Champions - St. Edmond's Academy
H142-1531	Lofink	3/20/2004	T	Kyle Slowik - Regional Basketball Champions - St. Edmond's Academy
H142-1532	Lofink	3/20/2004	T	Issa Mase - Regional Basketball Champions – St. Edmond's Academy
H142-1533	Lofink	3/20/2004	T	Andrew Schieffer - Regional Basketball Champions - St. Edmond's Academy
H142-1534	Lofink	3/20/2004	T	Joe McDonald, Head Coach - Regional Basketball Champions - St. Edmond's Academy
H142-1535	Lofink	3/20/2004	T	Dan Fresconi, Assistant Coach - Regional Basketball Champions - St. Edmond's Academy
H142-1536	Lofink	3/20/2004	T	Eric Minemier, Assistant Coach - Regional Basketball Champions - St. Edmond's Academy
H142-1537	Lofink	3/20/2004	T	Mike Speicher, Assistant Coach - Regional Basketball Champions - St. Edmond's Academy
H142-1538	Lofink	3/20/2004	T	Jeff Slowik, Assistant Coach - Regional Basketball Champions - St. Edmond's Academy

T- Tribute

M - Memoriam

Representatives Boulden, Miro & Mulrooney requested that they be marked present.

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

The House reconvened at 4:30 p.m. with Representative Oberle as Acting Speaker.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **SB 165 w/SA 1, 2 & 4** and requests the concurrence of the House.

Representative Smith deferred to Representative Ewing.

Representative Ewing requested that action on **HB 285** be Deferred to a Day Certain, Tuesday, May, 4, 2004.

Representative Ewing brought **HB 328**, jointly sponsored by Senator Adams, before the House for consideration.

**HB 328** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COUNTY GOVERNMENTS AND CONTRACTS FOR PUBLIC WORKS OR GOODS.

Representative Ewing made comments.

The roll call on **HB 328** was taken and revealed:

YES: 38.

ABSENT: Representatives Boulden, Quillen & VanSant - 3.

Therefore, having received a constitutional majority, **HB 328** was sent to the Senate for concurrence.

Representatives Ulbrich, Viola & Reynolds requested that they be marked present during the roll call.

Representative Smith deferred to Representative Cathcart.

Representative Cathcart requested and was granted personal privilege of the floor to make comments and to introduce a guest. Mr. Acting Speaker & Representative Hall-Long made comments. Representative Ulbrich made comments and introduced guests. Representative B. Ennis made comments.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **HB 366**, jointly sponsored by Senator Adams, before the House for consideration.

**HB 366** - AN ACT TO AMEND CHAPTER 237, VOLUME 51, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BRIDGEVILLE" RELATING TO THE TREASURER. (2/3 bill)

Representative Ewing made comments.

The roll call on **HB 366** was taken and revealed:

YES: 39.

ABSENT: Representatives Boulden & Quillen - 2.

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

**HB 366** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Spence.

Representative Spence moved to suspend the rules which interfere with introduction of and action on

**HB 396**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Spence introduced and brought **HB 396**, jointly sponsored by Senator Bunting & Representative Roy & Senator Venables & All Representatives & All Senators, before the House for consideration.

**HB 396** - AN ACT MAKING A SUPPLEMENTAL GENERAL FUND APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATIVE SERVICES OF TWO MILLION FIVE HUNDRED SEVENTY THOUSAND DOLLARS AND WAIVING RELATED STATUTES FOR THE EXPEDITED CONSTRUCTION OF A DELAWARE VETERANS HOME.

Representatives Spence, Gilligan & B. Ennis made comments.

The roll call on **HB 396** was taken and revealed:

YES: 39.

ABSENT: Representatives Boulden & Quillen - 2.

Therefore, having received a constitutional majority, **HB 396** was sent to the Senate for concurrence.

Mr. Acting Speaker introduced a guest.

Representative Smith requested and was granted personal privilege of the floor to introduce a guest.

The Majority Leader moved to recess to the call of the Chair at 4:56 p.m.

Mr. Acting Speaker Roy called the House to order at 2:10 p.m. on April 29, 2004.

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

EDUCATION: **HB 383** - 12M.

The Majority Leader moved to adjourn at 2:12 p.m., thereby ending the current legislative day. The House reconvened at 2:13 p.m.

### **23rd LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session April 29, 2004**

The Assistant Chief Clerk called the roll:

Members Present: 30.

Members Absent: Representatives DiPinto, George, Lavelle, Miro, Oberle, Quillen, Reynolds, Spence, Stone, Thornburg & Valihura – 11.

A prayer was offered by Representative Wayne A. Smith, Seventh Representative District.

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

The following prefiled legislation was introduced:

**HB 394** - CAULK & SENATOR BONINI - HOUSE ADMINISTRATION - An Act to Reincorporate the Town of Frederica. (2/3 bill)

**HB 395** - HUDSON & SENATOR MCBRIDE; REPRESENTATIVES SMITH, CAULK, DIPINTO, ROY, THORNBURG, HOUGHTON, MULROONEY; SENATORS MARSHALL, SOKOLA,

VENABLES - REVENUE & FINANCE - An Act to Amend Title 31 of the Delaware Code Relating to the Delaware Child Care Act.

**HA 1 to HB 384** - HOCKER - Placed with the Bill.

**SB 220 w/SA 1** - CONNOR & SENATOR AMICK & REPRESENTATIVES REYNOLDS & LEE; SENATORS BLEVINS, BUNTING, CLOUTIER, COPELAND, DELUCA, HENRY, MARSHALL, MCBRIDE, PETERSON, SORENSON, STILL; REPRESENTATIVES BOOTH, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, EWING, HALL-LONG, HUDSON, KEELEY, MULROONEY, ROY, SCHWARTZKOPF, WAGNER - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Traffic Control Signal Preemption Devices. (2/3 bill)

**SB 255** - COOK & SENATOR VAUGHN; SENATORS CLOUTIER, COPELAND, BONINI; REPRESENTATIVES D. ENNIS & SMITH - HOUSE ADMINISTRATION - An Act to Authorize the Possession of Certain Historically Authentic Weapons for a Living History Re-enactment to be Held May 5, 2004 through May 11, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 255** & **SB 220 aab SA 1** and requests the concurrence of the House; **HB 396** and is returning same to the House.

MEMORANDUM

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Robert J. Valihura, Jr.  
Representative – Tenth Representative District  
RE: Absence from Session  
DATE: April 28, 2004

Please be advised that I will be unable to attend session Thursday, April 29, 2004 due to business reasons.

Thank you for your consideration in this matter.

MEMORANDUM

TO: THE HONORABLE TERRY R. SPENCE  
SPEAKER OF THE HOUSE OF REPRESENTATIVES  
FROM: REP. GREG LAVELLE  
DATE: April 29, 2004  
RE: ABSENCE FROM SESSION

Please be advised that it is necessary for me to be absent today due to a business matter. Thank you for understanding.

April 28, 2004

Ms. JoAnn Hedrick  
Chief Clerk  
House of Representatives  
Dear JoAnn:

I may possibly have a commitment for tomorrow which will keep me from attending session on April 29, 2004.

I am still trying to resolve this possible conflict.

Sincerely,  
Bruce Reynolds  
State Representative

Representatives Buckworth & Wagner requested that they be marked present.

Representative Smith brought **HB 128**, jointly sponsored by Senator Cook, before the House for consideration.

**HB 128** - AN ACT TO AMEND-TITLE 29 OF THE DELAWARE CODE RELATING TO THE GREAT SEAL OF THE STATE.

Representative Smith requested and was granted privilege of the floor for Carrie Daniel & Denise VanSant, fourth grade teachers, Anne Cross, student teacher, Cedar Lane Elementary School, Middletown, and their students who testified regarding **HB 128**.

Representatives Smith, Wagner, Cathcart, Hall-Long & Fallon made comments.

The roll call on **HB 128** was taken and revealed:

YES: 28.

ABSENT: Representatives DiPinto, George, Lavelle, Miro, Mulrooney, Oberle, Quillen, Reynolds, Spence, Stone, Thornburg, Valihura & Viola - 13.

Therefore, having received a constitutional majority, **HB 128** was sent to the Senate for concurrence.

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

Representative Smith introduced a guest.

Representatives Smith & Keeley made comments.

Representatives Mulrooney & Viola requested that they be marked present.

Representative Lofink made an announcement.

Representative Fallon requested and was granted privilege of the floor to present House Certificates to winners of the Excellence in Public Service Awards.

Mr. Acting Speaker introduced guests.

Representative Smith brought the following prefiled **Consent Calendar #21** before the House for consideration.

**HR 73** – MIRO – Encouraging a Resolution to the Issues Surrounding Air Traffic Flight Patterns Over Northern Delaware.

**HCR 61** – MAIER & SENATOR SOKOLA – Convene the Truancy Task Force to Evaluate Truancy Programs and Make Recommendations.

**HCR 64** – HALL-LONG & SENATOR BLEVINS & REPRESENTATIVES BOOTH, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, B. ENNIS, EWING, GEORGE, HOCKER, HOUGHTON, HUDSON, KEELEY, LAVELLE, LOFINK, MAIER, MIRO, MULROONEY, PLANT, REYNOLDS, SCHWARTZKOPF, STONE, ULBRICH, VANSANT, VIOLA, WAGNER & WILLIAMS; SENATORS AMICK, CONNOR, HENRY & SORENSON – Supporting a Mercury Thermometer Exchange Week.

**Consent Calendar #21** was adopted by voice vote and **HR 73** was declared passed and **HCR 61 & HCR 64** were sent to the Senate for concurrence.

Representative Smith deferred to Representative D. Ennis.

Representative D. Ennis introduced a guest. Representative D. Ennis requested and was granted personal privilege of the floor to make an announcement. Mr. Acting Speaker, Representatives Smith, Buckworth, Gilligan, Wagner & VanSant made comments.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:59 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:12 p.m. on May 4, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SCR 35 & SCR 36** and requests the concurrence of the House; **HCR 59** and is returning same to the House. The Senate wishes to inform the House that it has passed **SS 1 for SB 204 w/SA 2** and requests the concurrence of the House.

Representatives DiPinto & George requested that they be marked present for the current Legislative Day. Representative Ewing made an announcement.

Representatives Lavelle, Thornburg, Quillen & Miro requested that they be marked present for the current Legislative Day.

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

PUBLIC SAFETY: **HB 379** - 6M; **HB 387** - 1F,5M; **SB 56 w/SA 1** - 5M.

HOUSE ADMINISTRATION: **HB 386** - 3M; **SB 216** - 3M; **SB 217** - 3M; **SB 226** - 3M; **SB 255** - 3M.

JUDICIARY: **HB 369** - 5M,1U; **HB 375** - 6M; **HB 376** - 6M; **HB 392** - 6M; **HB 382** - 5M; **SB 233** - 6M; **SB 238** - 6M.

Representative Smith introduced and brought **HCR 67**, sponsored by Representative Spence on behalf of All Representatives & Senator Adams on behalf of All Senators, before the House for consideration.

**HCR 67** - COMMENDING THE RECIPIENTS AND NOMINEES OF THE 2004 DELAWARE AWARD FOR EXCELLENCE AND COMMITMENT IN STATE SERVICE.

**HCR 67** was adopted by voice vote and was sent to the Senate for concurrence.

Mr. Speaker Spence made comments regarding **HCR 67**.

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.

## **24th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session**

**May 4, 2004**

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Gregory F. Lavelle, Eleventh Representative District.

Mr. Speaker Spence & Representative Charles P. West led those present in the 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 397** - ROY & SENATOR VENABLES - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Subchapter II-A of Chapter 50 of Title 29 of the Delaware Code Relating to the Delaware Technical Innovation Program.

**SS 1 for SB 204 w/SA 2** - PETERSON & REPRESENTATIVE MAIER - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Public Schools

Representative Gilligan requested and was granted personal privilege of the floor to make comments. Mr. Speaker Spence introduced a guest. Representative Smith deferred to Representative

Atkins. Representative Atkins requested and was granted privilege of the floor for himself and Representative Booth to present a House Tribute to Brett Cordrey. Representative Smith deferred to Representative Roy. Representative Roy requested and was granted personal privilege of the floor to make an announcement. Representative Quillen requested and was granted privilege of the floor to make an announcement. Representative Smith deferred to Representative Hocker. Representative Hocker requested and was granted personal privilege of the floor to introduce guests.

The Majority Leader moved to recess for caucus at 2:30 p.m.

The House reconvened at 4:19 p.m. with Representative Quillen as Acting Speaker.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **HCR 67** and is returning same to the House.

Representative Smith introduced **HB 403**, jointly sponsored by Senator Cook & Representatives Hudson & Gilligan & Senators Adams & DeLuca & cosponsored by Representative Lavelle.

**HB 403** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXATION. (3/5 bill)

Mr. Acting Speaker assigned **HB 403** to the Revenue & Finance Committee.

Representative Smith deferred to Representative Hocker.

Representative Ulbrich requested that she be marked present.

Representatives Boulden, Cathcart, Oberle, Schwartzkopf, Williams & Reynolds requested that they be marked present.

Representative Hocker introduced **HB 405**, jointly sponsored by Senator Bunting.

**HB 405** - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLVILLE" BEING CHAPTER 115, VOLUME 72, LAWS OF DELAWARE, AS AMENDED, RELATING TO THE BORROWING AUTHORITY OF THE TOWN OF MILLVILLE. (2/3 bill)

Mr. Acting Speaker assigned **HB 405** to the House Administration Committee.

Representative Smith made an announcement.

Representative Smith deferred to Representative Viola.

Representative Viola requested that he be marked present.

Representative Viola introduced and brought **HCR 66**, jointly sponsored by Representative George & Representative Reynolds & Senator Sokola & Representatives Buckworth, B. Ennis, Fallon, Gilligan, Hall-Long, Houghton, Keeley, Maier, Miro, Mulrooney, Oberle, Plant, Schwartzkopf, Spence, Thornburg, VanSant & Williams & Senators Adams, Blevins, Bunting, Connor, Cook, DeLuca, Henry, Marshall, McBride, McDowell, Peterson, Sorenson & Venables & cosponsored by Representatives Ulbrich, Hocker, Carey & Cathcart, before the House for consideration.

**HCR 66** - DEDICATING MAY 4, 2004 AS TEACHER APPRECIATION DAY.

Representative Viola made comments.

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

Representative Maier requested that she be marked present.

Representative Viola requested and was granted privilege of the floor to present a House Tribute to Barbara Grogg, President, Delaware State Education Association. The teachers in attendance announced their names and schools for the record.

Representative Gilligan made comments.

Representative Smith deferred to Representative Reynolds.

Representative Keeley requested that she be marked present.

Representative Reynolds introduced and brought **HCR 63**, jointly sponsored by Senator Sokola, before the House for consideration.

**HCR 63** - COMMENDING THE STUDENTS SELECTED AS SECRETARY OF EDUCATION'S SCHOLARS OF 2004.

Representative Reynolds made comments.

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

Representative Wagner requested and was granted personal privilege of the floor to make comments. Representative Smith moved to suspend the rules which interfere with action on **SB 255**. The motion was seconded by Representative Booth and adopted by voice vote.

Representative Smith brought **SB 255**, jointly sponsored by Senator Cook & Senator Vaughn & Senators Cloutier, Copeland & Bonini & Representative D. Ennis, before the House for consideration.

**SB 255** - AN ACT TO AUTHORIZE THE POSSESSION OF CERTAIN HISTORICALLY AUTHENTIC WEAPONS FOR A LIVING HISTORY RE-ENACTMENT TO BE HELD MAY 5, 2004 THROUGH MAY 11, 2004.

Representative Smith made comments.

The roll call on **SB 255** was taken and revealed:

YES: 40.

ABSENT: Representative Viola - 1.

Therefore, having received a constitutional majority, **SB 255** was returned to the Senate.

Representatives Plant, Stone & D. Ennis requested that they be marked present during the roll call.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **HB 285** before the House for consideration.

**HB 285 - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO SCRAP TIRES.** (3/5) (F/I)

Representative Ewing moved to place **HB 285** on the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 340**, jointly sponsored by Senator Peterson & Representatives Hudson, Keeley & Oberle & Senator Amick, before the House for consideration.

**HB 340 - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO LIENS OF THE STATE AND/OR ITS POLITICAL SUBDIVISIONS.**

Representative Miro made comments.

The roll call on **HB 340** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 340** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hudson.

Representative Hudson made an announcement.

Representative Thornburg requested and was granted privilege of the floor to introduce a guest.

The Majority Leader moved to recess to the call of the Chair at 4:50 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:34 p.m. on May 5, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HCR 63 & HCR 66** and is returning same to the House; **SB 244 w/SA 1** and requests the concurrence of the House.

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

LABOR: **SB 173 - 5F.**

The Majority Leader moved to adjourn at 2:35 p.m., thereby ending the current legislative day. The House reconvened at 2:36 p.m.

#### **25th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session May 5, 2004**

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives Boulden & Lofink – 2.

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

Mr. Speaker Spence and Ben Smith led those present in the 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 Edith M. Hemphill, Kent County Clerk of the Peace and Mr. Robert J. Riley at the request of Representative Stone & Mr. Speaker Spence.

The following prefiled legislation was introduced:

**HB 398 - SCHWARTZKOPF; REPRESENTATIVE HOCKER; SENATOR BUNTING - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Dogs.**

**HB 399 - WAGNER & REPRESENTATIVE VALIHURA & SENATOR VAUGHN - JUDICIARY - An Act Concurring in a Proposed Amendment to Article IX, Section 3 of the Constitution of the State of Delaware of 1897, as Amended, Relating to the Types of Consideration that May be Received in Exchange for the Issuance of Stock. (2/3 bill)**

**HB 401 - MAIER & SENATOR BLEVINS & REPRESENTATIVE ULBRICH; REPRESENTATIVES BUCKWORTH, FALLON, GEORGE, HALL-LONG, HUDSON, KEELEY, MULROONEY, SCHWARTZKOPF, VALIHURA, VANSANT, VIOLA, WAGNER; SENATORS CLOUTIER, CONNOR, MCDOWELL, SORENSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 13 of the Delaware Code of the Delaware Code Relating to Parents and Children.**

**HB 402 - ATKINS & SENATOR SOKOLA; REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, CATHCART, CAULK, EWING, B. ENNIS, WILLIAMS; SENATORS COOK, SIMPSON - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Certain Insurance and Refunds of Unearned Premiums.**

**HB 404 - ATKINS; REPRESENTATIVES BOOTH, BOULDEN, BUCKWORTH, CAREY, D. ENNIS, HALL-LONG, HOCKER, HOUGHTON, KEELEY, LEE, LOFINK, PLANT, ULBRICH, WILLIAMS, WAGNER - CORRECTIONS - An Act to Amend the Pay Grade Classifications Within the Correctional Officer Series.**

**HB 406 - LEE & SENATOR VENABLES - HOUSE ADMINISTRATION - An Act to Amend Chapter 288, Volume 64, Laws of Delaware, as Amended, the Charter of the Town of Laurel, with Regard to the Discount to be Available if Real Estate Taxes are Paid on or Before September 30th of Each Year, the**

Penalties that Begin to Accrue if Real Estate Taxes are Not Paid by October 31st, and the Collection Charges the Town of Laurel May Impose in Effecting the Recovery of Delinquent Taxes. (2/3 bill)

**HB 407** - LEE & SENATOR VENABLES - HOUSE ADMINISTRATION - An Act to Amend Chapter 288, Volume 64, Laws of Delaware, as Amended, the Charter of the Town of Laurel, to Provide for Fixed Salaries for the Mayor and the Members of the Town Council Rather than the Per Meeting Stipend Currently Paid. (2/3 bill)

**HB 408** - OBERLE & SENATOR BUNTING; REPRESENTATIVES SPENCE, LEE, ATKINS, BOOTH, BUCKWORTH, CAREY, CATHCART, DIPINTO, D. ENNIS, EWING, FALLON, HOCKER, LOFINK, MAIER, MIRO, STONE, THORNBURG, ULBRICH, VALIHURA, B. ENNIS, HALL-LONG, KEELEY, MULROONEY, PLANT, SCHWARTZKOPF, VIOLA; SENATORS SOKOLA, COPELAND, CLOUTIER, CONNOR - HOUSE ADMINISTRATION - An Act to Amend Title 26 of the Delaware Code Relating to the Public Service Commission. (2/3 bill)

**HA 2 to HB 375** - ROY - Placed with the Bill.

**SB 244 w/SA 1** - SOKOLA & REPRESENTATIVE MAIER; SENATORS BLEVINS, BUNTING, DELUCA, HENRY, PETERSON, SIMPSON; REPRESENTATIVE BOULDEN - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Driver's Licenses.

Representatives D. Ennis & Schwartzkopf requested that they be marked present.

Representative Smith deferred to Representative Fallon.

Representative Fallon requested and was granted privilege of the floor to present a House Tribute to Erika Harold, Miss America 2003. Representative Smith made comments and presented Miss Harold with a gift.

Representatives Roy, Wagner, Carey & B. Ennis requested that they be marked present.

Representative Maier requested and was granted privilege of the floor to introduce a guest.

Representative Keeley requested that she be marked present.

Representative Booth requested that **HB 344** be stricken.

Representative Cathcart requested that he be marked present.

Representative Smith brought the following prefiled **Consent Calendar #22** before the House for consideration.

**HCR 65** - GEORGE & SENATOR BLEVINS & REPRESENTATIVES BOOTH, BOULDEN, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GILLIGAN, HALL-LONG, HOCKER, HOUGHTON, HUDSON, KEELEY, LEE, LOFINK, MAIER, MIRO, MULROONEY, OBERLE, PLANT, SCHWARTZKOPF, SMITH, SPENCE, STONE, VANSANT, VIOLA & WILLIAMS & SENATORS CLOUTIER, CONNOR, COOK, DELUCA & SORENSON - Urging the Delaware Congressional Delegation to Support an Additional \$40 Million Appropriation to the National Institutes of Health for Alzheimer's Disease Research.

**HCR 68** - WAGNER & REPRESENTATIVE STONE & SENATOR STILL - Recognizing June 13, 2004 as Race Unity Day in the City of Dover.

**HCR 69** - MAIER & SENATOR SIMPSON & REPRESENTATIVES REYNOLDS & ULBRICH & SENATOR SOKOLA - Recognizing the Accomplishments of the Delaware Truancy Court.

**SCR 35** - MCDOWELL & SENATOR BLEVINS & SENATOR SOKOLA ON BEHALF OF ALL SENATORS & REPRESENTATIVES REYNOLDS & MAIER ON BEHALF OF ALL REPRESENTATIVES - Declaring the Month of May 2004 as Mental Health Awareness Month, and the First Week of May as Children's Mental Health Awareness Week.

**SCR 36** - BLEVINS ON BEHALF OF ALL SENATORS & REPRESENTATIVE MAIER ON BEHALF OF ALL REPRESENTATIVES - Establishing the Month of May 2004 as Amyotrophic Lateral Sclerosis Awareness Month.

**Consent Calendar #22** was adopted by voice vote and **HCR 65, HCR 68 & HCR 69** were sent to the Senate for concurrence & **SCR 35 & SCR 36** were returned to the Senate.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #67

DATE: May 5, 2004

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>Date</u>	<u>Type</u>	<u>Description</u>
H142-1539	Quillen	4/3/2004	T	Robert Scott - Fireman of the Year - Houston Volunteer Fire Company
H142-1540	Quillen	4/3/2004	T	Delbert Ross - Firefighter of the Year - Houston Volunteer Fire Company
H142-1541	Wagner cosponsors: All Representatives	4/6/2004	T	Eric Parker - WBOC Reporter - Farewell
H142-1542	D. Ennis	4/15/2004	T	Evelyn Mahoney - 100th Birthday
H142-1543	Hocker	4/6/2004	T	Barkley Melber - Presidential Award for Math & Science Teaching
H142-1544	Atkins	4/10/2004	T	Norman Batchelor - Millsboro Fire Company



		cosponsors: Reps. Booth, B. Ennis & Lee		- 50 Years
H142-1545	Valihura	4/12/2004	T	Skadden Arps Slate Meagher & Flom - 25th Anniversary
H142-1546	Lavelle	4/7/2004	T	Hugo Antonelli - World War II Prisoner of War
H142-1547	Quillen	4/30/2004	T	David Wood - Retirement - 30 Years – DelDOT
H142-1548	Spence	4/15/2004	T	Delaware Chapter of ASIS - 30th Anniversary
H142-1549	Atkins	4/1/2004	T	Sharon Brittingham - Betty Scharff Memorial Award
H142-1550	Ewing	3/7/2004	T	Betty & Ralph Moore - 60th Wedding Anniversary
H142-1551	Buckworth	4/6/2004	T	F. Neil Postlethwait School Staff - Use of AED - Save Life
H142-1552	Smith	4/6/2004	T	Dian Thompson - Use of AED - Life-Saving Rescue
H142-1553	B. Ennis	4/15/2004	T	Elizabeth Seay - 60th Birthday
H142-1554	Wagner	4/23/2004	T	Laurie Starrett & L. Scott Berry - Marriage
H142-1555	Hudson & VanSant	4/3/2004	M	Margaret Roddy Hood
		cosponsors: All Representatives		
H142-1556	Smith	4/6/2004	T	Debbie Santoro - Use of AED - Life-Saving Rescue
H142-1557	Smith	4/6/2004	T	Chris Lynch - Use of AED - Life-Saving Rescue
H142-1558	Hocker	4/6/2004	T	Milton Cooper - Founding Member - Ducks Unlimited - Sussex Chapter
H142-1559	Quillen	4/17/2004	T	John Moore - 50 Year Member - Felton Fire Company
H142-1560	Quillen	4/13/2004	T	Ronald & Scott Webb - Environmental Stewardship Award
H142-1561	B. Ennis	4/2/2004	M	James T. Pappas, Sr.
H142-1562	Quillen	4/25/2004	T	Ladies Auxiliary - Farmington Fire Company - 50th Anniversary

#### HOUSE TRIBUTE ANNOUNCEMENT #68

DATE: May 5, 2004

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	Date	Type	Description
H142-1563	VanSant	2/20/2004	T	Florine & Doremus Johnson - 50th Wedding Anniversary
H142-1564	Gilligan	4/19/2004	T	Andrew & Johannah Wojcik - 50th Wedding Anniversary
H142-1565	George	4/7/2004	T	Carolyn & George Thomas, Jr. - 25th Wedding Anniversary
H142-1566	Boulden	4/9/2004	T	Theresa & Richard Dennis - 10th Wedding Anniversary
H142-1567	Cathcart	4/6/2004	M	PFC. Anthony P. Roberts
	cosponsors: All Representatives			
H142-1568	B. Ennis	4/18/2004	T	Anna Riddagh - 90th Birthday
H142-1569	Atkins	4/17/2004	T	Leolga Wright - 50th Birthday
	cosponsor: Rep. Carey			
H142-1570	B. Ennis & Ewing	4/19/2004	T	Colonel James Ford, Jr. - Retirement – Secretary - Department of Safety & Homeland Security
	cosponsors: All Representatives			
H142-1571	Oberle	4/19/2004	T	Gary & Linda Helsel - Retirement
H142-1572	D. Ennis	4/20/2004	T	Woman's Club of Claymont - 75th Anniversary
H142-1573	D. Ennis	4/8/2004	M	John R. Hudak
H142-1574	Thornburg	5/5/2004	T	Dr. William Pfeifer - 33 Years - Board of Parole

H142-1575	Stone	4/13/2004	M	John Calvin Kline
H142-1576	B. Ennis	4/5/2004	M	James R. Solloway
H142-1577	Wagner	4/20/2004	T	Katie Walsh - Superintendent's Scholar Award
H142-1578	Wagner	5/5/2004	T	Devin Krupka - Superintendent's Scholar Award
H142-1579	Wagner	5/5/2004	T	Sherif Girgis - Superintendent's Scholar Award
H142-1580	Wagner	2/14/2004	T	Emily Ho & John Huang - Marriage
H142-1581	Wagner	5/1/2004	T	Keisha Washington & David Allen - Marriage
H142-1582	Carey	5/1/2004	T	James Bailey - Eagle Scout
H142-1583	Hall-Long	5/6/2004	T	Prue Albright - President - Association of State & Territorial Directors of Nursing
H142-1584	Hudson	4/27/2004	T	Fred Sears - Annual Award - National Conference of Community & Justice
H142-1585	Valihura	5/8/2004	T	NAMI - Second Annual Walk for the Mind of America
H142-1586	Williams	5/5/2004	T	James Stewart, III - Award for Excellence & Commitment in State Service

T- Tribute

M - Memoriam

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:50 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:50 P.M.: Representatives Hudson, Lee, Oberle, Reynolds & Ulbrich.

Mr. Acting Speaker Roy called the House to order at 2:07 p.m. on May 6, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 328, HB 366 & HB 330 w/HA 1 & 2** and is returning same to the House; **SB 263** and requests the concurrence of the House; **HB 317 w/HA 1 & 2 & SA 1** and is returning same to the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Jerry Buckworth, do hereby request that my name be removed as a cosponsor of **SB 173**.

Date: May 5, 2004

Signed: Representative Jerry Buckworth

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

HOUSE ADMINISTRATION: **HB 394** - 3M; **HB 405** - 3M.

PUBLIC SAFETY: **SB 165 w/SA 1, 2 & 4** - 5M; **SB 220 w/SA 1** - 5M; **SB 234 w/SA 1 & 3** - 4M, 1U.

LAND USE AND INFRASTRUCTURE: **HB 385** - 5M.

HEALTH & HUMAN DEVELOPMENT: **HB 377** - 6M; **HB 378** - 6M; **SB 179** - 6M.

EDUCATION: **HB 368** - 7M; **HB 391** - 7M; **SB 227** - 7M.

JUDICIARY: **HB 393** - 5M. REVENUE & FINANCE: **HB 384** - 5M.

Mr. Acting Speaker assigned **HB 313, HB 368 & HB 384** to the Appropriations Committee.

Representatives Hudson & Fallon requested that they be marked present for the current Legislative Day.

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.

### 26th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session May 6, 2004

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Helene M. Keeley, Third Representative District.

Mr. Acting Speaker led those present in the 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 296** - ATKINS & SENATOR VENABLES; REPRESENTATIVES SPENCE, SMITH, LEE, BOOTH, BUCKWORTH, CAREY, CATHCART, EWING, FALLON, HOCKER, HUDSON, MAIER, STONE, ULBRICH, VALIHURA, B. ENNIS, GEORGE, HALL-LONG, HOUGHTON, MULROONEY, PLANT; SENATORS BUNTING, SIMPSON - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Libraries.

**HB 400** - VALIHURA & SENATOR BLEVINS & SENATOR HENRY & SENATOR CLOUTIER & SENATOR COPELAND & SENATOR SORENSON & REPRESENTATIVE SMITH &

REPRESENTATIVE LAVELLE & REPRESENTATIVE STONE & REPRESENTATIVE GEORGE; REPRESENTATIVES CATHCART, CAULK, DIPINTO, D. ENNIS, FALLON, HUDSON, MAIER, SCHWARTZKOPF, SPENCE; SENATORS SOKOLA, BUNTING, MCDOWELL, PETERSON, MARSHALL - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Primary Elections.

**HB 409** - STONE & SENATOR BLEVINS - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Insurance Premium Financing.

**HB 410** - ATKINS & REPRESENTATIVE CAULK & SENATOR BUNTING; REPRESENTATIVES BOOTH, BOULDEN, BUCKWORTH, CAREY, CATHCART, B. ENNIS, D. ENNIS, EWING, HALL-LONG, HOCKER, HOUGHTON, LEE, MIRO, MULROONEY, PLANT, QUILLEN, REYNOLDS, SPENCE, THORNBURG, VALIHURA, WAGNER; SENATORS ADAMS, BONINI, COOK, SIMPSON, VENABLES - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 9 of the Delaware Code Relating to County Taxes.

**HB 411** - WAGNER & REPRESENTATIVE VALIHURA & REPRESENTATIVE GEORGE & SENATOR VAUGHN; REPRESENTATIVES LEE, BUCKWORTH, DIPINTO, D. ENNIS, HUDSON, LAVELLE, MIRO, ULBRICH - JUDICIARY - 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)

**HB 412** - WAGNER & SENATOR VAUGHN; REPRESENTATIVES LEE, BUCKWORTH, CAREY, DIPINTO, D. ENNIS, EWING, STONE, THORNBURG, VALIHURA, VANSANT, B. ENNIS, HOUGHTON, KEELEY, WILLIAMS - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to the Possession of Deadly Weapons and Ammunition by Persons Prohibited.

**HA 2 to HB 351** - WAGNER - Placed with the Bill.

**HA 1 to HB 393** - MIRO - Placed with the Bill.

**SB 263** - BUNTING & REPRESENTATIVE HOCKER - HOUSE ADMINISTRATION - An Act to Amend the Charter of the Town of Fenwick Island, Delaware, Chapter 302, Volume 49, Laws of Delaware, as Amended, to Amend Section 4, Government, by Adding the Designation of "Mayor" to the Position of "President of Council". (2/3 bill)

Representative Smith deferred to Representative Hall-Long.

Representative Hall-Long requested and was granted privilege of the floor to present a House Tribute to members of the Delaware Nurses Association.

Representative Spence introduced guests and made comments.

Representative Booth made an announcement.

Mr. Acting Speaker made an announcement.

Representative Smith requested and was granted privilege of the floor for Frank Ingram and Career and Technical Student Organizations represented by Robert J. Cooper, President, Business Professionals of America; Aaron Kinnari, President, DECA, an Association of Marketing Students; Nicole Curran, President, Future Farmers of America; Andrew Lala, President, Technology Student Association; Dynez Bolden, Vice-president, Family Career and Community Leaders of America and Grant Twyman, Vice-president, Vocational Industrial Clubs of America.

Mr. Acting Speaker & Representative Smith made comments.

Representative Quillen requested and was granted personal privilege of the floor to introduce a guest.

Representative Smith introduced and brought **HCR 70**, jointly sponsored by Representative Spence & Representative Lee & Representative Gilligan & Representative VanSant on behalf of All Representatives & Senator Adams & Senator McDowell & Senator DeLuca & Senator Still & Senator Sorenson on behalf of All Senators, before the House for consideration.

**HCR 70** - EXTENDING SINCERE THANKS TO THE CAREER AND TECHNICAL STUDENT ORGANIZATIONS OF DELAWARE FOR THE PRESENTATION OF THE BEAUTIFUL GERANIUMS AND EXTENDING BEST WISHES FOR MUCH SUCCESS TO EACH OF THESE EXEMPLARY STUDENTS.

Representative Wagner requested that she be marked present & made comments.

**HCR 70** was adopted by voice vote and was sent to the Senate for concurrence.

Representatives Williams, Miro & Cathcart requested that they be marked present.

The Majority Leader moved to recess for caucus at 2:32 p.m.

The House reconvened at 4:15 p.m. with Representative Buckworth as Acting Speaker.

Representative Smith deferred to Representative Roy.

Representative Roy brought **HS 1 for HB 338**, jointly sponsored by Senator Adams & Representatives Hudson, Lavelle & Stone & Senators Still & McBride, before the House for consideration.

**HB 338** - AN ACT TO AMEND TITLE 30, CHAPTER 55 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES TAXES. (F/N)

Representative Roy made comments. Representative Gilligan requested that he be marked present. Representative Gilligan made comments. Representative Hudson requested that she be marked present. Representative Hudson requested and was granted personal privilege of the floor to make comments. Representatives Gilligan, Hudson & Roy made comments.

The roll call on **HS 1 for HB 338** was taken and revealed:

YES: 39.

NO: Representatives Caulk & B. Ennis - 2.

Therefore, having received a constitutional majority, **HS 1 for HB 338** was sent to the Senate for concurrence.

Representatives Atkins, Boulden, B. Ennis, Lofink, Maier, Mulrooney, Schwartzkopf, Stone, Ulbrich, Viola, DiPinto, D. Ennis, Reynolds & Plant requested that they be marked present during the roll call.

Representative Roy requested and was granted personal privilege of the floor to introduce a guest.

Representative Gilligan requested and was granted personal privilege of the floor to make comments.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 220 w/SA 1**, jointly sponsored by Senator Connor & Senator Amick & Representatives Reynolds & Lee & Senators Blevins, Bunting, Cloutier, Copeland, DeLuca, Henry, Marshall, McBride, Peterson, Sorenson & Still & Representatives Booth, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Hall-Long, Hudson, Keeley, Mulrooney, Roy, Schwartzkopf & Wagner, before the House for consideration.

**SB 220 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO TRAFFIC CONTROL SIGNAL PREEMPTION DEVICES.** (2/3 bill)

Representative Ewing made comments.

The roll call on **SB 220 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 220 w/SA 1** was returned to the Senate.

Representative Smith deferred to Representative Cathcart.

Representative Cathcart requested that action on **HB 392** be Deferred to a Day Certain, Thursday, May, 13, 2004.

Representative Smith brought **HB 317 w/HA 1 & 2 & SA 1**, sponsored by Representatives Hudson & Schwartzkopf & Buckworth & Senator Sokola, before the House for concurrence on **SA 1**.

**HB 317 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO TAPROOMS AND TAVERNS.**

Representative Smith made a comment.

The roll call on **HB 317 w/HA 1 & HA 2 & SA 1** was taken and revealed:

YES: 37.

NO: Representatives Atkins & Oberle - 2.

NOT VOTING: Representative Reynolds - 1.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, **HB 317 w/HA 1 & 2 & SA 1** was sent to the Governor.

Representative Smith deferred to Representative Schwartzkopf.

Representative Schwartzkopf moved to suspend the rules which interfere with introduction of and action on **HS 1 for HB 365**. The motion was properly seconded and adopted by voice vote.

Representative Schwartzkopf introduced and brought **HS 1 for HB 365**, jointly sponsored by Senator Henry & Representatives Carey, DiPinto, B. Ennis, D. Ennis, Ewing, Falfon, George, Hall-Long, Houghton, Hudson, Maier, Mulrooney, Plant, Reynolds, VanSant, Viola & Williams, before the House for consideration.

**HB 365 - AN ACT TO AMEND CHAPTER 48 OF TITLE 21 OF THE DELAWARE CODE RELATING TO CHILD SAFETY RESTRAINTS.**

Representative Schwartzkopf made comments.

The roll call on **HS 1 for HB 365** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HS 1 for HB 365** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schwartzkopf.

Representative Schwartzkopf brought **HB 352**, jointly sponsored by Representative Booth & Senator Bunting, before the House for consideration.

**HB 352 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO LICENSES AND TAXES.**

Representative Schwartzkopf made comments.

The roll call on **HB 352** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 352** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **SB 238**, sponsored by Senator Vaughn & Representative Spence, before the House for consideration.

**SB 238 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO HOMICIDE OFFENSES.**

Representative Wagner made comments.

The roll call on **SB 238** was taken and revealed:

YES: 40.

ABSENT: Representative D. Ennis - 1.

Therefore, having received a constitutional majority, **SB 238** was returned to the Senate.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HCR 70** and is returning same to the House; **SB 270** and requests the concurrence of the House.

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

HOUSE ADMINISTRATION: **HB 371** - 3M.

LABOR: **HB 294** - 7M.

Representative Smith deferred to Representative George.

Representative George made an announcement.

Representative Smith deferred to Representative Roy.

Representative Roy brought **HS 1 for HCR 46**, jointly sponsored by Senator McDowell & Representatives DiPinto, Hudson, Miro & Keeley, before the House for consideration.

**HCR 46 - URGING THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO STRENGTHEN TRADE RELATIONS WITH TAIWAN BY A FREE TRADE AGREEMENT AND TO SUPPORT THE PARTICIPATION OF TAIWAN IN THE UNITED NATIONS AND THE WORLD HEALTH ORGANIZATION.**

Representatives Roy & Smith made comments.

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

Representative Smith deferred to Representative Maier.

Mr. Acting Speaker Buckworth appointed Representative Roy as Acting Speaker.

Representative Maier brought **HB 377**, jointly sponsored by Senator Blevins & Representatives B. Ennis, Fallon, Miro, Valihura, Wagner, Hall-Long & Mulrooney & Senators Henry, McBride, Peterson & Connor, before the House for consideration.

**HB 377 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE CONSTRUCTION AND INSPECTION OF A CREMATORY.**

The roll call on **HB 377** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 377** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Spence.

Representative Spence brought **HB 299** before the House for consideration.

**HB 299 - AN ACT TO AMEND CHAPTER 55, TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEE'S PENSION PLAN, AND PROVIDING "CREDITED SERVICE" STATUS TO INDIVIDUALS WHO HAVE SERVED IN THE ARMED FORCES AND WHO HAVE BEEN EMPLOYED BY THE STATE OF DELAWARE FOR TWENTY YEARS. (F/N)**

Representative Spence moved to place **HB 299** on the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative Spence introduced **HB 416** jointly sponsored by Senator DeLuca & Representatives Lee, Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lofink, Maier, Miro, Oberle, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Gilligan, VanSant, B. Ennis, George, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf, Viola & Williams & Senators Adams, Blevins, Cook, Henry, Marshall, McBride, Sokola, Still, Sorenson, Amick, Bonini, Cloutier, Connor & Simpson & cosponsored by Senator Peterson.

**HB 416 - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE TO ESTABLISH THE AUTHORITY TO DIRECT THE DISPOSITION OF A PERSON'S LAST REMAINS.**

Mr. Acting Speaker assigned **HB 416** to the Health & Human Development Committee.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 378**, jointly sponsored by Senator Blevins & Representatives Spence, DiPinto, D. Ennis, Fallon, Hudson, Stone, Valihura & Wagner & Senators Henry, Peterson & Connor, before the House for consideration.

**HB 378 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE GOVERNOR'S COUNCIL ON VOLUNTEER SERVICES.**

Representative Maier made a comment.

The roll call on **HB 378** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 378** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought **SB 179**, jointly sponsored by Senator Sorenson & Senators Cloutier, Connor, Cook, Henry, Peterson & Still & Representatives Caulk, DiPinto, Ewing, Fallon, George, Hall-Long, Maier, Plant, Ulbrich & Wagner, before the House for consideration.

**SB 179 - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE DELAWARE BREAST CANCER EDUCATION AND EARLY DETECTION FUND.**

Representative Buckworth made comments.

The roll call on **SB 179** was taken and revealed:

YES: 40.

ABSENT: Representative Plant - 1.

Therefore, having received a constitutional majority, **SB 179** was returned to the Senate.

Representative Smith deferred to Representative Ewing.

Representative Ewing requested that action on **SB 165 w/SA 1, 2 & 4** be Deferred to a Day Certain, Tuesday, May 11, 2004.

Representative Smith deferred to Representative Valihura.

Representative Valihura introduced **HCR 72**, jointly sponsored by Representative Smith & Senator Sokola & Representatives Cathcart, Reynolds & Hall-Long & Senators Vaughn & Sorenson & cosponsored by Senator Amick.

**HCR 72 - URGING OUR CONGRESSIONAL DELEGATION TO REQUEST THAT THE ARMY CORPS OF ENGINEERS STUDY THE FUTURE OF THE CHESAPEAKE AND DELAWARE CANAL IN DELAWARE AND DETERMINE THE FEASIBILITY OF UPGRADING AND MANAGING THE CHESAPEAKE AND DELAWARE CANAL TO ACCOMMODATE ADDITIONAL PUBLIC RECREATION AND HERITAGE TOURISM OPPORTUNITIES.**

Mr. Acting Speaker assigned **HCR 72** to the Land Use and Infrastructure Committee.

The Majority Leader moved to recess to the call of the Chair at 5:14 p.m.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:16 p.m. on May 11, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 267** requests the concurrence of the House; **HB 228 & HCR 44 w/HA 1, HCR 61, HCR 62, HCR 64, HCR 68 & HCR 69** and is returning same to the House.

Mr. Speaker Spence reassigned **HB 312** to the Gaming & Parimutuels Committee.

Mr. Speaker Spence reassigned **HB 410** to the Agriculture Committee.

Mr. Speaker Spence assigned **HB 299** to the Appropriations Committee.

Representative Smith introduced **HJR 26**, jointly sponsored by Representative Valihura & Senator McDowell & Representatives DiPinto, Hudson & Lavelle & Senators Cloutier & Copeland & cosponsored by Representative Keeley.

**HJR 26 - ESTABLISHING A JOINT STATE-FEDERAL -LOCAL GOVERNMENT ACTION GROUP TO ADDRESS AND MONITOR AIR TRAFFIC AND QUALITY OF LIFE ISSUES WITH REGARD TO THE PHILADELPHIA INTERNATIONAL AIRPORT.**

Mr. Speaker Spence assigned **HJR 26** to the House Administration 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.

## **27th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session May 11, 2004**

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Clifford G. Lee, Fortieth Representative District.

Mr. Speaker Spence led those present in the pledge of allegiance to the American Flag.

The following prefiled legislation was introduced:

**HB 413 - SMITH & REPRESENTATIVE EWING & SENATOR VAUGHN - JUDICIARY - An Act to Amend Title 29 of the Delaware Code Relating to D.N.A. Analysis and the D.N.A. Data Bank.**

**HB 414 - LEE & REPRESENTATIVE SMITH & SENATOR VAUGHN - JUDICIARY - An Act to Amend Titles 10, 11, 16, and 21 of the Delaware Code Relating to Classification of or Sentencing for Certain Offenses.**

**HB 415 - B. ENNIS & REPRESENTATIVE LEE & SENATOR BLEVINS & SENATOR SIMPSON & SENATOR VAUGHN; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, DIPINTO, D. ENNIS, EWING, GEORGE, GILLIGAN, HALL-LONG, HOCKER, HOUGHTON, HUDSON, KEELEY, LOFINK, MIRO, MULROONEY, PLANT, SCHWARTZKOPF, SPENCE, THORNBURG, VANSANT, VIOLA, WAGNER, WILLIAMS - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Chapter 67 of Title 16 of the Delaware Code Pertaining to Ambulance Service. (2/3 bill)**

**HB 417 - WAGNER & SENATOR VAUGHN - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Life Sentences.**

**HA 1 to HB 30 - WAGNER - Placed with the Bill.**

**HA 1 to HB 392 - GEORGE & REPRESENTATIVE KEELEY & REPRESENTATIVE PLANT - Placed with the Bill.**

**HA 1 to HB 405 - HOCKER - Placed with the Bill.**

**SB 267 - MARSHALL & REPRESENTATIVE KEELEY; SENATOR BLEVINS; REPRESENTATIVE PLANT - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Elections.**

**SB 270 - SOKOLA & SENATOR HENRY; SENATOR COPELAND & REPRESENTATIVE REYNOLDS - EDUCATION - An Act to Amend Chapter 34, Title 14, Delaware Code Relating to Speech/Language Pathologist Incentive Loans.**

Representative Smith deferred to Representative Stone.

Representative Stone moved to suspend the rules which interfere with introduction of and action on **HJR 24**. The motion was seconded by Representative Booth and adopted by voice vote.

Representatives Booth & Plant requested that they be marked present.

Representative Stone introduced and brought **HJR 24**, jointly sponsored by Representative Wagner & Senator Still & Representative B. Ennis & cosponsored by Representative Thornburg & All Senators, before the House for consideration.

**HJR 24 - BIDDING A FOND FAREWELL TO JAMES L. HUTCHISON, SR., MAYOR OF THE CITY OF DOVER, AND THANKING HIM FOR HIS MANY YEARS OF SERVICE TO THE CITIZENS OF DOVER.**

Representative Stone requested and was granted personal privilege of the floor to make comments. Representative Stone requested and was granted privilege of the floor for James L. Hutchinson. Representative Gilligan requested and was granted personal privilege of the floor to make comments. Representatives Caulk & Buckworth & Mr. Speaker Spence made comments. Representative Wagner requested that she be marked present. Representative Wagner requested and was granted personal privilege of the floor to make comments. Representative Fallon requested that she be marked present. Representative Fallon made comments. Representative Stone requested and was granted personal privilege of the floor to make comments.

Representative Stone moved to place **HJR 24** on the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative Hocker requested that he be marked present.

Representative Smith deferred to Representative Hall-Long.

Representative Hall-Long requested and was granted privilege of the floor to present a House Tribute to Prudence Albright, Public Health Nurse Director, Division of Nursing, Department of Health and Social Services. Mr. Speaker Spence made comments.

Representative Smith deferred to Representative Booth.

Representative Booth made an announcement.

Representative Smith deferred to Representative George.

Representative George moved to suspend the rules which interfere with introduction of and action on **HJR 27**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative George introduced and brought **HJR 27**, jointly sponsored by Representative Viola & Representative Spence & Senator Sokola & Senator Sorenson & Representatives Gilligan, Hall-Long, Houghton, Keeley, Maier, Mulrooney, Oberle, Plant, Reynolds, Schwartzkopf, Ulbrich & VanSant, before the House for consideration.

**HJR 27 - PROCLAIMING MAY 11, 2004, "EARLY CARE AND EDUCATION PROFESSIONALS APPRECIATION DAY."**

Representative George made comments and requested and was granted privilege of the floor for Evelyn Keating representing the Family and Workplace Connection.

The roll call on **HJR 27** was taken and revealed:

YES: 21.

ABSENT: Representatives Atkins, Carey, Cathcart, Caulk, DiPinto, B. Ennis, Fallon, Hudson, Lavelle, Lofink, Oberle, Reynolds, Schwartzkopf, Smith, Stone, Thornburg, Ulbrich, Valihura, Viola & Wagner - 20.

Therefore, having received a constitutional majority, **HJR 27** was sent to the Senate for concurrence.

Representatives Miro & Williams requested that they be marked present during the roll call.

The Majority Whip moved to recess for caucus at 2:54 p.m.

The House reconvened at 5:13 p.m. with Representative Quillen as Acting Speaker.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds requested that he be marked present.

Representative Reynolds brought **HB 391**, jointly sponsored by Senator Sokola & Representative Ulbrich & Senator Connor, before the House for consideration.

**HB 391 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PERMANENT STUDENT RECORDS IN PRIVATE BUSINESS AND TRADE SCHOOLS.**

Representative Reynolds made comments.

The roll call on **HB 391** was taken and revealed:

YES: 37.

ABSENT: Representatives D. Ennis, Fallon, Lavelle & Spence - 4.

Therefore, having received a constitutional majority, **HB 391** was sent to the Senate for concurrence.

Representatives B. Ennis, Schwartzkopf, Thornburg, Ulbrich, Valihura, Viola, Atkins, Cathcart,

DiPinto & Lofink requested that they be marked present during the roll call.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds brought **SB 227**, jointly sponsored by Senator Sokola, before the House for consideration.

**SB 227 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO APPEALS TO THE STATE BOARD OF EDUCATION FROM DECISIONS OF LOCAL SCHOOL BOARDS.**

Representative Reynolds made comments.

The roll call on **SB 227** was taken and revealed:

YES: 40.

ABSENT: Representative Spence - 1.

Therefore, having received a constitutional majority, **SB 227** was returned to the Senate.

Representative B. Ennis requested and was granted personal privilege of the floor to introduce guests.

Representative Smith brought the following **Consent Agenda A**, which requires a two-thirds vote, before the House for consideration.

**HB 405 – HOCKER & SENATOR BUNTING – An Act to Amend an Act Entitled “An Act to Reincorporate the Town of Millville” being Chapter 115, Volume 72, Laws of Delaware, as Amended, Relating to the Borrowing Authority of the Town of Millville. (2/3 bill)**

**SB 216 – BUNTING & REPRESENTATIVE ATKINS – An Act to Amend the Charter of the Town of Millsboro, being Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled “ An Act to Reincorporate the Town of Millsboro”, to Amend Section 30, Enumeration of Powers, by Adding Authority for Collection of Costs in Enforcement Actions as a New Subsection Designated (48). (2/3 bill)**

**SB 217 – BUNTING & REPRESENTATIVE ATKINS - An Act to Amend the Charter of the Town of Millsboro, being Chapter 457, Volume 60, Laws of Delaware, as Amended, Entitled “An Act to Reincorporate the Town of Millsboro”, to Amend Section 3, Annexation of Territory, by Modifying the Provisions to Clarify Procedures Eligibility to Vote, and to Provide for Annexation Agreements and Contiguity of Natural Features. (2/3 bill)**

**SB 226 – VAUGHN & REPRESENTATIVE HALL-LONG – An Act to Amend Volume 66, Chapter 291, Laws of Delaware, as Amended, the Charter of the Town of Clayton, Pertaining to the Duties of the Council Treasurer and Pertaining to the Borrowing for Current Expenses. (2/3 bill)**

Representative Smith moved to suspend the rules which interfere with action on **HB 405**. The motion was seconded by Representative Booth and adopted by voice vote. Representative Smith deferred to Representative Hocker. Representative Hocker made a comment. Representative Hocker brought **HA 1 to HB 405** before the House for consideration. **HA 1** was adopted by voice vote. Representative Hocker introduced and brought **HA 2 to HB 405** before the House for consideration. **HA 2** was adopted by voice vote.

The roll call on **Consent Agenda A** was taken and revealed:

YES: 39.

ABSENT: Representatives Reynolds & Spence - 2.

Representative Smith moved to restore **Consent Agenda A**. Representative Smith moved to rescind the roll call on **Consent Agenda A**. The motions were seconded by Representative Lee and adopted by voice vote.

The roll call on **Consent Agenda A** was taken and revealed:

YES: 40.

ABSENT: Representative Spence - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 405 w/HA 1 & 2** was sent to the Senate for concurrence and **SB 216, SB 217 & SB 226** were returned to the Senate.

Representative Smith deferred to Representative Gilligan.

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

May 11, 2004

The Honorable Terry R. Spence  
Speaker of the House  
Delaware House of Representatives  
411 Legislative Ave.  
Dover, DE 19901  
Dear Speaker Spence:

I will not be able to attend session on May 12<sup>th</sup> & May 13<sup>th</sup>, 2004 due to a family celebration.



My wife Jeanne and I will be traveling with other members of my immediate family to Charleston, South Carolina where on Sunday afternoon, May 16, 2004 my youngest daughter, Kate, will graduate from the College of Charleston. I might add, in four years!

Thank you for your consideration of this letter.

Sincerely,  
Robert F. Gilligan  
State Representative  
19<sup>th</sup> District

Representative Gilligan made comments.

Representative Wagner made an announcement.

Representative Smith deferred to Representative George.

Representative George introduced **HB 444**, jointly sponsored by Representative Spence & Senator Sokola & Senator Sorenson & Representatives Atkins, Booth, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Gilligan, Hall-Long, Hocker, Houghton, Hudson, Keeley, Lee, Lofink, Maier, Miro, Mulrooney, Oberle, Plant, Reynolds, Schwartzkopf, Stone, Thornburg, Ulbrich, Valihura, VanSant, Viola & Williams & Senators Amick, Blevins, Bunting, Cloutier, Connor, DeLuca, Henry, McDowell, Peterson, Simpson, Vaughn & Venables.

**HB 444 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO FULL-DAY KINDERGARTEN.**

Mr. Acting Speaker assigned **HB 444** to the Education Committee.

Representative Smith deferred to Representative Hudson.

Representative Hudson introduced **HB 418**, jointly sponsored by Representative Smith & Representative Ulbrich & Representatives Spence, Lee, Atkins, Boulden, Buckworth, Carey, Cathcart, Caulk, DiPinto, D. Ennis, Ewing, Fallon, Lavelle, Lofink, Maier, Miro, Oberle, Quillen, Reynolds, Roy, Stone, Thornburg, Valihura & Wagner & Senators Still, Sorenson, Amick, Bonini, Cloutier, Connor, Copeland & Simpson.

**HB 418 - AN ACT TO AMEND TITLE 30, DELAWARE CODE RELATING TO GROSS RECEIPTS TAX.**

Mr. Acting Speaker assigned **HB 418** to the Revenue & Finance Committee.

Representative Smith deferred to Representative Atkins.

Representative Atkins introduced **HB 419**, jointly sponsored by Senator Venables & Representatives Spence, Smith, Lee, Booth, Buckworth, Carey, Cathcart, Ewing, Fallon, Hocker, Hudson, Maier, Stone, Ulbrich, Valihura, B. Ennis, Houghton, Mulrooney & Plant & Senators Bunting & Simpson.

**HB 419 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC LIBRARIES.**

Mr. Acting Speaker assigned **HB 419** to the Public Safety Committee.

Representative Ewing made an announcement.

Representative Smith deferred to Representative Roy.

Representative Roy brought **HB 375**, jointly sponsored by Representatives Hudson, Miro, Gilligan, VanSant & B. Ennis & Senators Blevins, Sokola & Bonini, before the House for consideration.

**HB 375 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND CRIMINAL PROCEDURE. (2/3 bill)**

Representative Roy requested that **HA 1 to HB 375** be stricken. Representative Roy requested that **HA 2 to HB 375** be stricken. Representative Roy introduced and brought **HA 3 to HB 375** before the House for consideration. Representative Roy made comments. **HA 3** was adopted by voice vote. Representative Roy made a comment.

The roll call on **HB 375 w/HA 3** was taken and revealed:

YES: 39.

ABSENT: Representatives Reynolds & Spence - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 375 w/HA 3** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Stone.

Representative Stone moved to lift **HJR 24** from the Speaker's Table. The motion was seconded by Representative Booth and adopted by voice vote.

Representative Stone brought **HJR 24**, jointly sponsored by Representative Wagner & Senator Still & Representative B. Ennis & cosponsored by Representative Thornburg & All Senators, before the House for consideration.

**HJR 24 - BIDDING A FOND FAREWELL TO JAMES L. HUTCHISON, SR., MAYOR OF THE CITY OF DOVER, AND THANKING HIM FOR HIS MANY YEARS OF SERVICE TO THE CITIZENS OF DOVER.**

The roll call on **HJR 24** was taken and revealed:

YES: 38.

ABSENT: Representatives George, Reynolds & Spence - 3.

Therefore, having received a constitutional majority, **HJR 24** was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 5:56 p.m.

Mr. Acting Speaker Oberle called the House to order at 2:09 p.m. on May 12, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 264 & SB 285** and requests the concurrence of the House; **HB 282 w/HA 1, HCR 65 & HJR 27** and is returning same to the House.

May 11, 2004

#### LEGISLATIVE ADVISORY #20

Governor Ruth Ann Minner signed the following legislation on the date indicated: 4/8/04 – **SB 201**; 4/12/04 – **HB 175 aab SA 1 & HB 319 aab SA 1, 2 & 3**; 4/14/04 – **SB 231**; 4/27/04 – **HJR 19, HJR 20 aab HA 1, HB 321 & SB 223 aab SA 1**; 4/29/04 – **HB 396**; 5/5/04 – **SB 183 & SB 255**.

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.

### **28th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session May 12, 2004**

The Chief Clerk called the roll:

Members Present: 35.

Members Absent: Representatives Boulden, DiPinto, Gilligan, Lofink, Reynolds & Spence – 6.

A prayer was offered by Representative Gerald A. Buckworth, Thirty-Fourth Representative District.

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

The minutes of the previous two legislative days were approved as posted.

The following prefiled legislation was introduced:

**HB 420 - VALIHURA & SENATOR BLEVINS - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Jurisdiction Over Certain Criminal Matters. (2/3 bill)**

**HB 421 - HUDSON & SENATOR BLEVINS; REPRESENTATIVE MAIER - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Compensation for Innocent Victims of Crime.**

**HA 2 to HB 384 - HOCKER - Placed with the Bill.**

**HA 1 to HB 408 - OBERLE - Placed with the Bill.**

**HJR 25 - HOCKER & REPRESENTATIVE ULBRICH & SENATOR BUNTING; REPRESENTATIVES SPENCE, CATHCART, CAULK, EWING, MIRO, REYNOLDS, B. ENNIS, PLANT, WILLIAMS; SENATORS SOKOLA, VENABLES, BONINI - BUSINESS/CORPORATIONS/COMMERCE - Requesting the United States Congress to Review the Policies Relating to Cable Television Regulation and to Either Allow Local Government Greater Meaningful Jurisdiction or to Remove Ineffective Local Government Reviews Relating to Cable Television.**

**SB 264 - BLEVINS & REPRESENTATIVE MAIER; SENATORS CONNOR, HENRY, MCDOWELL, PETERSON, SORENSON; REPRESENTATIVE HALL-LONG - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Emergency Medical Services Systems.**

**SB 285 - SOKOLA & REPRESENTATIVE MAIER; SENATORS PETERSON, BLEVINS, SIMPSON, ADAMS, AMICK, BONINI, BUNTING, CLOUTIER, CONNOR, COOK, COPELAND, DELUCA, HENRY, MARSHALL, MCBRIDE, MCDOWELL, SORENSON, STILL, VAUGHN, VENABLES; REPRESENTATIVES OBERLE, HUDSON, ULBRICH, SMITH, ATKINS, BOOTH, BOULDEN, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GEORGE, HALL-LONG, HOCKER, HOUGHTON, REPS, GILLIGAN, KEELEY, LAVELLE, LEE, LOFINK, MIRO, MULROONEY, PLANT, QUILLEN, REYNOLDS, ROY, SCHWARTZKOPF, SPENCE, STONE, THORNBURG, VALIHURA, VANSANT, VIOLA, WAGNER, WILLIAMS - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Issuance of State Public High School Diplomas for Students Who Graduate During the 2003-2004 School Year.**

**HA 1 to SB 229 - DIPINTO - Placed with the Bill.**

Representative B. Ennis requested that he be marked present.

Representative Hudson made an announcement.

Representative Maier introduced guests.

Mr. Acting Speaker made comments and introduced a guest.

Representative Smith requested and was granted personal privilege of the floor to make comments regarding the execution of Nicholas Berg.

The House observed a moment of silence in memory of Nicholas Berg at the request of Mr. Acting Speaker.

The Reading Clerk read the following communications into the record:

HOUSE TRIBUTE ANNOUNCEMENT #69

DATE: May 12, 2004

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>Date</u>	<u>Type</u>	<u>Description</u>
H142-1587	Cathcart	5/5/2004	T	Helen Reader - Award for Excellence & Commitment in State Service
H142-1588	Williams	5/5/2004	T	Grace Martin - Award for Excellence & Commitment in State Service
H142-1589	Caulk	5/5/2004	T	Patricia Conley - Award for Excellence & Commitment in State Service
H142-1590	Hudson	3/20/2004	T	Virginia & Kenneth Barnes - 50th Wedding Anniversary
H142-1591	Hudson	2/27/2004	T	Helen & Robert Viscount - 50th Wedding Anniversary
H142-1592	Wagner	4/15/2004	M	Cora Anna Marie Hackett Gibbs
H142-1593	Booth	4/21/2004	T	John Atkins - 63rd Birthday
H142-1594	Ewing	2/9/2004	T	Betty & Russell Layton - 50th Wedding Anniversary
H142-1595	Mulrooney	9/11/2003	T	Eleanor & Jacob Levering - 50th Wedding Anniversary
H142-1596	Keeley	4/16/2004	M	Hakim Iman Cornelius Crawford
H142-1597	Atkins	5/1/2004	T	Hazel Baker - 75th Birthday
H142-1598	Carey cosponsor: Rep. Quillen	4/23/2004	M	Joseph H. McFaul
H142-1599	Ewing	4/28/2004	T	Minnie O'Day - 94th Birthday
H142-1600	Hall-Long cosponsor: Rep. Maier	5/6/2004	T	Delaware Nurses Association - Nurses Week
H142-1601	Roy	4/27/2004	T	Andrew Fleury - Youth in Government Participation
H142-1602	Maier	5/2/2004	T	Kerry Dietz - 10 Years - Director of Music – Ebenezer United Methodist Church
H142-1603	Maier	5/1/2004	T	Shirley & Phil Gardner - 50th Wedding Anniversary
H142-1604	Spence	4/25/2004	M	Michael F. Kirchenbauer
H142-1605	Smith	5/6/2004	T	Wilmington Montessori School - 40th Anniversary
H142-1606	Spence	5/8/2004	T	Boumi Shrine Center - Clown-a-Rama Participation
H142-1607	Spence	5/8/2004	T	Crescent Shrine Center - Clown-a-Rama Participation
H142-1608	Spence	5/8/2004	T	Irem Shrine Center - Clown-a-Rama Participation
H142-1609	Spence	5/8/2004	T	Lulu Shrine Center - Clown-a-Rama Participation
H142-1610	Spence	5/8/2004	T	Nur Shrine Center - Clown-a-Rama Participation
H142-1611	Spence	5/8/2004	T	Rajah Shrine Center - Clown-a-Rama Participation

#### HOUSE TRIBUTE ANNOUNCEMENT #70

DATE: May 12, 2004

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>Date</u>	<u>Type</u>	<u>Description</u>
H142-1612	Spence	5/8/2004	T	Salaam Shrine Center - Clown-a-Rama Participation
H142-1613	Spence	5/8/2004	T	Zem Zem Shrine Center - Clown-a-Rama Participation
H142-1614	Plant cosponsor: Rep. Keeley	4/29/2004	T	Jerome Pottinger - Outstanding Youth of the Year
H142-1615	Miro	4/29/2004	T	Dr. Rae Burton - Educator - 40+ Years
H142-1616	B. Ennis	4/30/2004	T	Jim Rowley - President - Volunteer Firemen's Association
H142-1617	Buckworth	4/26/2004	T	Theodore Ressler - Statewide Arts & Culture Award

H142-1618	Booth	5/4/2004	T	Georgetown Cheer Senior Center - 30th Anniversary
H142-1619	Quillen	5/1/2004	T	William Outten - Contributions - Church and Community
H142-1620	Carey	4/30/2004	T	Nancy Hawpe - Retirement - Morris Early Childhood School
H142-1621	Ulbrich	5/1/2004	T	Sara Ulbrich & Jason Greenstein - Marriage
H142-1622	Buckworth & Rep. Lee	4/29/2004	T	Clement Kusiak - President - Lions Club International
cosponsors: All Representatives				
H142-1623	Spence	5/16/2004	T	Matthew Hammond - Eagle Scout
H142-1624	Spence	4/28/2004	T	Daniel Bossert - Eagle Scout
H142-1625	Spence	4/29/2004	T	Clarence Jones - Retirement - 36 Years - JP Morgan Chase
H142-1626	Maier	4/30/2004	T	William Russell - Veteran - Korea and Vietnam Wars
H142-1627	B. Ennis	5/10/2004	T	William Truitt - Dover City Councilman - 8 Years
H142-1628	B. Ennis	5/10/2004	T	William McGlumphy - Dover City Councilman - 4 Years
H142-1629	Stone	5/10/2004	T	Honorable James Hutchison, Sr. - Dover Mayor - Retirement
H142-1630	Hall-Long	6/12/2004	T	Master Sgt. Richard Locke - Retirement - 37 Years - Air Force
H142-1631	Maier	5/27/2004	T	Diane Scobey - 35 Years - Health & Physical Education
H142-1632	Oberle	3/30/2004	T	Jennie Smith Elementary School Traveling Chorus - Performance
H142-1633	Spence	3/21/2004	T	Fred Comegys - Award-Winning Photographer
H142-1634	Spence	5/22/2004	T	Lenape Indian Tribe of Delaware - Archaeology Awareness Month
H142-1635	Hall-Long	5/25/2004	T	Margaret Rowland - 90th Birthday
H142-1636	Hall-Long	5/15/2004	T	Sean Boyce - Eagle Scout

T- Tribute  
M – Memoriam

Representatives Keeley, Atkins & Miro requested that they be marked present.

Representative Carey requested and was granted privilege of the floor for himself and

Representative Maier to present a House Tribute to Colonel James A. Joyce, Jr., Delaware National Guard.

Representative Maier introduced a guest.

Representatives Lavelle, Ulbrich, Williams, Houghton & Mulrooney requested that they be marked present.

Representative Smith deferred to Representative Booth.

Representative Booth requested and was granted personal privilege of the floor to introduce guests.

The Reading Clerk read the following communication into the record:

#### MEMORANDUM

TO: The Honorable Ruth Ann Minner, Governor  
The Honorable Thurman Adams, Pro-Tempore  
The Honorable John Still, Senate Minority Leader

FROM: Terry R. Spence, Speaker of the House

DATE: May 12, 2004

RE: Absent from Session

Please be advised that I will be absent from session today, for personal reasons. I will return to my duties as Speaker of the House, on Thursday, May 13th.

In my absence, Rep. William Oberle will serve as Acting Speaker and to assume any and all administrative duties that may arise in my absence.

Thank you.

Representative Smith brought the following prefiled **Consent Calendar #23** before the House for consideration.

**HR 74 – HUDSON & REPRESENTATIVE ROY & REPRESENTATIVES CAREY, CAULK, FALLON, HOCKER, MAIER, STONE, THORNBURG & VALIHURA – Urging the United States Congress to Support the “Farm to Cafeteria Projects Act”.**

**HCR 71 – MAIER ON BEHALF OF ALL REPRESENTATIVES & SENATOR MARSHALL ON BEHALF OF ALL SENATORS – Recognizing June 10, 2004 as National Career Nursing Assistants’ Day and Recognizing the Vital Role that Certified Nursing Assistants Play in Providing Health Care Services.**

**HCR 73 – SMITH ON BEHALF OF ALL REPRESENTATIVES & SENATOR CLOUTIER ON BEHALF OF ALL SENATORS –** Congratulating Mary Connelly Kegelman of Brandywine Hundred for Being Named Delaware Mother of the Year.

**Consent Calendar #23** was adopted by voice vote and **HR 74** was declared passed and **HCR 71 & HCR 73** were sent to the Senate for concurrence.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:30 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:30 P.M.: Representatives D. Ennis, Roy, Viola & Stone.

Mr. Acting Speaker Quillen called the House to order at 2:04 p.m. on May 13, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HJR 24** is returning same to the House; **SB 265, SB 240, SB 260, SB 235 & SB 248 w/SA 1** and requests the concurrence of the House; **HB 248** and is returning same to the House.

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

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

BUSINESS/CORPORATIONS/COMMERCE: **HB 397 - 8M; HB 390 - 8M.**

CORRECTIONS: **HB 404 - 6M.**

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **HB 372 - 5M,1U.**

GAMING & PARIMUTUELS: **HB 10 - 5U.**

HEALTH & HUMAN DEVELOPMENT: **HB 373 - 5M; HB 401 - 5M; HB 416 - 5M.**

HOUSE ADMINISTRATION: **HB 400 - 3M; HB 406 - 1F,2M; HB 407 - 1F,2M; SB 263 - 3M.**

JUDICIARY: **HB 399 - 9M; HB 411 - 9M; HB 412 - 9M; HB 413 - 9M; HB 414 - 9M; HB 417 - 8M,1U.**

LAND USE AND INFRASTRUCTURE: **HB 334 - 1F,5M.**

NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: **HB 327 - 8M; HB 398 - 8M.**

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **SB 212 - 3F, 2M; SB 229 w/SA 1 - 4M.**

PUBLIC SAFETY: **HB 419 - 9M; SB 244 w/SA 1 - 6M.**

REVENUE & FINANCE: **HB 359 - 7M; HB 418 - 6F.**

Representatives Roy, Stone & DiPinto requested that they be marked present for the current Legislative Day.

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.

#### **29th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session May 13, 2004**

The Chief Clerk called the roll:

Members Present: 39.

Members Absent: Representatives D. Ennis & Gilligan – 2.

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

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

The following prefiled legislation was introduced:

**HB 422 - SPENCE & SENATOR MCDOWELL; REPRESENTATIVES BUCKWORTH, CAREY, EWING, HOCKER, MIRO, OBERLE, QUILLEN, REYNOLDS, HOUGHTON, VIOLA - APPROPRIATIONS - An Act Making Changes to State Employee Salaries for the Fiscal Year Beginning July 1, 2004. (2/3 bill)**

**HA 1 to HB 373 - MAIER - Placed with the Bill.**

**HA 1 to HB 418 - HUDSON - Placed with the Bill.**

**SB 235 - MCDOWELL & REPRESENTATIVE OBERLE; SENATOR SORENSON; REPRESENTATIVES GILLIGAN, KEELEY, MAIER - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Ivyane D. F. Davis Memorial Scholarship Fund.**

**SB 240 - VENABLES & REPRESENTATIVE BOOTH; SENATORS ADAMS, BUNTING; REPRESENTATIVES ATKINS, CAREY, EWING, FALLON, HOCKER, LEE, ROY, SCHWARTZKOPF - REVENUE & FINANCE - An Act to Amend Titles 9 and 22 of the Delaware Code Enabling Counties and Municipalities Located in Sussex County to Utilize Tax Increment Financing and Special Development Districts to Fund Costs Related to the Impacts of Development and Restating that the Act Applies to Towns and Cities Throughout the State with Populations In Excess of 50,000 People (3/5 bill)**

**SB 248 w/SA 1 - PETERSON & REPRESENTATIVE MAIER; SENATORS ADAMS, COOK, CONNOR, MCDOWELL, VENABLES, BUNTING; REPRESENTATIVES EWING, HALL-LONG,**

LAVELLE, OBERLE, REYNOLDS, VALIHURA, VIOLA - BUSINESS/CORPORATIONS/  
COMMERCE - An Act to Amend Title 4 of the Delaware Code Relating to Prohibition of Sales.

**SB 260** - HENRY & REPRESENTATIVE BUCKWORTH; SENATORS PETERSON, SOKOLA,  
VENABLES; REPRESENTATIVES EWING, KEELEY, OBERLE, SPENCE - PUBLIC SAFETY - An  
Act to Amend Titles 6 and 21 of the Delaware Code Relating to Air Bag Safety (2/3 bill)

**SB 265** - MCDOWELL & REPRESENTATIVE MAIER; SENATORS BLEVINS, CLOUTIER,  
CONNOR, HENRY, SOKOLA, SORENSON; REPRESENTATIVES BUCKWORTH, FALLON,  
GEORGE, HALL-LONG, HUDSON, KEELEY, MULROONEY, OBERLE, SCHWARTZKOPF,  
ULBRICH, VALIHURA, VANSANT, VIOLA, WAGNER - HEALTH & HUMAN DEVELOPMENT -  
An Act to Amend Title 29 of the Delaware Code Relating to the Department of Services for Children,  
Youth and their Families.

**HA 1 to SB 234** - KEELEY - Placed with the Bill.

Representatives Boulden & George requested that they be marked present.

Representative Smith deferred to Representative Wagner.

Representative Wagner made comments.

Representative Wagner introduced and brought **HCR 74**, jointly sponsored by Representative Stone  
& Senator Still & cosponsored by Representatives Buckworth & Thornburg, before the House for  
consideration.

**HCR 74** - COMMEMORATING THE 35TH ANNIVERSARY OF THE MODERN MATURITY  
CENTER LOCATED IN DOVER, DELAWARE.

**HCR 74** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Wagner introduced a guest and made comments regarding **HCR 74**.

Representatives Maier & Plant requested that they be marked present.

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

The House reconvened at 4:50 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SCR 37 & SJR 9** and requests the  
concurrence of the House; **HB 405 w/HA 1 & 2** and is returning same to the House.

#### MEMORANDUM

TO: Terry R. Spence, Speaker  
FROM: Rep. Dave Ennis  
DATE: May 13, 2004  
RE: Absence From Session

I will be absent from Session today, May 13th, due to a personal business matter.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Bethany Hall-Long, do hereby request that my name be removed as cosponsor of **HB 419**.

Date: May 13, 2004

Signed: Rep. Bethany Hall-Long

Mr. Acting Speaker assigned **HB 372**, **HB 373** & **HB 404** to the Appropriations Committee.

Representative Smith brought **Consent Agenda B**, which requires at two-thirds vote, before the  
House for consideration.

**HB 406** – LEE & SENATOR VENABLES – An Act to Amend Chapter 288, Volume 64, Laws of  
Delaware, as Amended, the Charter of the Town of Laurel, with Regard to the Discount to be Available if  
Real Estate Taxes are Paid on or Before September 30th of Each Year, the Penalties that Begin to Accrue if  
Real Estate Taxes are not Paid by October 31st and the Collection Charges the Town of Laurel May Impose  
in Effecting the Recovery of Delinquent Taxes. (2/3 bill)

**HB 407** – LEE & SENATOR VENABLES - An Act to Amend Chapter 288, Volume 64, Laws of  
Delaware, as Amended, the Charter of the Town of Laurel, to Provide for Fixed Salaries for the Mayor and  
the Members of the Town Council Rather Than the Per-Meeting Stipend Currently Paid. (2/3 bill)

**SB 263** – BUNTING & REPRESENTATIVE HOCKER – An Act to Amend the Charter of the  
Town of Fenwick Island, Delaware, Chapter 302, Volume 49, Laws of Delaware, as Amended, to Amend  
Section 4, Government, by Adding the Designation of “Mayor” to the Position of “President of Council”.  
(2/3 bill)

Representative Smith made a comment.

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

YES: 39.

ABSENT: Representatives D. Ennis & Gilligan – 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House,  
**HB 406** & **HB 407** were sent to the Senate for concurrence and **SB 263** was returned to the Senate.

Representatives Atkins, Cathcart, Hall-Long, Hudson, Keeley, Lavelle, Miro, Reynolds,  
Schwartzkopf, Spence, Valihura & Viola requested that they be marked present during the roll call.

Representative Smith deferred to Representative Hocker.

Representative Hocker moved to suspend the rules which interfere with introduction of and action  
on **HJR 29**. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Hocker introduced and brought **HJR 29**, jointly sponsored by Senator Bunting & Senator Adams & Senator Venables, before the House for consideration.

**HJR 29 - AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) TO EXPEDITE THE PERMITTING PROCESS FOR A SUBAQUEOUS LANDS PERMIT AND OTHER RELATED PERMITS NEEDED BY THE DIVISION OF PARKS AND RECREATION TO HAVE THE ASSAWOMAN CANAL DREDGED.**

Representatives Hocker & Smith made comments.

The roll call on **HJR 29** was taken and revealed:

YES: 38.

NOT VOTING: Representative Keeley - 1.

ABSENT: Representatives D. Ennis & Gilligan - 2.

Therefore, having received a constitutional majority, **HJR 29** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **HS 1 for HB 339**, jointly sponsored by Representative Roy & Senator DeLuca & Representatives Spence, DiPinto, Buckworth, D. Ennis, Ewing, Miro, Houghton & Williams & Senators Adams, Blevins, Bunting & Vaughn, before the House for consideration.

**HB 339 - AN ACT TO AMEND TITLE 4, DELAWARE CODE, RELATING TO ALCOHOLIC BEVERAGE LICENSES.**

Representative Hudson made comments.

The roll call on **HS 1 for HB 339** was taken and revealed:

YES: 30.

NO: Representatives George, Keeley, Mulrooney, Plant, VanSant, Viola & Williams - 7.

NOT VOTING: Representative Roy - 1.

ABSENT: Representatives D. Ennis, Gilligan & Schwartzkopf - 3.

Therefore, having received a constitutional majority, **HS 1 for HB 339** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **HB 294**, jointly sponsored by Senator Simpson & Representatives Buckworth, Carey, Cathcart, Ewing & Thornburg, before the House for consideration.

**HB 294 - AN ACT TO AMEND TITLE 29, CHAPTER 69 OF THE DELAWARE CODE RELATING TO PREVAILING WAGE REQUIREMENTS IN PUBLIC CONSTRUCTION CONTRACTS.**

Representative Hudson made comments. Representative Viola requested and was granted privilege of the floor for Harold E. Stafford, Secretary, Department of Labor. Representative Viola made comments.

The roll call on **HB 294** was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Gilligan - 2.

Therefore, having received a constitutional majority, **HB 294** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 165 w/SA 1, 2 & 4**, sponsored by Senator Still & cosponsored by Representative Buckworth, before the House for consideration.

**SB 165 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO UNLAWFUL USE OF SOUND DEVICES. (2/3 bill)**

Representative Lee introduced and brought **HA 1 to SB 165** before the House for consideration.

Representative Lee made comments. **HA 1** was adopted by voice vote.

Representative Schwartzkopf introduced and brought **HA 2 to SB 165**, jointly sponsored by Representative Buckworth, before the House for consideration. Representatives Schwartzkopf, Wagner & Smith made comments. Representative Schwartzkopf moved to place **HA 2** on the Speaker's Table. The motion was properly seconded and adopted by voice vote. Representatives Williams, Ewing & Oberle made comments.

Representative Ewing moved to place **SB 165 w/SA 1, 2 & 4** & **HA 1** on the Speaker's Table. The motion was seconded by Representative Lee and adopted by voice vote.

Representative Smith deferred to Representative Reynolds.

Representative Reynolds brought **HB 382**, jointly sponsored by Representative Lee & Senator Bunting, before the House for consideration.

**HB 382 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES. (2/3 bill)**

Representatives Reynolds, Lee, Booth, Oberle, Ewing & Lavelle made comments.

The roll call on **HB 382** was taken and revealed:

YES: 39.

ABSENT: Representative D. Ennis & Gilligan - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 382** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Cathcart.

Representative Cathcart brought **HB 392**, jointly sponsored by Senator Peterson & Representatives Maier, Wagner, George & Hall-Long & Senators Henry, Amick & Cloutier, before the House for consideration.

**HB 392 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO SPECIFIC OFFENSES.**

Representative George brought **HA 1 to HB 392**, jointly sponsored by Representative Keeley & Representative Plant, before the House for consideration.

Representatives George & Cathcart made comments. **HA 1** was defeated by voice vote.

Representative Cathcart introduced and brought **HA 2 to HB 392** before the House for consideration.

Representative Cathcart made comments. **HA 2** was adopted by voice vote. Representatives Caulk & Cathcart made comments.

The roll call on **HB 392 w/HA 2** was taken and revealed:

YES: 38.

ABSENT: Representatives Boulden, D. Ennis & Gilligan - 3.

Therefore, having received a constitutional majority, **HB 392 w/HA 2** was sent to the Senate for concurrence.

Representative Smith moved to suspend the rules which interfere with action on **HJR 26**. The motion was properly seconded and adopted by voice vote.

Representative Smith brought **HJR 26**, jointly sponsored by Representative Valihura & Senator McDowell & Representatives DiPinto, Hudson & Lavelle & Senators Cloutier & Copeland & cosponsored by Representative Keeley, before the House for consideration.

**HJR 26 - ESTABLISHING A JOINT STATE-FEDERAL -LOCAL GOVERNMENT ACTION GROUP TO ADDRESS AND MONITOR AIR TRAFFIC AND QUALITY OF LIFE ISSUES WITH REGARD TO THE PHILADELPHIA INTERNATIONAL AIRPORT.**

Representative Smith made comments.

The roll call on **HJR 26** was taken and revealed:

YES: 38.

ABSENT: Representatives Boulden, D. Ennis & Gilligan - 3.

Therefore, having received a constitutional majority, **HJR 26** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier moved to suspend the rules which interfere with action on **SB 285**. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Maier brought **SB 285**, jointly sponsored by All Representatives & Senator Sokola & All Senators, before the House for consideration.

**SB 285 - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE ISSUANCE OF STATE PUBLIC HIGH SCHOOL DIPLOMAS FOR STUDENTS WHO GRADUATE DURING THE 2003-2004 SCHOOL YEAR.**

Representative Maier made comments.

The roll call on **SB 285** was taken and revealed:

YES: 38.

ABSENT: Representatives Boulden, D. Ennis & Gilligan - 3.

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

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **SB 233**, jointly sponsored by Senator Connor & Senator Amick & Representative Reynolds & Senators Blevins, Cloutier, Copeland, Henry, Marshall, McBride, Peterson, Simpson, Sorenson & Still & Representatives Buckworth, Carey, Cathcart, Caulk, DiPinto, B. Ennis, George, Hall-Long & Valihura, before the House for consideration.

**SB 233 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO REENCODER AND SCANNING DEVICES. (F/N)**

Representative Wagner made comments.

The roll call on **SB 233** was taken and revealed:

YES: 36.

ABSENT: Representatives Boulden, D. Ennis, Gilligan, Lee & Spence - 5.

Therefore, having received a constitutional majority, **SB 233** was returned to the Senate.

Representative Smith deferred to Representative Spence.

Representative Spence brought **HB 416**, jointly sponsored by Senator DeLuca & Representatives Lee, Atkins, Boulden, Buckworth, Carey, Cathcart, Caulk, D. Ennis, Ewing, Fallon, Hocker, Hudson, Lofink, Maier, Miro, Oberle, Reynolds, Roy, Stone, Thornburg, Ulbrich, Valihura, Wagner, Gilligan, VanSant, B. Ennis, George, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf, Viola & Williams & Senators Adams, Blevins, Cook, Henry, Marshall, McBride, Sokola, Still, Sorenson, Amick, Bonini, Cloutier, Connor & Simpson & cosponsored by Senator Peterson, before the House for consideration.



**HB 416** - AN ACT TO AMEND TITLE 12 OF THE DELAWARE CODE TO ESTABLISH THE AUTHORITY TO DIRECT THE DISPOSITION OF A PERSON'S LAST REMAINS.

Representatives Spence & Wagner made comments.

The roll call on **HB 416** was taken and revealed:

YES: 37.

ABSENT: Representatives Boulden, D. Ennis, Gilligan & Lee - 4.

Therefore, having received a constitutional majority, **HB 416** was sent to the Senate for concurrence.

Representative Smith brought **HB 403**, jointly sponsored by Senator Cook & Representatives Hudson & Gilligan & Senators Adams & DeLuca & cosponsored by Representative Lavelle & Senator Still, before the House for consideration.

**HB 403** - AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO TAXATION. (3/5 bill)

Representative Smith made comments.

The roll call on **HB 403** was taken and revealed:

YES: 36.

ABSENT: Representatives Boulden, Buckworth, D. Ennis, Gilligan & Lee - 5.

Therefore, having received a constitutional majority of at least three-fifths Members of the House,

**HB 403** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 379**, jointly sponsored by Senator Sokola, before the House for consideration.

**HB 379** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMMUNICATION DEVICES IN SCHOOL BUSES.

Mr. Speaker Spence resumed the Chair.

Representatives Miro, Wagner & Ulbrich made comments.

The roll call on **HB 379** was taken and revealed:

YES: 33.

ABSENT: Representatives Boulden, Buckworth, DiPinto, B. Ennis, D. Ennis, Gilligan, Lavelle & Lee - 8.

Therefore, having received a constitutional majority, **HB 379** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schwartzkopf.

Representative Schwartzkopf brought **HB 398**, jointly sponsored by Representative Hocker & Senator Bunting, before the House for consideration.

**HB 398** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO DOGS.

Representatives Schwartzkopf, Booth, Hocker, Keeley, Wagner, Smith & Reynolds made comments.

The roll call on **HB 398** was taken and revealed:

YES: 31.

ABSENT: Representatives Boulden, Buckworth, DiPinto, B. Ennis, D. Ennis, Gilligan, Lavelle, Lee, Plant & Quillen - 10.

Therefore, having received a constitutional majority, **HB 398** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schwartzkopf.

Representative Schwartzkopf introduced and brought **SCR 37**, jointly sponsored by Senator Bunting, before the House for consideration.

**SCR 37** - RECOGNIZING THE SIGNIFICANCE OF THE REHOBOTH LAKES TO DELAWARE AND TO THE UNITED STATES.

Representative Schwartzkopf made comments.

**SCR 37** was adopted by voice vote and was returned to the Senate.

Representative Smith deferred to Representative Atkins.

Representative Atkins brought **HB 419**, jointly sponsored by Senator Venables & Representatives Spence, Smith, Lee, Booth, Buckworth, Carey, Cathcart, Ewing, Fallon, Hocker, Hudson, Maier, Stone, Ulbrich, Valihura, B. Ennis, Houghton, Mulrooney & Plant & Senators Bunting, Simpson, before the House for consideration.

**HB 419** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PUBLIC LIBRARIES. (F/N)

Representative Atkins introduced and brought **HA 1** to **HB 419** before the House for consideration. Representative Atkins made a comment. **HA 1** was adopted by voice vote. Representatives Atkins & Smith made comments.

The roll call on **HB 419 w/HA 1** was taken and revealed:

YES: 26.

NO: Representatives George, Hall-Long, Keeley, Plant, Viola & Williams - 6.

ABSENT: Representatives Boulden, Buckworth, DiPinto, B. Ennis, D. Ennis, Gilligan, Lavelle, Lee & Quillen - 9.

Therefore, having received a constitutional majority, **HB 419 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Cathcart.

Representative Cathcart moved to suspend the rules which interfere with introduction of and action on **SJR 9**. The motion was seconded by Representative Booth and adopted by voice vote.

Representative Cathcart introduced and brought **SJR 9**, sponsored on behalf of All Representatives and jointly sponsored by Senator Amick on behalf of All Senators, before the House for consideration.

**SJR 9 - HONORING LANCE CORPORAL ANTHONY P. "TONY" ROBERTS, UNITED STATES MARINE CORPS, FOR HIS SERVICE TO THIS STATE AND TO THE UNITED STATES AND MOURNING HIS DEATH WHILE IN ACTION IN RAMADI, IRAQ.**

Representative Cathcart made comments.

The roll call on **SJR 9** was taken and revealed:

YES: 29.

ABSENT: Representatives Boulden, Buckworth, DiPinto, B. Ennis, D. Ennis, Gilligan, Lavelle, Lee, Mulrooney, Plant, Quillen & Viola - 12.

Therefore, having received a constitutional majority, **SJR 9** was returned to the Senate.

Representative Smith deferred to Representative Hudson.

Representative Stone requested and was granted personal privilege of the floor to make an announcement.

Mr. Speaker Spence made an announcement.

Representative Hudson introduced and brought **HR 75**, sponsored on behalf of All Representatives, before the House for consideration.

**HR 75 - PROCLAIMING MAY 16 THROUGH MAY 22, 2004 AS SMALL BUSINESS WEEK.**

Representative Hudson made a comment.

**HR 75** was adopted by voice vote.

Representative Miro made comments.

Representative Smith introduced and brought **HCR 75**, sponsored by Representative Spence & Representative Gilligan & Senator DeLuca & Senator Bunting, before the House for consideration.

**HCR 75 - HONORING THE DELAWARE STATE COUNCIL KNIGHTS OF COLUMBUS AND CONGRATULATING THEM FOR THEIR SIGNIFICANT CONTRIBUTIONS TO THE CITIZENS OF DELAWARE OVER THE PAST SIXTY-ONE YEARS.**

**HCR 75** was adopted by voice vote and was sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SCR 38** and requests the concurrence of the House; **HCR 74**, **HCR 71** & **HCR 73** and is returning same to the House; **SB 261 w/SA 1**, **SB 282**, **SB 277**, **SB 239 w/SA 1** & **SB 232 w/SA 1** and requests the concurrence of the House; **HB 352** and is returning same to the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Hazel Plant, do hereby request that my name be removed as a co-sponsor of **HB 10**.

Date: May 3, 2004

Signed: Hazel D. Plant

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative John Viola, do hereby request that my name be removed as a co-sponsor of **HB 419**.

Date: May 3, 2004

Signed: John Viola

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Dennis Williams, do hereby request that my name be removed as a co-sponsor of **HB 10**.

Date: May 3, 2004

Signed: Dennis P. Williams

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Melanie George, do hereby request that my name be removed as a co-sponsor of **HB 419**.

Date: May 3, 2004

Signed: Melanie George

Representative Smith introduced **HB 424** jointly sponsored by Senator Vaughn & Representative Spence & Senator Still & Representative Williams & Representative VanSant.

**HB 424 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES.**

Mr. Speaker Spence assigned **HB 424** to the Judiciary Committee.

Representative Smith introduced **HB 426** jointly sponsored by Senator Vaughn & Representative Spence & Senator Still & Representative VanSant & Representative Williams.

**HB 426 - AN ACT TO AMEND TITLES 11 AND 29 OF THE DELAWARE CODE RELATING TO D.N.A. ANALYSIS AND THE DATA BANK.**

Mr. Speaker Spence assigned **HB 426** to the Judiciary Committee.

Representative Smith requested and was granted personal privilege of the floor to make comments.

The Majority Leader moved to recess to the call of the Chair at 6:42 p.m.

Mr. Acting Speaker Oberle called the House to order at 2:01 p.m. on June 1, 2004.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **SB 221** and requests the concurrence of the House;

The Majority Leader moved to adjourn at 2:02 p.m., thereby ending the current legislative day. The House reconvened at 2:03 p.m.

**30th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session  
June 1, 2004**

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Gerald A. Buckworth, Thirty-Fourth Representative

District.

Mr. Acting Speaker and Zachary Boulden led those present in the pledge of allegiance to the American Flag.

The following out-of-session prefiled legislation was introduced:

May 25, 2004

**HS 1 for HB 292** - BOOTH & SENATORS DELUCA, MCDOWELL - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Physical Therapy and Athletic Training.

**HB 423** - HOCKER & SENATOR BUNTING; REPRESENTATIVE SCHWARTZKOPF - HOUSE ADMINISTRATION - An Act to Amend Title 9 of the Delaware Code Relating to Sussex County Government and Administration

**HB 425** - BOULDEN & SENATOR SORENSON; REPRESENTATIVES BUCKWORTH, CATHCART, DIPINTO, D. ENNIS, MAIER - AGRICULTURE - An Act to Amend Title 3 of the Delaware Code Relating to Pesticides.

**HB 427** - OBERLE & REPRESENTATIVE LOFINK & SENATOR DELUCA & SENATOR AMICK & SENATOR CONNOR; REPRESENTATIVES CATHCART, D. ENNIS, MIRO, REYNOLDS, VALIHURA, B. ENNIS, PLANT, VIOLA; SENATOR HENRY - TRANSPORTATION - An Act to Amend Title 17 of the Delaware Code Relating to Highways, Roads and Bridges.

**HB 428** - QUILLEN & SENATOR VENABLES & REPRESENTATIVES CAREY, FALLON, WAGNER, B. ENNIS, SCHWARTZKOPF, WILLIAMS; SENATOR BUNTING - HOUSE ADMINISTRATION - An Act Proposing an Amendment to Article II, § 2 of the Delaware Constitution of 1897, as Amended, Relating to the House of Representatives and the Senate and Their Terms of Office. (2/3 bill)

**HB 429** - STONE & REPRESENTATIVE SPENCE & SENATOR VAUGHN; REPRESENTATIVES ATKINS, BOOTH, BUCKWORTH, CAREY, DIPINTO, B. ENNIS, GILLIGAN, HUDSON, LAVELLE, LOFINK, MIRO, MULROONEY, ROY, SCHWARTZKOPF, THORNBURG, VALIHURA, VANSANT, VIOLA, WAGNER; SENATORS ADAMS, CLOUTIER, COPELAND, DELUCA - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Selling or Possessing Fireworks; Exceptions. (2/3 bill)

**HB 430** - HOCKER & SENATOR ADAMS & REPRESENTATIVE D. ENNIS; REPRESENTATIVES ATKINS, BOULDEN, DIPINTO, MIRO, QUILLEN, THORNBURG, HUDSON, SMITH, OBERLE; SENATORS VENABLES, COPELAND, SORENSON, SIMPSON - LABOR - An Act to Amend Title 18 of the Delaware Code Relating to Workers Compensation.

**HB 431** - SPENCE & SENATOR BLEVINS - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 6 of the Delaware Code Relating to Buyer Property Protection Act.

**HB 432** - WAGNER & SENATOR STILL - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Medical Practices Act.

**HB 433** - VALIHURA & REPRESENTATIVE STONE & SENATOR MCDOWELL; REPRESENTATIVES CATHCART, DIPINTO, D. ENNIS, FALLON, HUDSON, LAVELLE, MAIER, MIRO, REYNOLDS, ULBRICH; SENATORS AMICK, BLEVINS, BUNTING, CLOUTIER, CONNOR, COOK, MARSHALL, SOKOLA, SORENSON, STILL, VENABLES - BUSINESS/CORPORATIONS/COMMERCE - An Act to Amend Title 6 of the Delaware Code Relating to Consumer Protection and Assistive Technology Devices.

**HB 434** - DIPINTO & SENATOR MCDOWELL; REPRESENTATIVES D. ENNIS, LAVELLE, OBERLE, ROY, VALIHURA, B. ENNIS, HALL-LONG, KEELEY, MULROONEY, VIOLA; SENATORS BLEVINS, BUNTING, COOK, DELUCA, SOKOLA, VENABLES - APPROPRIATIONS - An Act to Amend Title 29 of the Delaware Code Relating to the Energy Advisory Council, Energy Planning and Cabinet Committee on Energy.

**HB 435** - DIPINTO & SENATOR MCDOWELL; REPRESENTATIVES D. ENNIS, LAVELLE, OBERLE, ROY, VALIHURA, B. ENNIS, HALL-LONG, KEELEY, MULROONEY, VIOLA; SENATORS BLEVINS, BUNTING, DELUCA, SOKOLA, VENABLES - APPROPRIATIONS - An Act to Amend Title 29 of the Delaware Code Relating to State Procurement.

**HB 436** - SMITH & SENATOR MCBRIDE; REPRESENTATIVES REYNOLDS, HUDSON, SPENCE, ROY, LAVELLE, B. ENNIS, BOOTH; SENATORS COPELAND, SIMPSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 31 of the Delaware Code Relating to Powers of the Office of Child Care Licensing.

**HB 437** - SMITH & SENATOR DELUCA; REPRESENTATIVES ROY, HUDSON, MIRO; SENATORS ADAMS, AMICK, HENRY - TRANSPORTATION - An Act to Amend Title 17 and Title 29 of the Delaware Code Relating to the Department of Transportation.

**HA 1 to HB 250** - DIPINTO & REPRESENTATIVE HUDSON - Placed with the Bill.

**HJR 28** - HOCKER & SENATOR BUNTING; REPRESENTATIVES SMITH, LEE, ATKINS, EWING, SCHWARTZKOPF - TRANSPORTATION - Calling Upon the Delaware Department of Transportation to Undertake the Planning Process for a New East-West Limited Access High as an Alternative to the Present Route Through Sussex County.

**SB 232 w/SA 1** - ADAMS & REPRESENTATIVE EWING - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Concerning the Jurisdiction of the Justice of the Peace Court. (2/3 bill)

**SB 239 w/SA 1** - BUNTING & REPRESENTATIVE ATKINS - HOUSING & COMMUNITY AFFAIRS - An Act to Authorize and Approve the Transfer of Certain Real Property in Sussex County to the Nanticoke Indian Association. (3/4 bill)

**SB 261 w/SA 1** - BLEVINS & REPRESENTATIVE MAIER; SENATORS BONINI, CLOUTIER, HENRY, SOKOLA, CONNOR; REPRESENTATIVES BUCKWORTH, DIPINTO, B. ENNIS, EWING, GEORGE, KEELEY, SCHWARTZKOPF, VANSANT, VIOLA - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Nursing.

**SB 277** - BLEVINS & REPRESENTATIVE MAIER - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Health-Care Decisions.

**SB 282** - MCBRIDE & REPRESENTATIVE ULBRICH; SENATORS SOKOLA, CLOUTIER, PETERSON, AMICK, STILL; REPRESENTATIVES BOOTH, KEELEY, OBERLE, LOFINK, CATHCART, ATKINS, WAGNER, SPENCE, B. ENNIS, VIOLA, GILLIGAN - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Delaware Professional Engineers Act.

Representative Boulden made comments and introduced guests. The third grade students from the Independence School announced their names for the record.

Representative Smith deferred to Representative Miro.

Representative Miro requested and was granted privilege of the floor for Dr. Susanna Lee, President & CEO, Jobs for Delaware Graduates. Representative Miro made comments.

Representatives Carey, Thornburg, Stone & Gilligan requested that they be marked present.

The minutes of the two previous legislative days were approved as posted.

The Majority Leader moved to recess for caucus at 2:16 p.m.

The House reconvened at 4:30 p.m. with Representative Quillen as Acting Speaker.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 274** and requests the concurrence of the House; **HB 275 & HB 198 w/HA 1** and is returning same to the House; **SB 273, SS 1 for SB 272 & SB 228** and requests the concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, John VanSant, do hereby request that my name be removed as cosponsor of **HB 349**.

DATE: June 1, 2004

Signed: John VanSant

Representative Hudson requested that she be marked present.

Representative Hudson introduced a guest.

Representatives Keeley & Mulrooney requested that they be marked present.

Representative Smith deferred to Representative Keeley.

Representative Keeley brought **HB 349**, jointly sponsored by Representatives Carey, DiPinto, George, Houghton, Hudson, Plant, Reynolds & Williams & Senators Blevins, Henry, Marshall & McDowell, before the House for consideration.

**HB 349** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO THE POSSESSION OR CONCEALMENT OF PAINTBALL GUNS WITHIN THE CITY OF WILMINGTON. (2/3 bill)

Representative Keeley made comments.

Representative Wagner requested that she be marked present.

Representatives Wagner, VanSant, Williams & Keeley made comments.

The roll call on **HB 349** was taken and revealed:

YES: Representatives DiPinto, Gilligan, Hall-Long, Houghton, Keeley, Mulrooney, Oberle, Plant, Schwartzkopf, Ulbrich, Viola & Williams - 12.

NO: 20.

NOT VOTING: Representatives B. Ennis, D. Ennis & Hudson - 3.

ABSENT: Representatives Boulden, George, Lavelle, Reynolds, Smith & Valihura - 6.

Therefore, not having received a constitutional majority of at least two-thirds Members of the House, **HB 349** was declared defeated.

Representatives Cathcart, B. Ennis, D. Ennis, Fallon, Lofink, Maier, Schwartzkopf, Spence, VanSant & Viola requested that they be marked present during the roll call.

Representative Gilligan requested and was granted personal privilege of the floor to make comments regarding **HB 349**. Mr. Acting Speaker, Representatives Keeley & VanSant made comments.

The House observed a moment of silence in memory of Regina Groff at the request of Mr. Acting Speaker Quillen.

Representative Smith deferred to Representative Ewing.

Representative Ewing brought **SB 244 w/SA 1**, sponsored by Senator Sokola & Representative Maier & Senators Blevins, Bunting, DeLuca, Henry, Peterson & Simpson & Representative Boulden, before the House for consideration.

**SB 244 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES.**

Representatives Ewing, Thornburg, Ewing, Caulk, Maier, Stone, Booth, Cathcart & Maier made comments. Representative Maier requested and was granted privilege of the floor for Andrea Summers, representing the Office of Highway Safety. Representatives Cathcart, Booth, Viola, Cathcart, Ewing & Booth made comments.

Representative Maier moved to place **SB 244 w/SA 1** on the Speaker's Table. The motion was seconded by Representative Ewing and adopted by voice vote.

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **HB 400**, jointly sponsored by Senator Blevins & Senator Henry & Senator Cloutier & Senator Copeland & Senator Sorenson & Representative Smith & Representative Lavelle & Representative Stone & Representative George & Representatives Cathcart, Caulk, DiPinto, D. Ennis, Fallon, Hudson, Maier, Schwartzkopf & Spence & Senator Sokola & cosponsored by Senators Peterson, McDowell, Bunting & Marshall, before the House for consideration.

**HB 400 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS.**

Representatives Reynolds & Lavelle requested that they be marked present.

Representative Valihura introduced and brought **HA 1 to HB 400**, jointly sponsored by Representative Lee, before the House for consideration. Representative Valihura made a comment. **HA 1** was adopted by voice vote.

Representatives Valihura, Wagner & Booth made comments.

The roll call on **HB 400 w/HA 1** was taken and revealed:

YES: 39.

NOT VOTING: Representative Keeley - 1.

ABSENT: Representative Boulden - 1.

Therefore, having received a constitutional majority, **HB 400 w/HA 1** was sent to the Senate for concurrence.

Representative Miro requested and was granted personal privilege of the floor to introduce a guest.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto requested and was granted privilege of the floor to introduce guests.

Representative DiPinto requested and was granted privilege of the floor for Ali Iz, General Manager of Solar Technologies for General Electric Energy.

Representatives Hudson, Ulbrich & Wagner made announcements.

Representative Smith deferred to Representative Wagner.

Representative Wagner made an announcement.

Representative Wagner brought **HB 399**, jointly sponsored by Representative Valihura & Senator Vaughn, before the House for consideration.

**HB 399 - AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE IX, SECTION 3 OF THE CONSTITUTION OF THE STATE OF DELAWARE OF 1897, AS AMENDED, RELATING TO THE TYPES OF CONSIDERATION THAT MAY BE RECEIVED IN EXCHANGE FOR THE ISSUANCE OF STOCK. (2/3 bill)**

Representative Wagner introduced and brought **HA 1 to HB 399** before the House for consideration. Representative Wagner made a comment. **HA 1** was adopted by voice vote. Representative Wagner made comments.

The roll call on **HB 399 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Boulden & Lavelle - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 399 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 411**, jointly sponsored by Representative Valihura & Representative George & Senator Vaughn & Representatives Lee, Buckworth, DiPinto, D. Ennis, Hudson, Lavelle, Miro & Ulbrich, before the House for consideration.

**HB 411** - 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)

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence reassigned **HB 429** to the Public Safety Committee.

Mr. Speaker Spence assigned **SB 52** to the Business/Corporations/Commerce Committee.

Mr. Speaker Spence appointed Representative Quillen as Acting Speaker.

Representative Wagner introduced and brought **HA 1** to **HB 411** before the House for consideration.

Representative Wagner made a comment. **HA 1** was adopted by voice vote.

Representative Wagner made comments.

The roll call on **HB 411 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Boulden - 1.

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

**HB 411 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Keeley. Representative Keeley made an announcement.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto introduced **HB 438**, jointly sponsored by Representative Keeley & Senator Marshall.

**HB 438** - AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE TO INCLUDE VACANT PROPERTY REGISTRATION FEES AS LIENS OF THE STATE AND/OR ITS POLITICAL SUBDIVISIONS.

Mr. Acting Speaker assigned **HB 438** to the Appropriations Committee.

The Majority Leader moved to recess to the call of the Chair at 5:35 p.m.

Mr. Acting Speaker Roy called the House to order at 2:10 p.m. on June 2, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HJR 26** is returning same to the House.

TO: JoAnn Hedrick, Chief Clerk of the House  
Bernard J. Brady, Secretary of the Senate

FROM: Senator George H. Bunting, Jr.

SUBJECT: Removal of Name from **House Bill #425**

By means of this memorandum, I would like to request that my name be removed as a cosponsor of **House Bill #425**.

If there is anything further that I can do to assist you with this request, please feel free to contact me. Thank you.

Representative Wagner made an announcement.

The Reading Clerk read the following communication into the record:

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Melanie George, do hereby request that my name be removed as cosponsor of **HB 429**.

Date: June 1, 2004

Signed: Melanie L. George

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.

**31st LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session  
June 2, 2004**

The Chief Clerk called the roll:

Members Present: 36.

Members Absent: Representatives Boulden, Buckworth, Lofink, Oberle & Reynolds – 5.

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

Mr. Acting Speaker led those present in the 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 408** - OBERLE & SENATOR BUNTING; REPRESENTATIVES SPENCE, LEE, ATKINS, BOOTH, BUCKWORTH, CAREY, CATHCART, DIPINTO, D. ENNIS, EWING, FALLON, HOCKER, LOFINK, MAIER, MIRO, STONE, THORNBURG, ULBRICH, VALIHURA, B. ENNIS, HALL-LONG, KEELEY, MULROONEY, PLANT, SCHWARTZKOPF, VIOLA; SENATORS COOK, SOKOLA,

CLOUTIER, CONNOR, COPELAND - HOUSE ADMINISTRATION - An Act to Amend Title 26 of the Delaware Code Relating to the Public Service Commission. (2/3 bill)

**HB 439** – SMITH; SENTATOR CLOUTIER - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Low-speed Electric Bicycles.

**HB 440** - SPENCE; REPRESENTATIVES BUCKWORTH, CAREY, D. ENNIS, EWING, FALLON, HOCKER, LAVELLE, HOUGHTON - EDUCATION - An Act to Amend Title 14 of the Delaware Code Pertaining to Exceptional Persons to Provide for Education Vouchers for Handicapped Persons.

**HB 441** - HUDSON & SENATOR MCBRIDE - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 31 of the Delaware Code Relating to the Delaware Child Care Act.

**HB 442** - SCHWARTZKOPF & SENATOR HENRY - JUDICIARY - An Act to Amend Chapter 5, Title 11 of the Delaware Code Relating to Identity Theft.

**HB 443** - QUILLEN - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to Tax Credits.

**HB 445** - OBERLE & REPRESENTATIVE SPENCE & SENATOR BLEVINS - LABOR - An Act Directing the Board of Pension Trustees to Repay the Pension Contribution of Former State Policeman Francis R. Spence.

**HB 448** - LEE & SENATOR HENRY - PUBLIC SAFETY - An Act to Amend Title 16 of the Delaware Code Relating to Fire Safety.

**HA 1 to HB 336** - KEELEY - Placed with the Bill.

**HA 2 to HB 418** - OBERLE & REPRESENTATIVE SPENCE - Placed with the Bill.

**HA 1 to HCR 53** - SPENCE - Placed with the Bill.

**SB 221** - SORENSON & SENATOR VAUGHN & REPRESENTATIVE LEE - CORRECTIONS - An Act to Amend Title 11 of the Delaware Code Relating to the International Transfer of Prisoners.

**SB 228** - ADAMS & SENATOR VAUGHN & REPRESENTATIVE WAGNER - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Concerning the Appointment of Judges.

**SS 1 for SB 272** - VAUGHN; REPRESENTATIVES WAGNER & VALIHURA - JUDICIARY - An Act to Amend Title 8 of the Delaware Code Relating to the General Corporation Law. (2/3 bill)

**SB 273** - VAUGHN & REPRESENTATIVE WAGNER & REPRESENTATIVE VALIHURA - JUDICIARY - An Act to Amend Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Partnerships and the Registration and Regulation of Foreign Limited Partnerships. (3/5 bill)

**SB 274** - VAUGHN & REPRESENTATIVE WAGNER & REPRESENTATIVE VALIHURA - JUDICIARY - An Act to Amend Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Partnerships and the Registration and Regulation of Foreign Limited Liability Partnerships. (3/5 bill)

**HA 3 to SB 165** - SCHWARTZKOPF & REPRESENTATIVE BUCKWORTH - Placed with the Bill.  
Representative Smith requested and was granted personal privilege of the floor to introduce a guest.  
The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #71

DATE: June 2, 2004

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>Date</u>	<u>Type</u>	<u>Description</u>
H142-1637	George	4/3/2004	T	Stacey Phelps & Rex Caldwell - Marriage
H142-1638	Hocker	3/13/2004	T	Janet & John Reynolds - 50th Wedding Anniversary
H142-1639	Wagner	4/29/2004	T	Severa Moore - Outstanding Youth of the Year
H142-1640	Wagner	4/29/2004	T	Kenneth Roach - Outstanding Youth of the Year
H142-1641	Thornburg	5/3/2004	T	Hartly Elementary School - Ribbon-Cutting – Renovations
H142-1642	Williams	4/29/2004	M	Jonathan Douglas Ricks
H142-1643	Viola	5/4/2004	T	Teacher Appreciation Day
H142-1644	cosponsors: All Representatives Boulden	5/4/2004	T	Newark Branch - NAACP - Distinguished Service
H142-1645	cosponsors: Reps. Maier, Miro, Oberle & Ulbrich Stone	5/4/2004	T	South Dover Elementary School - Re-Dedication
H142-1646	Wagner	5/3/2004	T	Booker T. Washington Elementary School – Re-Dedication

H142-1647	Stone	5/4/2004	T	East Dover Elementary School - Re-Dedication
H142-1648	Wagner	5/6/2004	T	Fairview Elementary School - Re-Dedication
H142-1649	B. Ennis	5/6/2004	T	Towne Point Elementary School - Re-Dedication
H142-1650	Buckworth	4/30/2004	M	Isabella Ward
H142-1651	Atkins	6/12/2004	T	Gloria & John Holt - 50th Wedding Anniversary
H142-1652	Williams	5/12/2004	T	Patricia Moody - Retirement - 28 Years – State of Delaware
H142-1653	cosponsor: Rep. Gilligan Ewing	5/8/2004	T	Katherine Lewis - Retirement - Seaford & Woodbridge Schools
H142-1654	Smith	5/5/2004	T	Susan Whitcraft - Forwood Elementary Teacher of the Year
H142-1655	Smith	5/5/2004	T	Cynthia Grant - National Teaching Certification
H142-1656	Smith	5/5/2004	T	Richard Johnson - National AARP Board of Directors
H142-1657	Fallon	5/5/2004	T	Erika Harold - Miss America - Visit
H142-1658	cosponsors: All Representatives Carey	5/6/2004	T	Judy Beth Spiegel Memorial Library – Dedication
H142-1659	Hudson	3/13/2004	T	Lily & John Lyons - 50th Wedding Anniversary

#### HOUSE TRIBUTE ANNOUNCEMENT #72

DATE: June 2, 2004

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>Date</u>	<u>Type</u>	<u>Description</u>
H142-1660	Hudson	2/13/2004	T	Ann & Tony Cristofich - 50th Wedding Anniversary
H142-1661	Hudson	4/26/2004	T	Bernardine & Charles Harrison – 50th Wedding Anniversary
H142-1662	Gilligan & Quillen	5/4/2004	M	The Honorable Edith M. Hemphill
H142-1663	cosponsors: All Representatives Wagner	5/8/2004	T	Michelynn Pisarski & Carl Troubetaris - Marriage
H142-1664	Schwartzkopf	5/14/2004	T	Blair Jones, D.D.S. - President – Delaware Dental Society
H142-1665	Stone	5/20/2004	T	Joanna Likens - Retirement – DelDOT - 40 Years
H142-1666	Booth	5/6/2004	T	Cynthia Baker - Teacher of the Year - Indian River
H142-1667	cosponsors: Reps. Atkins, Carey, Ewing, Hocker & Lee DiPinto	5/8/2004	T	Joan Shuttleworth - 75th Birthday
H142-1668	DiPinto	5/8/2004	T	Rafe Hamilton - 60th Birthday
H142-1669	Boulden	5/8/2004	M	Diana Frances Hechter
H142-1670	Carey	5/15/2004	T	Benjamin Banneker Elementary School - Dedication
H142-1671	Carey	5/15/2004	T	Vivienne Mae Ross Playground – Dedication
H142-1672	Valihura	5/23/2004	T	Alden Thomas - Decorated Veteran - Reunion - World War II Vets
H142-1673	Hall-Long	5/15/2004	T	Engine Company 3 Restaurant – Grand Opening
H142-1674	cosponsor: Rep. George Buckworth	5/23/2004	T	Margaret Lingo - 90th Birthday
H142-1675	Boulden	6/2/2004	T	Nancy Boulden - Birthday
H142-1676	Hocker	5/16/2004	T	Eric Karl Gude - Eagle Scout
H142-1677	George	5/15/2004	M	Michael J. Morales
H142-1678	Atkins	5/7/2004	T	Dagsboro Fire Company Ladies Auxiliary - 45th Anniversary
H142-1679	Atkins	5/7/2004	T	Beth Starpaglione & Sharon Brittingham - MBNA Grant



H142-1680	Fallon	5/15/2004	T	Armed Forces Day
	cosponsors: All Representatives			
H142-1681	Lofink	5/31/2004	T	Daniel Slipetsky - Retirement – Delaware Correctional Center
				Teacher - 30 Years
H142-1682	Boulden	5/13/2004	T	Gregory Meece - Dedication to Education

#### HOUSE TRIBUTE ANNOUNCEMENT #73

DATE: June 2, 2004

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	Date	Type	Description
H142-1683	Thornburg	5/15/2004	T	Gilberto Torrijos - Runner-up Male Hispanic Student of the Year
	cosponsors: Reps. Keeley & Miro			
H142-1684	Fallon	5/15/2004	T	Cristina Garmendia - Runner-up Female Hispanic Student of the Year
	cosponsors: Reps. Keeley & Miro			
H142-1685	Oberle	5/15/2004	T	Victor Carrio-Vazquez - Male Hispanic Student of the Year
	cosponsors: Reps. Keeley & Miro			
H142-1686	Spence	5/15/2004	T	Gustavo Hernandez - New Castle County Male Hispanic Student of the Year
	cosponsors: Reps. Keeley & Miro			
H142-1687	Viola	5/15/2004	T	Angela Anacay - New Castle County Female Hispanic Student of the Year
	cosponsors: Reps. Keeley & Miro			
H142-1688	Oberle	5/15/2004	T	Jennifer Ibanez - New Castle County Hispanic Student of the Year
	cosponsors: Reps. Keeley & Miro			
H142-1689	Hall-Long	5/15/2004	T	Nicholas Hernandez - New Castle County Hispanic Student of the Year
	cosponsors: Reps. Keeley & Miro			
H142-1690	Reynolds	5/15/2004	T	Victoria Acosta - New Castle County Hispanic Student of the Year
	cosponsors: Reps. Keeley & Miro			
H142-1691	George	5/15/2004	T	Andrea Beraud - New Castle County Hispanic Student of the Year
	cosponsors: Reps. Keeley & Miro			
H142-1692	DiPinto	5/13/2004	T	The Honorable Kevin Free - 20th Anniversary - Read-Aloud Delaware
	cosponsors: All Representatives			
H142-1693	DiPinto	5/13/2004	T	Read-Aloud Delaware - 20th Anniversary
	cosponsors: All Representatives			
H142-1694	George	5/15/2004	T	Willard F. Preston, III - Graduation – Widener School of Law
H142-1695	Miro	6/26/2004	T	Matthew Galati - Eagle Scout
H142-1696	Spence	5/14/2004	T	Knights of Columbus - Delaware Council - Dedication to Charitable Causes
	cosponsors: All Representatives			
H142-1697	Oberle	5/13/2004	M	Vincetta Storniolo
H142-1698	Wagner	5/21/2004	T	Modern Maturity Center - 35th Anniversary
	cosponsors: Reps. Buckworth, Stone & Thornburg			
H142-1699	Buckworth	6/1/2004	T	Robert Gault - Retirement - 34+ Years - State Treasurer's Office
H142-1700	DiPinto	5/20/2004	T	Sally Hyde - Retirement - 25 Years – Grace PreSchool

T- Tribute

M - Memoriam

Representative Plant requested that she be marked present.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:16 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:16 p.m.: Representatives Cathcart, DiPinto, B. Ennis, D. Ennis, Gilligan, Hocker, Lavelle, Miro, Quillen, Schwartzkopf, Spence, Ulbrich, Valihura & Williams.

Mr. Acting Speaker Roy called the House to order at 2:09 p.m. on June 3, 2004.

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

AGRICULTURE: **HB 360** - 6M; **HB 410** - 6F.

BUSINESS/CORPORATIONS/COMMERCE: **HB 433** - 2F,4M; **SB 248 w/SA 1** - 6F.

HEALTH & HUMAN DEVELOPMENT: **HB 415** - 7M; **SB 264** - 7M.

HOUSE ADMINISTRATION: **HS 1/HB 408** - 4M; **HB 428** - 4M; **SS 1/SB 72** - 4M.

HOUSING & COMMUNITY AFFAIRS: **HB 381** - 6M,1U; **SB 239 w/SA 1** - 3F,4M.  
JUDICIARY: **SB 232 w/SA 1** - 6M; **HB 424** - 6M; **HB 420** - 5M; **HB 421** - 5M; **HB 442** - 6M.  
LAND USE AND INFRASTRUCTURE: **HCR 72** - 6M.  
PUBLIC SAFETY: **HB 429** - 4M,2U; **SB 260** - 6M.  
REVENUE & FINANCE: **SB 240** - 6M,1U.  
TRANSPORTATION: **HB 437** - 5M; **HJR 28** - 4M,1U.  
The Reading Clerk read the following communications into the record:

**MEMORANDUM**

To: JoAnn Hedrick, Chief Clerk  
From: Representative Bruce Reynolds, Fifteenth District  
Re: Absence from Session

I probably will be absent from session on June 3, 2004 due to a family medical problem.

**MEMORANDUM**

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: William A. Oberle, Jr.  
Representative – Twenty-Fourth Representative District  
RE: Absence from Session  
DATE: June 2, 2004

Please be advised that I will be unable to attend session Wednesday, June 2, 2004 and Thursday, June 3, 2004 due to business reasons.

Thank you for your consideration in this matter.

**MEMORANDUM**

TO: The Honorable Terry R. Spence  
Speaker of the House of Representatives  
FROM: Vincent A. Lofink  
Representative – Twenty-Seventh Representative District  
RE: Absence from Session  
DATE: June 2, 2004

Please be advised that I will be unable to attend session Thursday, June 3, 2004 due to business reasons.

Thank you for your consideration in this matter.

Representatives Hocker, Quillen, Buckworth, Bouden, George & DiPinto requested that they 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.

**32nd LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session  
June 3, 2004**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Lofink, Oberle & Reynolds – 3.

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

Mr. Acting Speaker led those present in the 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 446** - SPENCE & SENATOR MCBRIDE - LABOR - An Act to Amend Chapter 55, Title 29 of the Delaware Code Relating to the State Employees' Pension Plan.

**HB 447** - WAGNER & REPRESENTATIVE B. ENNIS; REPRESENTATIVES SPENCE, D. ENNIS, LOFINK, OBERLE, GILLIGAN, VANSANT, KEELEY, MULROONEY, PLANT - LABOR - An Act Awarding Special Pension Benefits to Dorothy L. Franklin and Directing the Board of Pension Trustees to Administer Payment of the Pension Provided by this Act as if the Award Were Pursuant to Chapter 55, Title 29, Delaware Code.

**HB 449** - HOCKER & SENATOR BUNTING - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Chapter 1 of Title 26 of the Delaware Code Relating to the Public Service Commission and Certificates of Public Convenience and Necessity.

**HB 450** - LAVELLE & SENATOR COPELAND; REPRESENTATIVES HUDSON, STONE, ULBRICH, WAGNER; SENATORS STILL, BONINI - HOUSE ADMINISTRATION - An Act to Amend Title 9 Relating to New Castle County Government.

**HB 451 - HOCKER & SENATOR BUNTING - HOUSE ADMINISTRATION - An Act to Amend the Charter of the Town of Bethany, Chapter 295, Volume 65, Laws of Delaware, as Amended, to Provide for Quarterly Supplemental Assessments. (2/3 bill)**

**HB 452 - B. ENNIS & REPRESENTATIVE WAGNER & SENATOR VAUGHN; REPRESENTATIVES EWING, LEE, SCHWARTZKOPF, VANSANT - LABOR - An Act to Amend Chapter 59 of Title 29 of the Delaware Code Relating to Leave Regulations for Exempt Positions.**

**HA 1 to HB 77 - WAGNER - Placed with the Bill.**

**HA 1 to HB 350 - WAGNER - Placed with the Bill.**

**HA 1 to HB 386 - QUILLEN - Placed with the Bill.**

**HA 1 to HB 387 - BUCKWORTH - Placed with the Bill.**

**HA 1 to HB 410 - CAULK - Placed with the Bill.**

**HCR 77 - LAVELLE & SENATOR COPELAND; REPRESENTATIVES HUDSON, STONE, ULBRICH, WAGNER; SENATORS STILL, BONINI - HOUSE ADMINISTRATION - Establishing the New Castle County Government Improvement Task Force to Review the Structure, Operations, and Expenditures of New Castle County Government and Recommend Improvements Thereto.**

**SCR 38 - HENRY; SENATOR MCDOWELL; REPRESENTATIVES HOUGHTON, KEELEY, VANSANT, WILLIAMS, MULROONEY; SENATOR MARSHALL - HOUSE ADMINISTRATION - Respectfully Requesting that the Governor and the Delaware Department of Transportation Consider Naming Church Bridge (the 11th Street Bridge) After the Late Representative Al O. Plant.**

Representative Smith deferred to Representative Fallon.

The House observed a moment of silence in memory of Judge Paul Edward Ellis at the request of Representative Fallon.

The Reading Clerk read the following communication into the record:

June 3, 2004

#### LEGISLATIVE ADVISORY #21

Governor Ruth Ann Minner signed the following legislation on the date indicated: 5/17/04 – **SB 220 aab SA 1, SB 226, SB 227, HJR 24, HJR 27, HB 228, HB 248, HB 282 aab HA 1, HB 317 aab HA 1 & 2 & SA 1, HB 328, HB 366 & HB 405 aab HA 1 & 2; 5/18/04 – HB 330 aab HA 1 & 2; 5/19/04 – HB 352, SB 179, SB 216, SB 217 & SB 238; 5/20/04 – SB 285; 5/25/04 – SB 233 & SJR 9.**

Representative Keeley requested that she be marked present. Representative Smith deferred to Representative Wagner. Representative Wagner introduced guests. Representative Wagner requested and was granted privilege of the floor to present a House Tribute to Sherif Girgis, American Legion Oratorical Contest Second Place Winner Nationally, who addressed the House. Representative Smith made comments. Representative Smith deferred to Representative George. Representative George requested and was granted privilege of the floor to present House Certificates to members of the National Guard Association and the National Guard Retired Officers Association. Representatives Booth, Maier & D. Ennis requested that they be marked present. Representative Smith deferred to Representative George. Representative George introduced guests who announced their names and law schools for the record. Representative Smith deferred to Representative D. Ennis. Representative D. Ennis requested and was granted privilege of the floor to introduce a guest. Representative Smith deferred to Representative Hall-Long. Representative Hall-Long introduced guests and made comments. Representative Fallon made comments. Representative Wagner requested and was granted personal privilege of the floor to introduce a guest.

The Majority Leader moved to recess for caucus at 2:44 p.m.

The House reconvened at 4:40 p.m. with Representative Boulden as Acting Speaker.

Representative Smith brought **HB 437**, jointly sponsored by Senator DeLuca & Representatives Roy, Hudson & Miro & Senators Adams, Amick & Henry, before the House for consideration.

**HB 437 - AN ACT TO AMEND TITLE 17 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF TRANSPORTATION.**

Representative Smith made comments.

The roll call on **HB 437** was taken and revealed:

YES: 37.

ABSENT: Representatives Lofink, Oberle, Quillen & Reynolds - 4.

Therefore, having received a constitutional majority, **HB 437** was sent to the Senate for concurrence. Representatives Cathcart, Lavelle, Miro, Plant, Spence, Ulbrich, Williams, Atkins, Gilligan & Stone requested that they be marked present during the roll call.

Representative Smith made comments regarding **HB 437**.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto brought **HB 359**, jointly sponsored by Representatives Spence, Atkins, Cathcart, Hudson, Lofink, Oberle, Gilligan, Houghton, Keeley & Viola & Senators Blevins, McBride, Sokola, Vaughn, Bonini & Copeland, before the House for consideration.

**HB 359 - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 5 OF TITLE 4, DELAWARE CODE, REGARDING TAXES AND LICENSE FEES.**

Representative DiPinto made an announcement.

Representative DiPinto moved to place **HB 359** on the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **HB 360**, jointly sponsored by Senator Copeland & Representative Valihura, before the House for consideration.

**HB 360 - AN ACT TO AMEND TITLE 3, CHAPTER 101 OF THE DELAWARE CODE RELATING TO THOROUGHBRED RACING.**

Representatives Hudson, George & Valihura made comments.

The roll call on **HB 360** was taken and revealed:

YES: 36.

ABSENT: Representatives Lofink, Oberle, Quillen, Reynolds & Spence - 5.

Therefore, having received a constitutional majority, **HB 360** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 401**, jointly sponsored by Senator Blevins & Representative Ulbrich & Representatives Buckworth, Fallon, George, Hall-Long, Hudson, Keeley, Mulrooney, Schwartzkopf, Valihura, VanSant, Viola & Wagner & Senators Cloutier, Connor, McDowell & Sorenson, before the House for consideration.

**HB 401 - AN ACT TO AMEND TITLE 13 OF THE DELAWARE CODE OF THE DELAWARE CODE RELATING TO PARENTS AND CHILDREN.**

Representative Maier requested and was granted privilege of the floor for Tania Culley, Office of the Child Advocate. Representatives Smith & Valihura made comments.

The roll call on **HB 401** was taken and revealed:

YES: 36.

ABSENT: Representatives DiPinto, Lofink, Oberle, Quillen & Reynolds - 5.

Therefore, having received a constitutional majority, **HB 401** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 412**, jointly sponsored by Senator Vaughn & Representatives Lee, Buckworth, Carey, DiPinto, D. Ennis, Ewing, Stone, Thornburg, Valihura, VanSant, B. Ennis, Houghton, Keeley & Williams, before the House for consideration.

**HB 412 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF DEADLY WEAPONS AND AMMUNITION BY PERSONS PROHIBITED.**

Representative Wagner made comments.

The roll call on **HB 412** was taken and revealed:

YES: 35.

ABSENT: Representatives Cathcart, DiPinto, Lofink, Oberle, Quillen & Reynolds - 6.

Therefore, having received a constitutional majority, **HB 412** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 417**, jointly sponsored by Senator Vaughn, before the House for consideration.

**HB 417 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO LIFE SENTENCES.**

Representative Wagner made comments.

The roll call on **HB 417** was taken and revealed:

YES: 33.

NO: Representative Plant - 1.

ABSENT: Representative Cathcart, DiPinto, D. Ennis, Lofink, Oberle, Quillen & Reynolds - 7.

Therefore, having received a constitutional majority, **HB 417** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Stone.

Representative Stone requested that action on **HB 429** be Deferred to a Day Certain, Thursday, June, 10, 2004.

Representative Smith deferred to Representative Lee.

Representative Lee brought **HB 414**, jointly sponsored by Representative Smith & Senator Vaughn, before the House for consideration.

**HB 414 - AN ACT TO AMEND TITLES 10, 11, 16, AND 21 OF THE DELAWARE CODE RELATING TO CLASSIFICATION OF OR SENTENCING FOR CERTAIN OFFENSES.**

Representative Lee introduced and brought **HA 1 to HB 414** before the House for consideration.

Representative Lee made a comment. **HA 1** was adopted by voice vote.

Representative Lee made comments.

The roll call on **HB 414 w/HA 1** was taken and revealed:

YES: 35.

ABSENT: Representatives Cathcart, DiPinto, Lofink, Oberle, Quillen & Reynolds - 6.

Therefore, having received a constitutional majority, **HB 414 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner made an announcement regarding **HB 77**.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **HB 421**, jointly sponsored by Senator Blevins & cosponsored by Representative Maier, before the House for consideration.

**HB 421 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR INNOCENT VICTIMS OF CRIME. (F/N)**

Representative Hudson made comments.

The roll call on **HB 421** was taken and revealed:

YES: 34.

ABSENT: Representatives Cathcart, DiPinto, Lofink, Oberle, Quillen, Reynolds & Spence - 7.

Therefore, having received a constitutional majority, **HB 421** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Valihura.

Representative Valihura requested that **HB 239** be stricken.

Representative Valihura introduced **HB 454**, jointly sponsored by Representative Caulk & Senator Vaughn & Senator Venables & Representatives Atkins, Booth, Buckworth, Carey, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Hall-Long, Hocker, Hudson, Lee, Maier, Mulrooney, Smith, Spence & Thornburg & Senators Bunting, Simpson & Still.

**HB 454 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COUNTY TAXES AND HISTORIC FARM STRUCTURES.**

Mr. Acting Speaker assigned **HB 454** to the Housing & Community Affairs Committee.

Representative Smith deferred to Representative Stone.

Representative Stone introduced **HB 455**, jointly sponsored by Representative Maier & Representative Valihura & Senator Blevins & Senator Cook.

**HB 455 - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CONVERSION TRANSACTIONS OF NOT-FOR-PROFIT ENTITIES.**

Mr. Acting Speaker assigned **HB 455** to the Economic Development/Banking & Insurance Committee.

Representative Smith deferred to Representative Maier.

Representative Maier introduced and brought **HCR 76**, jointly sponsored by Representative Miro & Senator Blevins & Senator Marshall, before the House for consideration.

Representative Maier made comments.

**HCR 76 - RECOGNIZING MAY 9 -15, 2004 AS DELAWARE NURSING HOME WEEK.**

**HCR 76** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hudson.

Representative Hudson requested that **HB 395** be stricken.

Representative Smith deferred to Representative Wagner.

Representative Wagner introduced and brought **HR 76**, jointly sponsored by Representative D. Ennis, before the House for consideration.

**HR 76 - RE-ESTABLISHING THE COMMUTER TASK FORCE TO EXAMINE AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING RESTORING AND IMPLEMENTING COMMUTER RAIL SERVICE BETWEEN NEW CASTLE AND KENT COUNTIES**

Representatives Wagner, Fallon & Booth made comments.

The roll call on **HR 76** was taken and revealed:

YES: 21.

NO: Representatives Atkins, Booth, Carey, Caulk, Ewing, Hocker, Lee & Schwartzkopf - 8.

NOT VOTING: Representatives Fallon, Gilligan, Houghton, Roy & VanSant - 5.

ABSENT: Representatives Cathcart, DiPinto, Lofink, Miro, Oberle, Quillen & Reynolds - 7.

Therefore, having received a constitutional majority, **HR 76** was declared passed.

Representative Wagner made a comment.

Representative Smith deferred to Representative Roy.

Representative Roy requested that **HB 331** be stricken.

Representative Smith deferred to Representative Atkins.

Representative Atkins made an announcement.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence reassigned **HB 450** & **HCR 77** to the Housing & Community Affairs Committee.

Mr. Speaker Spence assigned **HB 418** to the Appropriations Committee.

Mr. Speaker Spence removed **SB 52** from the Business/Corporations/Commerce Committee and returned it to the Ready List.

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

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 432** - 5M; **SB 261 w/SA 1** - 5M; **SB 282** - 5M.

The Majority Whip moved to recess to the call of the Chair at 5:40 p.m.

Mr. Speaker Spence called the House to order at 2:16 p.m. on June 8, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 280, SB 281, SB 279 w/SA 1 & SB 271** and requests the concurrence of the House; **HS 1 for HB 339** and is returning same to the House.

MEMO

To: JoAnn Hedrick  
Chief Clerk of the House of Representatives  
From: Senator Robert I. Marshall  
Re: **HB 250**

Please add my name, Robert I. Marshall, as a co-sponsor to **HB 250** relating to lotteries.

Thank you.

WITHDRAWAL OF SPONSORSHIP REQUEST

I, Pete Schwartzkopf, do hereby request that my name be removed as cosponsor of **SB 265**.

Date: June 3, 2004

Signed: Peter C. Schwartzkopf

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

HEALTH & HUMAN DEVELOPMENT: **SB 265** - 1F,5M.

Representative Stone made an announcement.

Representative Smith introduced **HB 459**, jointly sponsored by Representative Spence & Representative Ulbrich & Representative Maier & Senator McBride & All Representatives & Senators Connor & Peterson.

**HB 459** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE POWERS, DUTIES, AND FUNCTIONS OF THE SECRETARY OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.

Mr. Speaker Spence assigned **HB 459** to the Health & Human Development Committee.

Representative Smith deferred to Representative Ewing.

Representative Thornburg requested and was granted personal privilege of the floor to introduce guests.

Representative Ewing introduced **HB 457**, jointly sponsored by Senator Adams.

**HB 457** - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY IN SUSSEX COUNTY TO THE WOODBRIDGE SCHOOL DISTRICT.

Mr. Speaker Spence assigned **HB 457** to the Appropriations Committee.

Representative Smith deferred to Representative Keeley.

Representative Keeley introduced **HB 461**.

**HB 461** - AN ACT TO AMEND TITLES 5 AND 6 OF THE DELAWARE CODE RELATING TO REGULATION OF CREDIT COUNSELING AND DEBT MANAGEMENT. (2/3 bill)

Mr. Speaker Spence assigned **HB 461** to the Economic Development/Banking & Insurance Committee.

The Majority Leader moved to adjourn at 2:25 p.m., thereby ending the current legislative day. The House reconvened at 2:26 p.m.

**33rd LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session**

**June 8, 2004**

The Chief Clerk called the roll:

Members Present: 41.

The House observed a moment of silence in memory of President Ronald W. Reagan at the request of Mr. Speaker Spence.

A prayer was offered by Representative Helene M. Keeley, Third Representative District.

Mr. Speaker Spence and Sarah Bible led those present in the pledge of allegiance to the American Flag.

The following prefiled legislation was introduced:

**HB 453** - DIPINTO & REPRESENTATIVE MCDOWELL & SENATOR HENRY & SENATOR SORENSON; REPRESENTATIVES SPENCE, BOOTH, BOULDEN, BUCKWORTH, D. ENNIS, EWING, HUDSON, MAIER, MIRO, OBERLE, ULBRICH, VALIHURA, WAGNER, B. ENNIS, HALL-LONG, HOUGHTON, PLANT - HOUSE ADMINISTRATION - An Act to Amend Chapter 4, Title 29 of the Delaware Code Relating to Buildings and Grounds, to Promote Culture and the Arts in State Buildings.

**HB 456** - CATHCART - HOUSE ADMINISTRATION - An Act to Amend An Act Entitled "An Act to Reincorporate the Town of Odessa" Being Chapter 141, Volume 68, Laws of Delaware, as Amended, Relating to Vacancy Procedures and Charter Changes. (2/3 bill)

**HA 2 to HB 387** - BUCKWORTH - Placed with the Bill.

**HA 1 to HB 390** - ULBRICH - Placed with the Bill.

**SB 202 w/SA 1** - BLEVINS & REPRESENTATIVE SMITH; SENATOR COOK & REPRESENTATIVE OBERLE - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Elections.

**SB 218 w/SA 1** - CONNOR & REPRESENTATIVE EWING; SENATORS AMICK, CLOUTIER; REPRESENTATIVES BUCKWORTH, CAREY, B. ENNIS, KEELEY, ROY, SCHWARTZKOPF,

WAGNER - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Selling of License Plates Covers and Frames. (2/3 bill)

**SB 271** - HENRY & SENATOR SOKOLA; SENATORS SIMPSON, COPELAND, CLOUTIER, CONNOR, SORENSON; REPRESENTATIVES REYNOLDS & MIRO - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to Public Attendance of Homeless Children and Unaccompanied Youth.

**SB 279 w/SA 1** - COOK & REPRESENTATIVE DIPINTO; SENATORS BLEVINS, AMICK, CLOUTIER, CONNOR, HENRY, MCDOWELL, SOKOLA, SORENSON; REPRESENTATIVES BUCKWORTH, FALLON, GEORGE, HALL-LONG, HUDSON, KEELEY, MAIER, MULROONEY, OBERLE, SCHWARTZKOPF, SPENCE, ULBRICH, VALIHURA, VANSANT, VIOLA, WAGNER - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 31 of the Delaware Code Relating to Review of Child Near Deaths.

**SB 280** - BUNTING & REPRESENTATIVE ATKINS - HOUSE ADMINISTRATION - An Act to Amend the Charter of the Town of Dagsboro, Chapter 138, Volume 68, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Dagsboro", to Amend Subsection (XX) of Section 28, Enumeration of Powers, by Adding Authorization for Imposing "Impact Fees" for Fire and Paramedic Services. (2/3 bill)

**SB 281** - BUNTING & REPRESENTATIVE ATKINS - HOUSE ADMINISTRATION - An Amendment to An Act Being Chapter 138, Volume 68, Laws of Delaware, as Amended, Entitled "An Act to Incorporate the Town of the Town of Dagsboro", to Amend Section 28 (pp) by Striking Said Subsection and Substituting in Lieu Thereof Additional Authority to Borrow Amounts in Anticipation of Revenue. (2/3 bill)

**SB 286** - DELUCA & REPRESENTATIVE STONE; SENATORS BUNTING, SOKOLA, SORENSON, STILL; REPRESENTATIVES D. ENNIS, CAREY, FALLON, HOCKER, HUDSON, LAVELLE, MIRO, VALIHURA, HOUGHTON, KEELEY - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 12 of the Delaware Code Relating to Decedent's Estates and Fiduciary Relations and Investments of Fiduciaries.

**SB 287** - DELUCA & REPRESENTATIVE STONE; SENATORS SOKOLA, STILL, SORENSON & REPRESENTATIVE VALIHURA - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 12 Relating to the Delaware Uniform Transfers to Minors Act.

**SB 288** - DELUCA & REPRESENTATIVE STONE; SENATORS SOKOLA, STILL, SORENSON & REPRESENTATIVE VALIHURA - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 12 of the Delaware Code Relating to Trusts.

**SB 289** - DELUCA & REPRESENTATIVE STONE; SENATORS SOKOLA, STILL, SORENSON & REPRESENTATIVE VALIHURA - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 12 of the Delaware Code Relating to Wills and Trusts.

**SB 290** - DELUCA & REPRESENTATIVE STONE; SENATORS SOKOLA, STILL, SORENSON & REPRESENTATIVE VALIHURA - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 12 of the Delaware Code Relating to Sales of Real Estate by Executors.

**HA 2 to SB 234** - KEELEY - Placed with the Bill.

The House observed a moment of silence in memory of Wilmington Mayor John E. Babiarz, Sr. at the request of Mr. Speaker Spence.

Representative Smith made an announcement.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto requested and was granted personal privilege of the floor to present a House Tribute to Sheila O'Callaghan, Assistant Principal, St. Ann's School, and her fourth grade students who announced their names for the record.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **SB 218 w/SA 1, SB 202 w/SA 1, SB 286, SB 287, SB 288, SB 289 & SB 290** and requests the concurrence of the House; **HB 208 w/HA 1 & SA 3 & HB 398** and is returning same to the House.

The Majority Whip moved to recess for caucus at 2:36 pm.

The House reconvened at 5:25 p.m. with Representative Quillen as Acting Speaker.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SS 2/SB 86, SB 22 w/SA 1 & SB 278** and requests the concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Gerald A. Buckworth, do hereby request that my name be removed as cosponsor of **HJR 25**.

Date: June 8, 2004

Signed: Representative Gerald A. Buckworth

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Gerald A. Buckworth, do hereby request that my name be removed as cosponsor of **HB 334**.

Date: June 8, 2004

Signed: Representative Gerald A. Buckworth

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **HB 420**, jointly sponsored by Senator Blevins, before the House for consideration.

**HB 420** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO JURISDICTION OVER CERTAIN CRIMINAL MATTERS. (2/3 bill)

Mr. Acting Speaker introduced a guest. Representative Gilligan requested and was granted personal privilege of the floor to make comments.

Representative Valihura introduced and brought **HA 1 to HB 420** before the House for consideration. Representative Valihura made a comment. **HA 1** was adopted by voice vote.

Representative Valihura made comments.

The roll call on **HB 420 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 420 w/HA 1** was sent to the Senate for concurrence.

Representatives Cathcart, Oberle, Plant, Roy, Viola, Williams, Maier, Reynolds & Lavelle requested that they be marked present during the roll call.

Representative Smith deferred to Representative VanSant.

Representative VanSant moved to restore **HB 349**. The motion was seconded by Representative Gilligan and adopted by voice vote.

Representative VanSant made comments and deferred to Representative Keeley.

Representative Keeley brought **HB 349**, jointly sponsored by Representatives Carey, DiPinto, George, Houghton, Hudson, Plant, Reynolds & Williams & Senators Blevins, Henry, Marshall & McDowell, before the House for consideration.

**HB 349** - AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO THE POSSESSION OR CONCEALMENT OF PAINTBALL GUNS WITHIN THE CITY OF WILMINGTON. (2/3 bill)

Representative Keeley made comments.

The roll call on **HB 349** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 349** was sent to the Senate for concurrence.

Representatives Lofink & Booth made announcements.

Representative Lee deferred to Representative DiPinto.

Representative DiPinto brought **HB 347**, jointly sponsored by Senator Marshall & Representatives Buckworth, D. Ennis, Fallon, Hudson, Gilligan, B. Ennis, George, Houghton, Keeley & Plant & Senator Still, before the House for consideration.

**HB 347** - AN ACT TO AMEND TITLE 22, DELAWARE CODE RELATING TO MONITION SALES BY MUNICIPALITIES. (2/3 bill)

Representative DiPinto made comments.

The roll call on **HB 347** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 347** was sent to the Senate for concurrence.

Representative Smith brought **HB 424**, jointly sponsored by Senator Vaughn & Representative Spence & Senator Still & Representative Williams & Representative VanSant, before the House for consideration.

**HB 424** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES.

Representative Smith made comments. Representative Smith requested and was granted privilege of the floor for Regina U. Edmiston, mother of a fatal auto accident victim.

The roll call on **HB 424** was taken and revealed:

YES: 40.

NOT VOTING: Representative Valihura - 1.

Therefore, having received a constitutional majority, **HB 424** was sent to the Senate for concurrence.

Representative Ewing made an announcement.

The House observed a moment of silence in memory of young people who have died on Delaware highways at the request of Representative Maier.

Representative Hudson made an announcement.

Representative Smith deferred to Representative Cathcart.

Representative Cathcart brought **HB 249**, jointly sponsored by Senator McDowell & Representatives Lee, Buckworth, Carey, B. Ennis, Ewing, Fallon, Hocker, Hudson, Lofink, Miro, Quillen, Stone, Ulbrich, Wagner, Keeley & Plant & Senators Sorenson, Amick, Cloutier, Connor, Copeland & Simpson, before the House for consideration.

**HB 249** - AN ACT TO AMEND TITLE 6 AND TITLE 7 OF THE DELAWARE CODE RELATING TO METHYL TERTIARY-BUTYL ETHER.



Representatives Cathcart, DiPinto & Oberle made comments.

The roll call on **HB 249** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **HB 249** was sent to the Senate for concurrence. Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HS 1 for HB 408**, jointly sponsored by Senator Bunting & Representatives Spence, Lee, Atkins, Booth, Buckworth, Carey, Cathcart, DiPinto, D. Ennis, Ewing, Fallon, Hocker, Lofink, Maier, Miro, Stone, Thornburg, Ulbrich, Valihura, B. Ennis, Hall-Long, Keeley, Mulrooney, Plant, Schwartzkopf & Viola & Senators Cook, Sokola & Copeland & cosponsored by Senators Cloutier & Connor, before the House for consideration.

**HB 408 - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION.** (2/3 bill)

Representative Oberle made comments.

The roll call on **HS 1 for HB 408** was taken and revealed:

YES: 40.

ABSENT: Representative Smith - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HS 1 for HB 408** was sent to the Senate for concurrence.

Representative Oberle requested and was granted personal privilege of the floor to make comments.

Representative Lee deferred to Representative Wagner.

Representative Wagner requested that **HB 77** be stricken.

Representative Wagner moved to suspend the rules which interfere with introduction of and action on **HS 1 for HB 77**. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Wagner introduced and brought **HS 1 for HB 77**, jointly sponsored by Senator Bunting & Representatives Buckworth, Carey, Cathcart, Ewing, Fallon, Hocker, Maier, Reynolds, Valihura, B. Ennis, Hall-Long, Keeley & Plant, before the House for consideration.

**HB 77 - AN ACT TO PROPOSE AN AMENDMENT TO ARTICLE IV OF THE DELAWARE CONSTITUTION OF 1897 TO INCLUDE THE FAMILY COURT AND COURT OF COMMON PLEAS AS COURTS ESTABLISHED BY THE CONSTITUTION OF THE STATE OF DELAWARE AND ARTICLES III AND IV OF THE DELAWARE CONSTITUTION OF THE STATE OF DELAWARE TO DELETE REFERENCES TO THE ORPHANS' COURT.** (2/3 bill)

Representative Wagner made comments.

The roll call on **HS 1 for HB 77** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HS 1 for HB 77** was sent to the Senate for concurrence.

Representative Ewing requested and was granted personal privilege of the floor to make an announcement.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich brought **SB 229 w/SA 1**, jointly sponsored by Senator Peterson & Representative Spence & Senators Amick, Blevins, Cloutier, Connor, Copeland, Henry, McDowell, Simpson, Sokola, Sorenson & Venables & Representatives DiPinto, D. Ennis, Ewing, Fallon, George, Hall-Long, Houghton, Hudson, Keeley, Lavelle, Maier, Mulrooney, Plant, Roy, Smith, Stone, Valihura, Viola & Wagner, before the House for consideration.

**SB 229 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS.**

Representative DiPinto brought **HA 1 to SB 229** before the House for consideration. Representatives DiPinto & Ulbrich made comments. **HA 1** was adopted by voice vote.

Representative Ulbrich made comments.

The roll call on **SB 229 w/SA 1 & HA 1** was taken and revealed:

YES: 41.

Therefore, having received a constitutional majority, **SB 229 w/SA 1 & HA 1** was returned to the Senate for concurrence on **HA 1**.

Mr. Acting Speaker appointed Representative Buckworth as Acting Speaker.

Representative Smith deferred to Representative Quillen.

Representative Quillen brought **HB 386**, jointly sponsored by Senator Bonini, before the House for consideration.

**HB 386 - AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE CITY OF HARRINGTON", BEING CHAPTER 115, VOLUME 69, LAWS OF DELAWARE, AS AMENDED, RELATING TO CHARTER REVISIONS FOR THE CITY OF HARRINGTON.** (2/3 bill)

Representative Quillen brought **HA 1 to HB 386** before the House for consideration. Representative Quillen made a comment. **HA 1** was adopted by voice vote. Representative Quillen made comments.

The roll call on **HB 386 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 386 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **HB 309**, jointly sponsored by Senator Vaughn, before the House for consideration.

**HB 309 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE 1, § 6 OF THE CONSTITUTION OF DELAWARE OF 1897, AS AMENDED, RELATING TO SEARCHES AND SEIZURES. (2/3 bill)**

Representatives Valihura, Thornburg & George made comments.

The following communications were made a part of the record at the request of Representative

George:

May 27, 2004

The Honorable Melanie George  
Legislative Hall  
P. O. Box 1401  
Dover, DE 19903

RE: House Bill No. 309

Dear Representative George:

I write today as a private citizen concerned about **House Bill 309** and the “final working paper” dated May 11, 2004, of the Working Group of the Criminal Justice Council. **House Bill 309**, if adopted in the requisite manner, would amend the language of Article I, Section 6, of the Delaware Constitution that has been part of the Bill of Rights relating to unreasonable searches and seizures in our Delaware Constitution for over two centuries. The amendment would change that time honored Delaware language to parallel the wording of the Fourth Amendment to the Federal Constitution, as interpreted from time to time by the United States Supreme Court.

Because an amendment to the Bill of Rights in the Delaware Constitution affects the liberties of our citizens, it should be done only after careful study and a reasoned conclusion that our Constitution is clearly wrong. What is at stake is a balance between the perceived needs of law enforcement and long-standing constitutionally-guaranteed civil liberties.

It has long been recognized by the United States Supreme Court that it is entirely appropriate for state constitutions to provide greater protections than those set forth in the federal constitution, as interpreted by the United States Supreme Court. By making the Delaware Constitution identical to the Federal Constitution, it seems that we would be ceding authority for the interpretation of our Constitution to the federal judiciary. Therefore, we may be risking an erosion of our state sovereignty and undermining the independence of our state judiciary.

A case in point is *United States v. Leon*, 468 U.S. 897 (1984) that read into the federal constitution the so-called “good faith” exception to the exclusionary rule applicable to searches that exceed the authority set forth in a search warrant. The Delaware Supreme Court has held that the Delaware Constitutional protections against unreasonable searches and seizures do not recognize this exception that had been interpreted by the United States Supreme Court to be implied in the federal constitution. See, *Dorsey v. State*, 761 A.2d 807 (Del. 200) (citing *Richards v. State*, 77 A.2d 199 (Del. 1950 and *Mason v. State*, 534 A.2d 242 (1987)). Moreover, eighteen states have declined to follow the United States Supreme Court decision in *Leon* and only a few have followed it.

On a similar note, in *Jones v. State*, 745 A.2d 856 (Del. 1999), the Delaware Supreme Court held that the United States Supreme Court decision in *Hodari D.*, 499 U.S. 621 (1991) does not apply when interpreting the constitutional guarantees of the Delaware Constitution.

My main concern at this point is that we should not tinker with these venerable constitutional rights of Delaware citizens, unless there is a compelling reason to correct something that is clearly wrong. I have not been persuaded that there is such a compelling reason or that the Delaware Constitution as interpreted by the Delaware Supreme Court is clearly wrong.

The very recent history of the freedom of speech guarantee is interesting in this context. When the framers of the Delaware Constitution wrote the 1792 Constitution, they had before them the 1791 Federal Bill of Rights and the 1790 Pennsylvania Constitution. In the 1792 Constitution, Delaware’s protection of the press was nearly identical to that provided by Pennsylvania’s provision in Article IX, Section 7 of its 1790 Bill of Rights. In 1792, however, Delaware omitted the Pennsylvania provisions protecting free speech. In January 2002, legislation was introduced in the General Assembly to amend Article I, Section 5 of the Delaware Constitution to guarantee Delaware citizens freedom of speech. The language of that 2002 amendment was taken from the Pennsylvania Constitution of 1790. The proposed amendment became effective in 2003. This is one of the few substantive changes to the Delaware Bill of Rights since 1792. “By continuing to use the 1790 Pennsylvania Constitution as a model, the modern drafters of this[amendment] have provided a logical basis for consistency in judicial interpretation of Section 5.” See Randy J. Holland *The Delaware State Constitution: A Reference Guide* (Greenwood Press 2002).

To demonstrate the fact that the Delaware Constitution has deep roots and has stood the test of time, I attach an addendum summarizing briefly the Delaware chronology and the Federal comparison.

Accordingly, I respectfully suggest the General Assembly not adopt **H. B. 309**, unless an independent, thorough, and scholarly study is undertaken considering all points of view in a deliberative manner to determine whether or not there is a compelling need to amend the Delaware Constitution on the ground that Article I, Section 6, is clearly wrong.

Respectfully  
Norm Veasey  
ADDENDUM

#### **Delaware Chronology**

**Pre-Revolutionary War:** Thomas McKean and John Dickenson of Delaware study law at the Middle Temple in England. They are contemporaries of William Blackstone, who wrote the definitive treatise on the Common Law of England.

**1776:** Thomas McKean is the principal author of the first Delaware Constitution and Declaration of Rights. The Declaration of Rights includes protections against search and seizure and incorporates the common law of England by reference as the law of Delaware.

**1778:** Thomas McKean moves to Pennsylvania and becomes Chief Justice of the Pennsylvania Supreme Court for twenty-two years.

**John Dickinson moves to Delaware:** Dickinson served as the Governor of Pennsylvania and the Governor of Delaware. He chaired the Annapolis Convention and was a delegate to the Philadelphia Convention which adopted the United States Constitution.

**1790:** Pennsylvania adopts a new constitution that is written by Thomas McKean.

**1791:** The Federal Bill of Rights becomes effective in December with the ratification by Virginia.

**1792:** Delaware adopts a new constitution. John Dickinson is the President of the Delaware Constitutional Convention. The Bill of Rights is made Article I rather than a separate document as it was in 1776. **The words probable cause are added to the Delaware Bill of Rights.** In writing the Delaware Bill of Rights, the Delaware Convention had before it both the Federal Bill of Rights and the Pennsylvania Bill of Rights from its 1790 Constitution. The words probable cause are found in both documents but the Delaware Bill of Rights looks a lot like the Pennsylvania Bill of Rights. This is not surprising since McKean wrote the Pennsylvania document and was a friend of Dickinsons. Especially since McKean had written the 1776 Delaware Declaration of Rights and Constitution.

**1831:** Delaware adopts a new constitution, and the 1792 Bill of Rights is retained verbatim.

**1833:** Chief Justice John Marshall writes the opinion in *Barron v. Baltimore*, 32 U.S. 243, that holds the Federal Bill of Rights does not apply to the states.

Mid-1800s: Delaware enacts a statute that requires more than probable cause to support a nighttime search warrant. In addition to probable cause, the affidavit must assert exigent circumstances. That remains the law today. In *Mason v. State*, the Delaware Supreme Court discussed the history of the nighttime search warrant requirement. The Court also held that the courts could not authorize a “good faith exception” to the nighttime search warrant requirement. See *Mason v. State*, 534 A.2d 242 (Del. 1987)

**1868:** The Fourteenth Amendment is enacted with the due process clause that becomes the basis for selective incorporation of the Federal Bill of Rights as applicable to state action.

**1897:** Delaware adopts a new constitution. The 1792 Bill of Rights is retained verbatim. During the constitutional debates, the delegates acknowledge that the United States Supreme Court has held that the Fifth Amendment Grand Jury requirement does not apply to the states. Nevertheless, the delegates decide that they want to retain the Grand Jury protection for the citizens of Delaware. This is accomplished by leaving the 1792 Bill of Rights unchanged.

**1950:** The Delaware Supreme Court decides *Rickards v. State*, 77 A.2d 199 (Del. 1950). The Court holds that if a search warrant is issued without probable cause, the Delaware Constitution requires exclusion of the evidence. Thus, since at least 1950, the Delaware Supreme Court has held there is a state constitutional basis for Delaware’s exclusionary rule. This is consistent with Chief Justice John Marshall’s citation to *Blackstone’s Common Law Treatise* in *Marbury v. Madison*, 5 U.S. 137 (1803), for the proposition that violations of rights require appropriate remedies. This was cited by the Delaware Supreme Court in *Dorsey*, 761 A.2d 807 (Del. 2000).

**1961:** The United States Supreme Court holds that the federal exclusionary rule is not a constitutional requirement but is a judge-made common law pronouncement to deter police conduct. See *Mapp v. Ohio*, 367 U.S. 643.

**1984:** The United States Supreme Court decides *Leon*, 468 U.S. 897 and recognizes a good faith exception to the probable cause requirement in the United States Constitution.

**1987:** The Delaware Supreme Court decides *Mason v. State* and holds there is no good faith exception to violating the nighttime search warrant requirements.

**1990:** The Pennsylvania Supreme Court decides *Edmunds* under the Pennsylvania Constitution and holds that there is no good faith exception because the Pennsylvania Constitution requires exclusion of evidence that is obtained without probable cause.

**1999:** The Delaware Supreme Court decides *Jones v. State*, 745 A.2d 856 (Del. 1999) and holds that search and seizure protections of the Delaware Constitution are greater than those set forth in the United States Constitution.

**2000:** The Delaware Supreme Court decides *Dorsey v. State* which adheres to our Court's fifty-year old holding in *Rickards*. We note our consistency with *Jones* and cite *Edmonds* with approval.

#### OTHER STATES

As the appendix to the criminal justice working paper reflect eighteen states have declined to follow *Leon* and only a few states follow *Leon*.

#### PENNSYLVANIA PRECEDENT

I understand that it has been argued that the Delaware Supreme Court should follow the United States Supreme Court rather than precedents of elected judges from Pennsylvania.

This suggestion is factually flawed for two reasons. First, the only Pennsylvania precedent that Delaware followed was in 1792 when John Dickinson looked to the 1790 Pennsylvania Bill of Rights that had been written by Thomas McKean, the former Delawarean who had written the Delaware Constitution of 1776. Second, in *Dorsey*, this Court followed its own fifty-year-old precedent in *Rickards*. The Pennsylvania case was cited as persuasive authority only, in addition to citing the great many other states that had declined to follow *Leon*.

#### FEDERAL COMPARISON

**Fifth Amendment:** The United States constitutional provision for Grand Juries does not apply to the states. Nevertheless, Delaware requires indictments by Grand Juries.

**Sixth Amendment – Jury Trial:** The Federal Constitution does not require twelve jurors and does not require a jury to be unanimous. The Delaware Constitution adheres to both of the former common law requirements.

**Sixth Amendment – Right to Counsel:** The Delaware Constitution provides greater protection than the Federal Constitution. Compare *Moran v. Burbine* by the United States Supreme Court with *Weber v. State* by the Delaware Supreme Court.

**Seventh Amendment:** The Seventh Amendment right to a civil jury trial has never been incorporated by the Fourteenth Amendment as applying to the states. Therefore, a citizen's right to a civil jury trial is protected exclusively by the Delaware Constitution.

**Second Amendment:** The only significant change to the 1792 Delaware Bill of Rights occurred about a decade ago when the Delaware Constitution was amended to provide for a right to bear arms. **It is interesting to note that although the Second Amendment had been in existence since 1791 the Delaware General Assembly provided for greater rights under the Delaware Constitution.**

**Fourth Amendment:** Although *Jones* and *Dorsey* both conclude that Delaware provides greater search and seizure protections than the Fourth Amendment, it is **important to note that the Delaware Supreme Court adopted the identical standard for determining probable cause that is used for the United States Constitution.** Specifically, the Delaware Supreme Court adopted the *Illinois v. Gates*, 462 U.S. 213 (1983), "totality of the circumstances" test for probable cause under the Delaware Constitution. See *Coleman v. State*, 562 A.2d 1171 (1989).

#### CONCLUSION

The United States Supreme Court has consistently recognized that it is entirely appropriate for state constitutions to provide greater protections than the federal constitution. *Moran v. Burline*, 475 U.S. 412 (1986) (C.J. Rehnquist for the majority: "Nothing we say today disables states from adopting different requirements for the conduct of its employer and officials as a matter of state law."); see also *Delaware v. Van Arsdell*, 475 U.S. 673, 704 (1986) (Stevens, J., dissenting). In concluding that "[t]he emerging preference for state constitutional bases of decision in lieu of federal ones is, in my view, the analytical approach best suited to facilitating the independent role of state," Justice Stevens quoted the Oregon Supreme Court:

"The point is...that a state's constitutional guarantees...were meant to be and remain genuine guarantees against misuse of the state's governmental powers, truly independent of the rising and falling tides of federal case law both in method and specifics. State courts cannot abdicate their responsibility for these independent guarantees, at least not unless the people of the State themselves choose to abandon them and entrust their rights entirely to federal law. *State v. Kennedy*, 295 Or. 260, 271, 666 P.2d 1316, 1323 (1983)." *State v. Ball*, 124 N.H. 226, 231, 471 A.2d 347, 350 (1983).

As a practical matter, there have been few, if any, cases other than *Dorsey* that excluded evidence because a search warrant lacked probable cause. There is no necessity to amend the Delaware Constitution as proposed by **H. B. 309**. The point is that it is very easy for a police officer to state why he or she wants to look at a particular place for a particular item. Since Delaware follows the Federal Probable Cause definition, there should be no confusion in the training process.

June 1, 2004

142nd General Assembly  
Legislative Hall  
Dover, DE 19901

Dear Members of the 142nd General Assembly:

The Criminal Justice Council is required by law to submit to the General Assembly, each year, a legislative package for the improvement of criminal justice. This letter is our second letter sent to you for this session. At this time, we have the following comments regarding legislation:

The Criminal Justice Council defers taking a position on the following legislation:

**HB 345** This act adds misdemeanor drug offenses to the jurisdiction of the Court of Common Pleas, such as simple possession of cocaine. It implements a recommendation made by the Courts 2000 study.

**HB 417** This act would insure that, consistent with the premises and stated purposed of the Truth-in-Sentencing Act of 1989, any life sentence imposed by any Court under any provision of the Delaware Code will not be subject to probation, parole, good time or any other reduction but will be served in its entirety as a natural life sentence.

**HB 424** This Act will transfer original jurisdiction over the crimes of Manslaughter and Criminally Negligent Homicide from the Family Court to the Superior Court. By doing so, the Act provides the Superior Court with discretion to either retain jurisdiction over such cases, thereby substantially increasing the range of available penalties, or to transfer the case back to the Family Court for prosecution.

**HB 426** D.N.A. identification technology is the most powerful law enforcement tool developed in decades. It permits the identification of offenders and safeguards against the misidentification of the innocent. This Act enables Delaware to take full advantage of the power of D.N.A. technology to solve crimes and protect the innocent by requiring the collection of D.N.A. samples from any person arrested and charged with any criminal offense from whom fingerprints are currently collected.

The Criminal Justice Council opposes the following legislation:

**SB 266** This Bill provides for the automatic expungement of all arrest records when a charge is dismissed without qualification, or if an accused is found not guilty.

**HB 309** This Act is intended to ensure that the provisions of the Delaware Constitution governing searches and seizures are identical to the Fourth Amendment to the United States Constitution and that the protections and rights which this provision guarantees are equal to those provided by the Fourth Amendment of the United States Constitution as it is, has been, and will be interpreted from time to time by the Courts of the United States.

See attached Working Paper prepared by the Criminal Justice Council staff.

The Criminal Justice Council supports the following legislation:

**SB 221** This Bill enables foreign nationals in Delaware prisons to be sent back to their country of origin to serve the rest of their sentences.

**SB 232** This legislation makes housekeeping changes related to the misdemeanor jurisdiction of the Justice of the Peace Court.

**SB 242** Under current law, a person may file a petition in the Superior Court to expunge the police records of any arrest where he or she was acquitted of the resulting criminal charges, where those charges were dismissed, or where the Attorney General chose to nolle prosequi the case. This Act permits the person to file a petition for expungement in the specific court in the county where the case was terminated, disposed of, or concluded.

The Criminal Justice Council supports this piece of legislation with the provision that the bill allows the Superior Court to retain the ability to expunge all cases from all courts.

**SB 262** This act will increase the protections afforded to Delawareans from criminal harassment by expanding the coverage of our harassment statute to acts which the perpetrator knows are likely to cause a reasonable person to suffer substantial emotional distress.

**HB 358** This Act creates a Special Commission on criminal justice to conduct an informed assessment of the viability of alternatives to embarking upon construction program for additional level V capacity for the Department of Correction.

**HB 365** Current law permits a Delaware judge to dismiss a charge against a driver for not having a child properly restrained in a car safety seat if the driver can produce evidence that a car seat has been purchased after the offense. The intent of allowing for the dismissal was to give the public an opportunity to familiarize themselves with the law.

**HB 414** This Act: (1) clarifies that the Level IV portions of sentences do not count toward the time limitations placed on probationary or suspended sentences; (2) ensures that the sex offenses that would permit longer periods of probationary supervision are properly designated; (3) ensures that those robbery cases committed by juveniles that are subject to Superior Court jurisdiction are properly defined; (4) in light of the enactment of 74 Del. Laws, c. 62 (Senate Bill 26, 142nd General Assembly), removes unnecessary and duplicative verbiage from certain enhanced penalty statutes – those prior offenses from other jurisdictions now fall under 74 Del Laws, c. 62; (5) makes it clear that the prior or previous conviction or offense definition in Title 21, §4177B(e)(1) of the Delaware Code does not fall under 74 Del. Laws, c. 62; and (6) clarifies that the provisions of the motor vehicle code that provide that certain offenders may be housed in settings other than Level V are classification statutes that permit the Department of Correction to properly classify inmates based on assessment of the inmate and available resources and that they are not sentencing provisions to be instituted by judges at the time of sentencing.

**HB 420** This act would consider consolidate criminal cases in which certain charged offenses may be within the jurisdiction of the Court of Common Pleas while other charges from the same criminal episode may be within the exclusive jurisdiction of the Family Court. The act serves to conserve the resources of the courts and ensure consistency in the cases involved.

The Council recognizes that certain pieces of legislation have passed, and possibly signed by the Governor before you receive the Council's recommendations and/or comments. The timing of our recommendations is sometimes difficult to coordinate the review of Bills. We apologize in advance for any inconvenience this may cause you.

Sincerely,  
James Kane  
Executive Director

Representative George requested privilege of the floor for Thomas Foley and Kathleen Jennings, former prosecutors. Representatives George, Valihura, Maier & Smith made comments.

Representatives Valihura & DiPinto made comments.

Representative Valihura moved to place **HB 309** on the Speaker's Table. The motion was seconded by Representative Ewing and adopted by voice vote.

Representative Smith deferred to Representative Roy.

Representative Roy introduced **HB 468**, jointly sponsored by Senator Sokola & Representatives Boulden, Hudson, Miro, Quillen, Houghton, Plant, Viola & Williams & Senators Blevins, McBride, Bonini & Copeland.

**HB 468 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PROHIBITION OF SALES OF ALCOHOLIC BEVERAGES.**

Mr. Acting Speaker assigned **HB 468** to the Business/Corporations/Commerce Committee.

Representative Stone made an announcement.

Representative Smith introduced and brought **HCR 80**, jointly sponsored by Representative Spence & Representative Lee & Representative Gilligan & Representative VanSant on behalf of All Representatives & Senator Adams & Senator McDowell & Senator Marshall & Senator Still & Senator Sorenson on behalf of All Senators, before the House for consideration.

**HCR 80 - MOURNING THE DEATH OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES.**

WHEREAS, after a notable Hollywood, television and film career, and serving two-terms as one of California's most successful governors, Ronald Wilson Reagan won the Republican Party's nomination for President in 1980; and

WHEREAS, by appealing to the common sense of the American people, Ronald Wilson Reagan became the 40<sup>th</sup> President of the United States of America; and

WHEREAS known as "the Great Communicator", Ronald Reagan became one of the most popular presidents in American history; and

WHEREAS when President Reagan took office in 1980, the nation's inflation rate was 13.5%; and

WHEREAS, President Reagan's belief in the principles of the free market and opportunity were the cornerstone of his economic policy, popularly known as "Reaganomics"; and

WHEREAS, "Reaganomic" policies included a reduction in taxes and restraint of government spending in order to leave more money in the hands of citizens, and the reduction of regulations which often constrained economic opportunity, job creation and the pursuit of happiness, which worked to ignite an unprecedented period of economic growth, whereupon the inflation rate dropped to under 5% by 1982, and therein remained throughout the rest of his Presidency; and

WHEREAS President Reagan's strong commitment to freedom and democracy changed the map of the world by helping to bring about the end of the Cold War in 1989, the dissolution of Soviet tyranny, the end of communism as an expansive form of economic and political organization, thereby securing freedom to hundreds of millions of Eastern Europeans after more than 70 years of brutal oppression and giving hope to billions around the world of a better life of freedom, liberty and democracy; and

WHEREAS, President Reagan had an uncanny ability to unite the nation under the strength of his convictions and his belief in the spirit of the American people; and

WHEREAS President Reagan's buoyant optimism and his vision of America as always having a new dawn ahead of it, and his faith in God and God's providence, all helped America reestablish our national confidence; and

WHEREAS, the life of President Ronald Wilson Reagan will always remain a shining example of the spirit of America and of true patriotism for generations to come; and

WHEREAS, we mourn the death of a true American hero and will always remember the legacy of President Ronald Wilson Reagan.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representative of the 142nd General Assembly, with the Senate concurring therein, that we mourn the death of President Ronald Wilson Reagan, and remember the many positive changes he wrought in our nation and the world.

BE IT FURTHER RESOLVED that a suitably prepared copy of this resolution be forwarded to Nancy Davis Reagan, loving and devoted wife of President Ronald Reagan.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Reagan Presidential Library.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be forwarded to the National Archives.

Representatives Smith, Fallon, Gilligan & D. Ennis made comments.

**HCR 80** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner introduced **HB 471**, jointly sponsored by Representative Reynolds & Representative Spence & Representative Ewing & Representative Stone & Representatives Lee, Atkins, Booth, Carey, Cathcart, Caulk, Hocker, Lofink, Quillen, Thornburg, Ulbrich & Plant.

**HB 471** - AN ACT MAKING A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR DIVISION II ALL OTHER COSTS.

Mr. Acting Speaker assigned **HB 471** to the Appropriations Committee.

Representative Smith deferred to Representative Caulk.

Representative Caulk introduced **HB 467** jointly sponsored by Senator Bunting & Representatives Atkins, Booth, Buckworth, Carey, Ewing, Fallon, Hocker, Lee, Quillen, Stone, Thornburg, Wagner, B. Ennis, Hall-Long & Schwartzkopf & Senators Adams, Cook, Vaughn, Venables, Bonini, Simpson & Still.

**HB 467** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO FARM TRUCKS AND OTHER FARM VEHICLES. (2/3 bill)

Mr. Acting Speaker assigned **HB 467** to the Agriculture Committee.

Representative Smith deferred to Representative Hall-Long.

Representative Hall-Long introduced **HB 466**, jointly sponsored by Senator Blevins & Senator Sorenson & Representatives Buckworth, George, Gilligan, Keeley, Maier, Miro, Mulrooney, Oberle & Spence & Senators Henry, Peterson & Sokola.

**HB 466** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE CREATING A STATE OCCUPATIONAL HEALTH AND SAFETY OFFICE.

Mr. Acting Speaker assigned **HB 466** to the Labor Committee.

Representative Smith deferred to Representative Atkins.

Representative Atkins requested that **HB 410** be stricken.

Representative Atkins moved to suspend the rules which interfere with introduction of and action on **HB 470**. The motion was seconded by Representative Booth and adopted by voice vote.

Representative Atkins introduced and brought **HB 470**, jointly sponsored by Representative Caulk & Senator Bunting & Representatives Booth, Boulden, Buckworth, Carey, Cathcart, B. Ennis, D. Ennis, Ewing, Hall-Long, Hocker, Houghton, Lee, Miro, Mulrooney, Plant, Quillen, Reynolds, Spence, Thornburg, Valihura & Wagner & Senators Adams, Bonini, Cook, Simpson & Venables, before the House for consideration.

**HB 470** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO PROPERTY TAXES AND THE EXEMPTION OF CERTAIN REAL PROPERTY FROM TAXATION.

Representatives Atkins, Gilligan & Caulk made comments.

The roll call on **HB 470** was taken and revealed:

YES: 34.

ABSENT: Representatives Keeley, Miro, Plant, Quillen, Reynolds, Roy & Viola - 7.

Therefore, having received a constitutional majority, **HB 470** was sent to the Senate for concurrence.

The Majority Leader moved to recess to the call of the Chair at 7:21 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:34 p.m. on June 9, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 284** & **SB 166 w/SA 2** and requests the concurrence of the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Ewing, do hereby request that my name be removed as cosponsor of **HB 429**.

Date: June 8, 2004

Signed: J. B. Ewing

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, V. George Carey, do hereby request that my name be removed as cosponsor of **HJR 25**.

Date: June 8, 2004

Signed: V. George Carey

Representative Lee made an announcement.

The Majority Whip moved to adjourn at 2:35 p.m., thereby ending the current legislative day. The House reconvened at 2:36 p.m.

### **34th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session June 9, 2004**

The Chief Clerk called the roll:

Members Present: 38.

Members Absent: Representatives Booth, Buckworth & Cathcart – 3.

A prayer was offered by Representative Pamela J. Thornburg, Twenty-Ninth Representative District.

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

The minutes of the two previous legislative days were approved as posted.

The following prefiled legislation was introduced:

**HB 462** - MAIER & REPRESENTATIVE OBERLE & REPRESENTATIVE SPENCE & SENATOR PETERSON - LABOR - An Act to Amend Title 11 of the Delaware Code Relating to the Delaware State Police.

**HB 463** - STONE & REPRESENTATIVE VALIHURA & SENATOR DELUCA - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Chapter 38, Title 12 of the Delaware Code Relating to Statutory Trusts. (3/5 bill)

**HB 464** - HUDSON & SENATOR SOKOLA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Rules of the Road.

**HB 469** - BOOTH & SENATOR MCDOWELL - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Certain Drug Offenses.

**HA 1 to HB 359** - BOOTH - Placed with the Bill.

**HA 1 to HB 388** - ULBRICH - Placed with the Bill.

**HA 1 to HB 432** - WAGNER - Placed with the Bill.

**HA 1 to HB 433** - VALIHURA - Placed with the Bill.

**HA 1 to HB 443** - QUILLEN - Placed with the Bill.

**HA 1 to HB 444** - GEORGE - Placed with the Bill.

**HJR 30** - HOCKER & SENATOR BUNTING; REPRESENTATIVES SMITH, LEE, ATKINS, EWING, SCHWARTZKOPF; SENATOR VENABLES - TRANSPORTATION - Calling Upon the Delaware Department of Transportation to Undertake the Planning Process for a New East-West Limited Access Highway as an Alternative to the Present Route Through Sussex County.

**HCR 78** - PLANT & REPRESENTATIVE GEORGE & SENATOR HENRY; REPRESENTATIVES BUCKWORTH, DIPINTO, KEELEY, LEE, REYNOLDS; SENATORS BLEVINS, MCDOWELL - EDUCATION - Urging Congress and the President of the United States to Repeal 20 U.S.C. 1091(r) Known as the "Drug Provision" of the Higher Education Act.

**SB 22 w/SA 1** - MARSHALL & SENATOR PETERSON & REPRESENTATIVE VIOLA; SENATORS HENRY, MCBRIDE, MCDOWELL & BLEVINS; REPRESENTATIVES OBERLE, B. ENNIS, GEORGE, GILLIGAN, HALL-LONG, HOUGHTON, KEELEY, MULROONEY, PLANT, SCHWARTZKOPF, VANSANT & WILLIAMS - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to the Minimum Wage.

**SS 2 for SB 86** - BLEVINS & SENATOR SORENSON; REPRESENTATIVE MAIER; SENATORS HENRY, PETERSON; REPRESENTATIVES OBERLE, SPENCE, HUDSON, KEELEY - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Professions and Occupations. (2/3 bill)

**SB 166 w/SA 2** - VAUGHN & REPRESENTATIVE OBERLE; SENATORS HENRY & PETERSON; REPRESENTATIVES VANSANT & VIOLA - JUDICIARY - An Act to Amend Title 21 of the Delaware Code Relating to Personal Injury Protection Deductibles.

**SB 278** - BUNTING & REPRESENTATIVE LEE; SENATOR SORENSON; REPRESENTATIVES SPENCE, DIPINTO, BUCKWORTH, KEELEY, B. ENNIS, WILLIAMS - CORRECTIONS - An Act to Amend Title 11 of the Delaware Code Relating to the Compensation of the Board of Parole.

**SB 284** - VAUGHN & REPRESENTATIVE ROY; SENATORS COOK, STILL; REPRESENTATIVES CATHCART, SCHWARTZKOPF, HALL-LONG, B. ENNIS - CAPITAL INFRASTRUCTURE - An Act to Amend Title 17 of the Delaware Code Relating to Creation of New Road Improvements.

**HA 1 to HA 1 to SB 234** - SMITH - Placed with the Bill.

**HA 3 to SB 234** - SPENCE - Placed with the Bill.

Representative Hocker requested that he be marked present.

Representative Lofink made an announcement.

Representative D. Ennis requested that he be marked present.

Representative Lee introduced and brought **HR 79**, sponsored by Representative Smith, before the House for consideration.

**HR 79** – Requesting the Department of Natural Resources and Environmental Control's Division of Parks and Recreation to Enter Into a Formal Partnership with the Girl Scouts of the Chesapeake Bay Council, Inc. and the Boy Scouts of the Del-Mar-Va Council to Develop Opportunities for Service Projects Pursuant to Gold Awards and the Eagle Scout Rank.

Representative Lee requested that **HR 79** be added to **Consent Calendar #24**.

Representative Lee made announcements.

Representative Lee brought the following prefiled **Consent Calendar #24** before the House for consideration.

**HR 77** – LOFINK & REPRESENTATIVE BOULDEN & REPRESENTATIVE CATHCART & REPRESENTATIVE OBERLE & REPRESENTATIVE ULBRICH - Honoring the Glasgow Lions Club on their 25th Anniversary and Saluting their Membership for their Quarter Century of Community Service.



**HR 78** - ULBRICH - Creating a Task Force to Review the Standards for Licensing and Chartering and Continued Licensing of Charter Schools.

**HR 79** - SMITH - Requesting the Department of Natural Resources and Environmental Control's Division of Parks And Recreation to Enter Into a formal Partnership with the Girl Scouts of the Chesapeake Bay Council, Inc. and the Boy Scouts of the Del-Mar-Va Council to Develop Opportunities for Service Projects Pursuant to Gold Awards and the Eagle Scout Rank.

**HCR 79** - SMITH & SENATOR MCBRIDE - Urging the Delaware Division of Historic and Cultural Affairs to Identify Abandoned Cemeteries Throughout the State, to Make Resources Available to Care for Such Cemeteries, and for the Delaware Office of Volunteerism to Coordinate Efforts to Restore Such Abandoned Cemeteries.

**Consent Calendar #24** was adopted by voice vote and **HR 77, HR 78 & HR 79** were declared passed and **HCR 79** was sent to the Senate for concurrence.

The Reading Clerk read the following communications into the record:

#### HOUSE TRIBUTE ANNOUNCEMENT #74

DATE: June 9, 2004

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	Date	Type	Description
H142-1701	Ewing	5/18/2004	T	Wayne, Lisa & Zack Bister - Scouting Family of the Year
H142-1702	Booth	6/1/2004	T	Honorable Richard Cecil - Named Director of Selective Service
H142-1703	Booth cosponsors: Reps. Carey & Schwartzkopf	6/2/2004	T	Honorable George Smith - Lewes Mayor – Retirement
H142-1704	Wagner	5/14/2004	M	Willis Anthony Powell
H142-1705	Wagner	5/21/2004	T	Laura Purzycki & Justin Harrington – Marriage
H142-1706	Carey cosponsors: All Representatives	5/18/2004	M	Staff Sergeant Joseph Garyantes
H142-1707	Quillen	5/18/2004	M	Regina E. Groff
H142-1708	Smith	6/1/2004	T	Jean Andrews - Retirement - 27 Years – Chester Bethel Pre-school
H142-1709	Smith	6/1/2004	T	Linda Olsen - Retirement - 28 Years - Chester Bethel Pre-school
H142-1710	Smith	6/1/2004	T	Elisa Ley - Volunteer Parent of the Year – Forwood Elementary
H142-1711	Smith	6/1/2004	T	John Walsh - Retirement - 36 Years – Archmere Academy
H142-1712	Spence	5/19/2004	T	Alan Levin - Entrepreneur of the Year - New Castle County
H142-1713	Spence	6/1/2004	T	DaimlerChrysler Newark Plant - Quality & Delivery Award
H142-1714	Spence	6/6/2004	T	John Jordan - World War II Veteran - D-Day Participant
H142-1715	Spence	5/15/2004	T	Soma Padmalingam, M.D. - Family Physician of the Year
H142-1716	Hall-Long	5/21/2004	T	Nancy Nadel - School Nurse of the Year
H142-1717	Houghton	5/1/2004	T	Emma Barnes - Retirement - DHSS - 37 Years
H142-1718	Ulbrich	5/20/2004	M	Vernon George Vernier, M.D.
H142-1719	Oberle	6/7/2004	T	Shaun Walker - Graduation - Delaware School for the Deaf
H142-1720	Oberle	6/7/2004	T	Jenny Rivera - Graduation - Delaware School for the Deaf
H142-1721	Oberle	6/7/2004	T	Saretta Jones - Graduation - Delaware School for the Deaf
H142-1722	Oberle	6/7/2004	T	Kelly Hawkes - Graduation - Delaware School for the Deaf
H142-1723	Oberle	6/7/2004	T	Derwin Hagans - Graduation - Delaware School for the Deaf
H142-1724	Oberle	6/7/2004	T	Keenon Grinnell - Graduation - Delaware School for the Deaf

#### HOUSE TRIBUTE ANNOUNCEMENT #75

DATE: June 9, 2004

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	Date	Type	Description
H142-1725	Oberle	6/7/2004	T	Danielle Fangman - Graduation - Delaware School for the Deaf
H142-1726	Oberle	6/7/2004	T	Andrew Diakos - Graduation - Delaware School for the Deaf
H142-1727	Oberle	6/7/2004	T	Monique Coleman - Graduation - Delaware School for the Deaf
H142-1728	Carey	6/8/2004	T	Sidney Burton - KSI Staff Employee of the Year
H142-1729	Carey	6/8/2004	T	George Todd - KSI Employee of the Year
H142-1730	Carey	6/8/2004	T	Troy Handschuh - KSI Employee of the Fourth Quarter
H142-1731	Carey	6/8/2004	T	Dale Harr - KSI Employee of the Second Quarter
H142-1732	Carey	6/8/2004	T	Amanda Middleton - KSI Employee of the First Quarter
H142-1733	Spence	6/1/2004	T	Jim Ellison - Jefferson Award Recipient
H142-1734	Plant	5/20/2004	M	Robert Jefferson Bolden, II
H142-1735	Hudson	6/1/2004	T	Derrick Hale - Eagle Scout
H142-1736	Hudson	6/1/2004	T	Matthew Koterwas - Eagle Scout
H142-1737	Hudson	6/1/2004	T	Paul Skorup - Eagle Scout
H142-1738	Hudson	6/1/2004	T	Matthew Backer - Eagle Scout
H142-1739	Reynolds	6/19/2004	T	Joshua Billings - Eagle Scout
H142-1740	Hall-Long	5/25/2004	T	Clarinda Marryat - 90th Birthday
H142-1741	VanSant	4/29/2004	T	Mary & James Moffett, Jr. - 60th Wedding Anniversary
H142-1742	VanSant	5/15/2004	T	Peggy & Francis Wallace - 50th Wedding Anniversary
H142-1743	Mulrooney	5/8/2004	T	Edith & Edward Cousineau - 50th Wedding Anniversary
H142-1744	Mulrooney	4/14/2004	T	Geraldine & James Dixon - 50th Wedding Anniversary
H142-1745	VanSant	4/4/2004	T	Rosemarie & Wendell Onley - 50th Wedding Anniversary
H142-1746	VanSant	4/20/2004	T	Helen & James Watson - 50th Wedding Anniversary
H142-1747	VanSant	5/8/2004	T	Marilee & Francis DeStefano - 50th Wedding Anniversary
H142-1748	Ewing	6/1/2004	T	Phyllis Wheatley Middle School - Dedication
H142-1749	Ewing	6/6/2004	T	Brigadier General John Custer – Commencement Speaker - Woodbridge High
H142-1750	Fallon	6/4/2004	T	Elaine Jester - Retirement - 17 Years - Wee Wisdom Pre-school

T- Tribute

M - Memoriam

Representatives Plant & George requested that they be marked present.

The Reading Clerk read the following communications into the record:

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative George R. Quillen, do hereby request that my name be removed as cosponsor of  
**HB 429.**

Date: June 9, 2004

Signed: Representative George R. Quillen

**WITHDRAWAL OF SPONSORSHIP REQUEST**

I, Representative George R. Quillen, do hereby request that my name be removed as cosponsor of  
**HJR 25.**

Date: June 9, 2004

Signed: Representative George R. Quillen

The Majority Whip moved to recess to for committee meetings and to the call of the Chair at 2:45 p.m. Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:45 p.m.: Representatives Boulden, Hudson, Keeley, Maier, Miro, Oberle, Reynolds, Smith, Spence, Stone, Ulbrich & Wagner.

Mr. Acting Speaker Quillen called the House to order at 2:56 p.m. on June 10, 2004.

Representatives Smith, Booth, Buckworth, Roy, Stone, Gilligan, Wagner, Lavelle & Valihura requested that he be marked present for the current Legislative Day.

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 305 w/SA 1, SS 1 for SB 275 w/SA 1, SB 309 w/SA 1, SB 211 & SB 99 w/SA 1** and requests the concurrence of the House; **HB 391** and is returning same to the House.

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

AGRICULTURE: **HB 467** - 2F, 5M.

APPROPRIATIONS: **HB 313** - 4F; **HB 373** - 4M; **HB 434** - 4F; **HB 435** - 4F; **HB 438** - 4F.

CORRECTIONS: **SB 221** - 6M; **SB 278** - 6M.

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **HB 364** - 7M; **HB 402** - 7M; **SB 286** - 7M; **SB 287** - 7M; **SB 288** - 7M; **SB 289** - 6M; **SB 290** - 6M.

EDUCATION: **SB 271** - 10M; **SB 270** - 10M.

HEALTH & HUMAN DEVELOPMENT: **HB 459** - 7M.

HOUSE ADMINISTRATION: **HB 423** - 4M.

HOUSING & COMMUNITY AFFAIRS: **HB 449** - 7M; **HB 450** - 6M,1U; **HB 454** - 7M; **HCR 77** - 5M.

JUDICIARY: **SS 1/SB 272** - 5M; **SB 274** - 5M; **SB 273** - 5M; **SB 228** - 5M.

PUBLIC SAFETY: **HB 448** - 5M; **HB 464** - 5M.

Mr. Acting Speaker introduced guests.

The Majority Leader moved to adjourn at 3:00 p.m., thereby ending the current legislative day. The House reconvened at 3:01 p.m.

### **35th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session June 10, 2004**

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Joseph W. Booth, Thirty-Seventh Representative District.

Mr. Acting Speaker, Brad and Olivia Smith led those present in the 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 460** - SCHWARTZKOPF & SENATOR VAUGHN - JUDICIARY - An Act to Amend Chapter 41 of Title 11 of the Delaware Code as It Relates to Registration and Community Notification Requirements of Sex Offenders.

**HB 472** - EWING; REPRESENTATIVES ATKINS, BUCKWORTH, D. ENNIS, VANSANT, B. ENNIS, SCHWARTZKOPF - HOUSE ADMINISTRATION - An Act to Amend Title 29 of the Delaware Code Relating to State Government.

**HB 475** - MIRO & SENATOR SOKOLA; REPRESENTATIVES DIPINTO, B. ENNIS, MAIER, VALIHURA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to the Rules of the Road. (2/3 bill)

**HA 3 to HB 351** - WAGNER - Placed with the Bill.

**HA 1 to HB 454** - CAULK - Placed with the Bill.

**SB 99 w/SA 1** - MCBRIDE & SENATOR ADAMS & SENATOR BUNTING & REPRESENTATIVE SPENCE; SENATORS SIMPSON, VENABLES, STILL, SORENSON; REPRESENTATIVES EWING, SCHWARTZKOPF, CAREY, LEE, HOCKER, FALLON, HUDSON, HALL-LONG, LAVELLE, VANSANT, ROY, BOOTH, ATKINS, ULBRICH, HOUGHTON, MIRO, VALIHURA - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 26 of the Delaware Code to Provide for Regulation of Wastewater Utilities by the Public Service Commission.

**SB 211** - VENABLES & REPRESENTATIVE LEE - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 7 of the Delaware Code Relating to Licensing Agents for Hunting, Fishing, and Trapping Licenses.

**SS 1 for SB 275 w/SA 1** - SOKOLA & REPRESENTATIVE REYNOLDS; SENATORS HENRY, COPELAND, SIMPSON; REPRESENTATIVES SMITH & BOULDEN - EDUCATION - An Act to Amend Title 14, Section 506 of the Delaware Code Relating to Charter Schools.

**SS 1 for SB 305 w/SA 1** - COOK & REPRESENTATIVE DIPINTO; SENATORS SOKOLA, VENABLES; REPRESENTATIVES ROY, REYNOLDS - APPROPRIATIONS - An Act to Amend Title 14 and Title 29 of the Delaware Code Relating to Advanced Planning and Acquisition for Public Facilities and School Construction Capital Improvements.

**SB 309 w/SA 1** - BUNTING & REPRESENTATIVE HOCKER - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 29 of the Delaware Code Relating to the Disposition of State Vehicles.

Representative Thornburg requested that she be marked present.

Representative Smith deferred to Representative Lavelle.

Representative Lavelle requested and was granted privilege of the floor to introduce guests and to present a House Tribute to Hilda and Ron Knapp.

Representative Lavelle presented Mr. Acting Speaker Quillen with a gift.  
Mr. Acting Speaker assigned **HB 364 & HB 459** to the Appropriations Committee.

Representative Smith deferred to Representative Schwartzkopf.  
Representative Schwartzkopf requested and was granted personal privilege of the floor to introduce a guest. Scott Schwartzkopf made comments.

Representative D. Ennis requested that he be marked present.

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

LABOR: **HB 430** - 5M; **HB 445** - 5M; **HB 446** - 5M; **HB 447** - 3M,2U; **HB 466** - 5M.

Representatives Cathcart & Boulden requested that they be marked present.

The Reading Clerk read the following communications into the record:

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, David B. McBride, do hereby request that my name be removed as cosponsor of **HB 429**.

Date: June 10, 2004

Signed: David B. McBride

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Representative Tina Fallon, do hereby request that my name be removed as cosponsor of **HB 429**.

Date: June 10, 2004

Signed: Tina Fallon

Representative Smith deferred to Representative Maier.

Representative Maier requested and was granted privilege of the floor to present a House Tribute to Representative Gerald A. Buckworth, outgoing Chair, Family Law Commission. Representative Buckworth made an announcement.

The Majority Leader moved to recess for caucus at 3:15 p.m.

The House reconvened at 4:43 p.m.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **HB 403** and is returning same to the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Robert Gilligan, do hereby request that my name be removed as cosponsor of **HJR 25**.

Date: June 10, 2004

Signed: Robert F. Gilligan

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

ECONOMIC DEVELOPMENT/BANKING & INSURANCE: **HB 455** - 6M; **HB 463** - 6M.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 390**, jointly sponsored by Representative Ulbrich &

Representatives Buckworth, Carey, DiPinto, Ewing, Hocker, Hudson, Maier, Miro, Reynolds, Wagner, VanSant, B. Ennis, Hall-Long, Keeley, Schwartzkopf & Viola & Senators Blevins & Amick, before the House for consideration.

**HB 390 - AN ACT TO AMEND TITLE 4, DELAWARE CODE, PERTAINING TO POSSESSION AND CONSUMPTION OF ALCOHOL BY UNDERAGE PERSONS.**

Representative Smith moved to suspend the rules which interfere with action on **HA 1 to HB 390**.

The motion was seconded by Representative Lee and adopted by voice vote. Representative Oberle brought **HA 1 to HB 390**, sponsored by Representative Ulbrich, before the House for consideration. Representative Oberle made a comment. **HA 1** was adopted by voice vote.

Representative Oberle made comments.

The roll call on **HB 390 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Lavelle - 1.

Therefore, having received a constitutional majority, **HB 390 w/HA 1** was sent to the Senate for concurrence.

Representatives B. Ennis, Lofink, Oberle, Plant, Reynolds, Spence, Ulbrich & Williams requested that they be marked present during the roll call.

Representative Smith deferred to Representative Lofink.

Representative Lofink made an announcement.

Representative Smith deferred to Representative Thornburg.

Representative Thornburg introduced a guest.

Representative Smith deferred to Representative Valihura.

Representative Valihura moved to lift **HB 309** from the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative Valihura brought **HB 309**, jointly sponsored by Senator Vaughn, before the House for consideration.

**HB 309 - AN ACT PROPOSING AN AMENDMENT TO ARTICLE 1, § 6 OF THE CONSTITUTION OF DELAWARE OF 1897, AS AMENDED, RELATING TO SEARCHES AND SEIZURES. (2/3 bill)**

Representative Valihura made comments.

The roll call on **HB 309** was taken and revealed:

YES: 28.

NO: Representatives B. Ennis, George, Gilligan, Hall-Long, Houghton, Keeley, Mulrooney, Plant, Schwartzkopf, Thornburg, VanSant, Viola & Williams - 13.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 309** was sent to the Senate for concurrence.

Representative George made comments.

Representative Smith deferred to Representative Stone.

Representative Stone brought **HB 429**, jointly sponsored by Representative Spence & Senator Vaughn & Representatives Atkins, Booth, Buckworth, Carey, DiPinto, B. Ennis, Gilligan, Hudson, Lavelle, Lofink, Miro, Mulrooney, Roy, Schwartzkopf, Thornburg, Valihura, VanSant, Viola & Wagner & Senators Adams, Cloutier, Copeland & DeLuca, before the House for consideration.

**HB 429** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO SELLING OR POSSESSING FIREWORKS; EXCEPTIONS. (2/3 bill)

Representative Stone made comments.

Representative Stone moved to place **HB 429** on the Speaker's Table. The motion was seconded by Representative Valihura and adopted by voice vote.

Representative Smith deferred to Representative Gilligan.

Representative Gilligan requested and was granted privilege of the floor for himself and Representative Hudson to present a House Tribute to Representative Helene M. Keeley. Representative Keeley made comments.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto moved to suspend the rules which interfere with action on **HB 359**. The motion was properly seconded and adopted by voice vote.

Representative DiPinto moved to lift **HB 359** from the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative DiPinto brought **HB 359**, jointly sponsored by Representatives Spence, Atkins, Cathcart, Hudson, Lofink, Oberle, Gilligan, Houghton, Keeley & Viola & Senators Blevins, McBride, Sokola, Vaughn, Bonini & Copeland, before the House for consideration.

**HB 359** - AN ACT TO AMEND SUBCHAPTER VII, CHAPTER 5 OF TITLE 4, DELAWARE CODE, REGARDING TAXES AND LICENSE FEES.

Representative DiPinto deferred to Representative Booth. Representative Booth requested that **HA 1 to HB 359** be stricken. Representative Booth introduced and brought **HA 2 to HB 359** before the House for consideration. Representatives Booth & Wagner made comments. Representative Booth requested and was granted privilege of the floor for Ron Smith, House Attorney. Representative Wagner made comments. **HA 2** was adopted by voice vote. Representatives DiPinto & Wagner made comments.

The roll call on **HB 359 w/HA 2** was taken and revealed:

YES: 38.

NO: Representatives Boulden, Maier & Ulbrich - 3.

Therefore, having received a constitutional majority, **HB 359 w/HA 2** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ewing.

Representative Ewing made an announcement.

Representative Smith deferred to Representative Spence.

Representative Spence brought **SB 234 w/SA 1 & 3**, jointly sponsored by Senator McBride & Representative Keeley & Senators Blevins, Bunting, Henry, Peterson, Sokola, Connor, Simpson & Sorenson & Representatives Stone, Ewing, Hudson, Fallon, DiPinto, Caulk, Buckworth, Reynolds, Lofink, Houghton & Viola, before the House for consideration.

**SB 234** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO THE OPERATION OF GO-PEDS OR MOTORIZED SKATEBOARDS OR SCOOTERS. (2/3 bill)

Representative Spence made comments.

Representative Spence deferred to Representative Keeley.

Representative Keeley brought **HA 1 to SB 234** before the House for consideration. Representative Keeley brought **HA 1 to HA 1 to SB 234**, sponsored by Representative Smith, before the House for consideration. Representative Smith made a comment. **HA 1 to HA 1** was adopted by voice vote. Representative Keeley made comments. **HA 1 w/HA 1** was adopted by voice vote. Representative Keeley brought **HA 2 to SB 234** before the House for consideration. Representatives Keeley & Thornburg made comments. **HA 2** was adopted by voice vote. Representative Spence brought **HA 3 to SB 234** before the House for consideration. Representative Spence made comments. **HA 3** was adopted by voice vote. Representative Caulk made comments.

Representative Spence requested and was granted privilege of the floor for Paul Wallace, Deputy Attorney General. Representatives Caulk, Thornburg, Hudson, Caulk, D. Ennis & B. Ennis made comments. Representative Spence introduced a guest. Representatives Spence & Thornburg made comments.

The roll call on **SB 234 w/SA 1 & 3 & HA 1, HA 1 to HA 1, HA 2 & 3** was taken and revealed:

YES: 35.

NO: Representatives Atkins & Thornburg - 2.

NOT VOTING: Representative Cathcart - 1.

ABSENT: Representative Smith, Stone & Valihura - 3.

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

**SB 234 w/SA 1 & 3 & HA 1, HA 1 to HA 1, HA 2 & HA 3** was returned to the Senate for concurrence on **HA 1 w/HA1, HA 2 & 3.**

Representative Spence made comments.

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

BUSINESS/CORPORATIONS/COMMERCE: **HB 468** - 6M,1U.

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HS 1/HB 292** - 5M; **HB 388** - 4M;

TRANSPORTATION: **HB 427** - 5M,1U; **HJR 30** - 5M,1U.

Representative Smith brought the following **Consent Agenda C** before the House for consideration.

**HB 371** – EWING & SENATOR ADAMS – An Act to Amend Chapter 237, Volume 51, Entitled “An Act to Reincorporate the Town of Bridgeville” Relating to the Power to Raise Revenue and the Ten Year Exemption for Plants and Businesses Brought Within the Boundaries of the Town by Reason of Future Extensions of the Town Boundaries. (2/3 bill)

**HB 394** – CAULK & SENATOR BONINI – An Act to Reincorporate the Town of Frederica. (2/3 bill)

**SB 173** – CLOUTIER & SENATORS CONNOR, COPELAND, PETERSON, SORENSON & STILL & REPRESENTATIVES BUCKWORTH, CATHCART, B. ENNIS, EWING, MULROONEY, SPENCE, VALIHURA & WILLIAMS – An Act to Amend Title 19 and Title 29 of the Delaware Code Relating to Whistleblowers’ Protection.

**SS 1 for SB 72** – COOK & REPRESENTATIVE SMITH & SENATOR BLEVINS – An Act to Amend Title 15 of the Delaware Code Relating to Elections.

**HB 397** – ROY & SENATOR VENABLES – An Act to Amend Subchapter II-A of Chapter 50 of Title 29 of the Delaware Code Relating to the Delaware Technical Innovation Program.

**HB 413** – SMITH & REPRESENTATIVE EWING & SENATOR VAUGHN - An Act to Amend Title 29 of the Delaware Code Relating to D.N.A. Analysis and the D.N.A. Data Bank.

**SB 264** – BLEVINS & REPRESENTATIVE MAIER & SENATORS CONNOR, HENRY, MCDOWELL, PETERSON & SORENSON & REPRESENTATIVE HALL-LONG - An Act to Amend Title 16 of the Delaware Code Relating to Emergency Medical Services Systems.

**HB 229** – SPENCE & SENATOR ADAMS & REPRESENTATIVES SMITH, LEE, GILLIGAN & VANSANT & SENATORS MCDOWELL, DELUCA, STILL & SORENSON – An Act to Amend Chapter 17, Title 29, Delaware Code Relating to Emergency Interim Succession.

**HCR 72** – VALIHURA & REPRESENTATIVE SMITH; SENATOR SOKOLA; REPRESENTATIVES CATHCART, HALL-LONG; SENATORS VAUGHN , SORENSON, AMICK – Urging Our Congressional Delegation to Request that the Army Corps of Engineers Study the Future of the Chesapeake and Delaware Canal in Delaware and Determine the Feasibility of Upgrading and Managing the Chesapeake and Delaware Canal to Accommodate Additional Public Recreation and Heritage Tourism Opportunities.

Representative Smith requested that **HB 394, SB 173 & SS 1/SB 72** be removed from **Consent Agenda C.**

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

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, **HB 229, HB 371, HCR 72, HB 397 & HB 413** were sent to the Senate for concurrence & **SB 264** was returned to the Senate.

Representative Smith moved to place **HB 394, SB 173 & SS 1 for SB 72** on the Speaker’s Table.

The motion was seconded by Representative Carey and adopted by voice vote.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **SB 212**, jointly sponsored by Senator DeLuca & Senators Adams, Blevins, Bonini, Bunting, Connor, Henry, Marshall, McBride, McDowell, Peterson, Sokola, Still, Vaughn & Venables & Representatives Lofink, Mulrooney & Viola, before the House for consideration.

**SB 212** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF ELECTRICAL EXAMINERS.

Representative Oberle made comments.

The roll call on **SB 212** was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, **SB 212** was returned to the Senate.

Representative Smith deferred to Representative Maier.

Representative Maier brought **SB 261 w/SA 1**, jointly sponsored by Senator Blevins & Senators Bonini, Cloutier, Henry, Sokola & Connor & Representatives Buckworth, DiPinto, B. Ennis, Ewing, George, Keeley, Schwartzkopf, VanSant & Viola, before the House for consideration.

**SB 261 - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING.**

Representative Maier made comments.

The roll call on **SB 261 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Buckworth - 1.

Therefore, having received a constitutional majority, **SB 261 w/SA 1** was returned to the Senate.

Representative Smith deferred to Representative Miro.

Representative Miro brought **SB 248 w/SA 1**, sponsored by Senator Peterson & Representative Maier & Senators Adams, Cook, Connor, McDowell, Venables & Bunting & Representatives Ewing, Hall-Long, Lavelle, Oberle, Reynolds, Valihura & Viola, before the House for consideration.

**SB 248 - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PROHIBITION OF SALES.**

Representative Miro made a comment.

The roll call on **SB 248 w/SA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth & Wagner - 2.

Therefore, having received a constitutional majority, **SB 248 w/SA 1** was returned to the Senate.

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **HB 433**, jointly sponsored by Representative Stone & Senator McDowell & Representatives Cathcart, DiPinto, D. Ennis, Fallon, Hudson, Lavelle, Maier, Miro, Reynolds & Ulbrich & Senators Amick, Blevins, Bunting, Connor, Cook, Marshall, Sokola, Sorenson, Still & Venables & cosponsored by Senator Cloutier, before the House for consideration.

**HB 433 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO CONSUMER PROTECTION AND ASSISTIVE TECHNOLOGY DEVICES.**

Representative Valihura brought **HA 1 to HB 433** before the House for consideration.

Representative Valihura made comments. **HA 1** was adopted by voice vote. Representatives Valihura, DiPinto & Fallon made comments.

The roll call on **HB 433 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Buckworth & Spence - 2.

Therefore, having received a constitutional majority, **HB 433 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Miro.

Representative Miro introduced **HB 474**, jointly sponsored by Senator DeLuca & Representative Mulrooney & Representatives Boulden, Hocker, Lavelle, Roy & Viola & Senators McDowell & Peterson.

**HB 474 - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO DISHONORED CHECKS, DRAFTS OR ORDERS.**

Mr. Acting Speaker assigned **HB 474** to the Economic Development/Banking & Insurance Committee.

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

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence called the House to order at 2:12 p.m. on June 15, 2004.

Mr. Speaker Spence reassigned **SB 99** to the Appropriations Committee.

The Reading Clerk read the following communication into the record:

The Senate wishes to inform the House that it has passed **HCR 80** and is returning same to the House.

Representative Lee made an announcement.

Mr. Speaker Spence assigned **HB 447** to the Appropriations Committee.

Representative Smith deferred to Representative Valihura.

Representatives Valihura & Wagner made announcements.

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.

### **36th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session June 15, 2004**

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Vincent A. Lofink, Twenty-Seventh Representative District.

Mr. Speaker Spence led those present in the 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 473** - SMITH & SENATOR DELUCA - NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT - An Act to Amend Title 26 of the Delaware Code Relating to Public Utility System Improvements that are Non-Revenue Producing.

**HB 476** - WAGNER & SENATOR SOKOLA; REPRESENTATIVES B. ENNIS, GILLIGAN, HALL-LONG, MIRO, PLANT, REYNOLDS, SPENCE, WILLIAMS - EDUCATION - An Act to Amend Title 14 of the Delaware Code Relating to the Determination of Salary for Certain School Employees.

**HB 477** - VALIHURA & SENATOR HENRY & REPRESENTATIVE D. ENNIS & REPRESENTATIVE HUDSON; REPRESENTATIVES BUCKWORTH, GEORGE, HALL-LONG, KEELEY, MAIER, PLANT, QUILLEN; SENATORS CLOUTIER, SOKOLA - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Traffic Signs, Signals, and Markings.

**HB 478** - WAGNER - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to the Practice of Pharmacy.

**HB 479** - SPENCE & SENATOR MCBRIDE - LAND USE AND INFRASTRUCTURE - An Act to Amend Title 7 of the Delaware Code Relating to the Delaware Land Protection Act.

**HB 480** - B. ENNIS & SENATOR VAUGHN & SENATOR SIMPSON & SENATOR BLEVINS & REPRESENTATIVE LEE - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Ambulance Attendants.

**HB 481** - SCHWARTZKOPF & SENATOR HENRY; REPRESENTATIVES CAREY, DIPINTO, B. ENNIS, D. ENNIS, EWING, FALLON, GEORGE, HALL-LONG, HOUGHTON, HUDSON, MAIER, MULROONEY, PLANT, REYNOLDS, VANSANT, VIOLA, WILLIAMS - PUBLIC SAFETY - An Act to Amend Chapter 48 of Title 21 of the Delaware Code Relating to Child Safety Restraints.

**HB 482** - FALLON & SENATOR ADAMS - APPROPRIATIONS - An Act to Authorize and Approve the Transfer of Certain Real Property from the Seaford School District to Mrs. Helen J. Groves.

**HB 483** - ATKINS & SENATOR VAUGHN; REPRESENTATIVES SPENCE, SMITH, LEE, BOOTH, BOULDEN, BUCKWORTH, CAREY, CATHCART, CAULK, DIPINTO, D. ENNIS, EWING, HOCKER, HUDSON, LOFINK, MAIER, MIRO, OBERLE, QUILLEN, REYNOLDS, ROY, THORNBURG, VALIHURA, WAGNER, GILLIGAN, VANSANT, B. ENNIS, HOUGHTON, SCHWARTZKOPF; SENATORS ADAMS, BUNTING, VENABLES, SIMPSON - CORRECTIONS - An Act to Amend Title 11 of the Delaware Code Authorizing the Department of Correction to Implement a Pilot Prisoner Work Program in Sussex County.

**HB 484** - MIRO & SENATOR DELUCA; REPRESENTATIVES BUCKWORTH, DIPINTO, D. ENNIS, EWING, HUDSON, MAIER, REYNOLDS, GILLIGAN, WILLIAMS - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 24 of the Delaware Code Relating to Pharmacies.

**HB 485** - HALL-LONG & REPRESENTATIVE ULBRICH & SENATOR BLEVINS & SENATOR SORENSON; REPRESENTATIVES BUCKWORTH, CAREY, CAULK, B. ENNIS, D. ENNIS, EWING, GEORGE, GILLIGAN, HOUGHTON, KEELEY, MAIER, MULROONEY, PLANT, SMITH, SPENCE, VALIHURA, VANSANT, VIOLA, WAGNER; SENATORS HENRY, MARSHALL, PETERSON, SOKOLA, VAUGHN - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Chapter 32 of Title 16 of the Delaware Code Relating to Cancer Registry.

**HA 1 to HB 299** - SPENCE - Placed with the Bill.

**HA 3 to HB 387** - BUCKWORTH - Placed with the Bill.

**HA 1 to HB 394** - CAULK - Placed with the Bill.

**HA 1 to HB 447** - WAGNER - Placed with the Bill.

**HA 1 to HB 466** - HALL-LONG - Placed with the Bill.

**SB 237** - AMICK; REPRESENTATIVES EWING, GEORGE, SCHWARTZKOPF - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to Drivers License Restrictions.

**SB 295** - VAUGHN & SENATOR ADAMS & REPRESENTATIVE THORNBURG; REPRESENTATIVES B. ENNIS, HOUGHTON, SCHWARTZKOPF, WILLIAMS, DIPINTO, D. ENNIS, SMITH, CATHCART, VALIHURA, LAVELLE, HUDSON, REYNOLDS, SPENCE, ROY, MAIER, MIRO, BOULDEN, OBERLE, ULBRICH, LOFINK, QUILLEN, WAGNER, STONE, CAULK, BUCKWORTH, EWING, CAREY, BOOTH, HOCKER, FALLON, LEE, ATKINS - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Specific Offenses.

**SB 312** - ADAMS & REPRESENTATIVE WAGNER; SENATORS COOK, VAUGHN; REPRESENTATIVES EWING, DIPINTO - JUDICIARY - An Act to Amend Title 10 of the Delaware Code to Increase the Number of Justices of the Peace in Sussex County.

Representative Fallon & Mr. Speaker Spence made comments.

Representative B. Ennis requested that he be marked present.

Representative Spence made an announcement.

Representative Smith requested and was granted privilege of the floor for Susan Collins, business manager for Miss Delaware and Erin E. Williams, Miss Delaware 2003 and the 2004 contestants who announced their names, titles and platforms for the record. Mr. Speaker Spence & Representative Hocker made comments.

Representatives D. Ennis, Schwartzkopf, Gilligan & Plant requested that they be marked present.



The Majority Leader moved to recess for caucus at 2:35 p.m.

The House reconvened at 4:37 p.m. with Representative Oberle as Acting Speaker.

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

LABOR: **HB 452** - 2F,4M; **HB 462** - 2F, 4M; **SB 22 w/SA 1** - 5M,1U.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 295, SB 237 & SB 312** and requests the concurrence of the House; **HS 1 for HB 22 w/HA 1, HS 1 for HB 211 w/HA 1 & SA 1, HB 79 & HB 135 w/HA 1 & SA 1 & 2** and is returning same to the House; **SCR 39 & SCR 40** and requests the concurrence of the House; **HS 1 for HCR 46, HCR 75, HCR 76 & HCR 79** and is returning same to the House; **SB 154 & SB 209 w/SA 1** and requests the concurrence of the House.

Mr. Acting Speaker assigned **HB 466** to the Appropriations Committee.

Representatives Cathcart & Mulrooney requested that they be marked present.

Mr. Acting Speaker assigned **SB 140** to the House Administration Committee & **SB 239** to the Gaming & Parimutuels Committee

Representative Roy requested and was granted personal privilege of the floor to make an announcement.

Representative Ulbrich requested that she be marked present.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **HB 432**, jointly sponsored by Senator Still, before the House for consideration.

**HB 432** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE MEDICAL PRACTICES ACT.

Representative Wagner brought **HA 1 to HB 432** before the House for consideration. Representative Wagner made comments. **HA 1** was adopted by voice vote.

The roll call on **HB 432 w/HA 1** was taken and revealed:

YES: 39.

NOT VOTING: Mr. Acting Speaker Oberle - 1.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, **HB 432 w/HA 1** was sent to the Senate for concurrence.

Representatives Boulden, DiPinto, Maier, Miro, Reynolds, Viola, Williams & D. Ennis requested that they be marked present during the roll call.

Representative Wagner made an announcement.

Representative Boulden requested and was granted personal privilege of the floor to introduce guests.

Representative Smith deferred to Representative Buckworth.

Representative Buckworth brought **HB 387**, jointly sponsored by Senator McBride & Representative Hudson & Senator Still & Representative Ewing, before the House for consideration.

**HB 387** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO SPECIAL LICENSE PLATES. (3/5 bill)

Representative Buckworth requested that **HA 1 to HB 387** be stricken. Representative Buckworth brought **HA 2 to HB 387** before the House for consideration. Representative Buckworth made a comment. **HA 2** was adopted by voice vote. Representative Buckworth brought **HA 3 to HB 387** before the House for consideration. Representative Buckworth made a comment. **HA 3** was adopted by voice vote. Representative Buckworth made comments.

The roll call on **HB 387 w/HA 2 & 3** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority of at least three-fifths Members of the House, **HB 387 w/HA 2 & 3** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich brought **HB 383**, jointly sponsored by Senator Sokola, before the House for consideration.

**HB 383** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE SCHOOL DISTRICT ENROLLMENT CHOICE PROGRAM.

Representative Ulbrich made comments.

The roll call on **HB 383** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, **HB 383** was sent to the Senate for concurrence. Representative Smith brought **Consent Agenda E**, which requires a three-fifths vote, before the House for consideration.

**SB 273** – VAUGHN & REPRESENTATIVES WAGNER & VALIHURA – An Act to Amend Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Limited Partnerships and the Registration and Regulation of Foreign Limited Partnerships. (3/5 bill)

**SB 274** – VAUGHN & REPRESENTATIVES WAGNER & VALIHURA- An Act to Amend Title 6 of the Delaware Code Relating to the Creation, Regulation, Operation and Dissolution of Domestic Partnerships and the Registration and Regulation of Foreign Limited Liability Partnerships. (3/5 bill)

**SB 289** – DELUCA & REPRESENTATIVE STONE & SENATORS SOKOLA, STILL & SORENSON & REPRESENTATIVE VALIHURA – An Act to Amend Title 12 of the Delaware Code Relating to Wills and Trusts.

**SB 287** – DELUCA & REPRESENTATIVE STONE & SENATORS SOKOLA, STILL & SORENSON & REPRESENTATIVE VALIHURA – An Act to Amend Title 12 Relating to the Delaware Uniform Transfers to Minors Act.

**SB 288** – DELUCA & REPRESENTATIVE STONE & SENATORS SOKOLA, STILL & SORENSON & REPRESENTATIVE VALIHURA – An Act to Amend Title 12 of the Delaware Code Relating to Trusts.

**SB 286** – DELUCA & REPRESENTATIVE STONE & SENATORS BUNTING, SOKOLA, SORENSON & STILL & REPRESENTATIVES D. ENNIS, CAREY, FALLON, HOCKER, HUDSON, LAVELLE, MIRO, VALIHURA, HOUGHTON & KEELEY– An Act to Amend Title 12 of the Delaware Code Relating to Decedent’s Estates and Fiduciary Relations and Investments of Fiduciaries.

**SB 290** – DELUCA & REPRESENTATIVE STONE & SENATORS SOKOLA, STILL & SORENSON & REPRESENTATIVE VALIHURA – An Act to Amend Title 12 of the Delaware Code Relating to Sales of Real Estate by Executors.

**HB 463** – STONE & REPRESENTATIVE VALIHURA & SENATOR DELUCA– An Act to Amend Chapter 38, Title 12 of the Delaware Code Relating to Statutory Trusts. (3/5 bill)

Representative Smith made comments.

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

YES: 40.

ABSENT: Representative Quillen – 1.

Therefore having received a constitutional majority of at least three-fifths Members of the House, **SB 273, SB 274, SB 289, SB 287, SB 288, SB 286 & SB 290** were returned to the Senate and **HB 463** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Gilligan. Representative Gilligan made an announcement.

Mr. Speaker Spence resumed the Chair.

Representatives B. Ennis, VanSant, D. Ennis, Hudson, Buckworth, Ulbrich, Reynolds, Boulden, Wagner, DiPinto, Ewing, Stone, Hocker & Cathcart made comments.

Representative Carey introduced a guest.

Representative Williams, Mr. Speaker Spence & Representative Houghton made comments.

Representative Smith deferred to Representative VanSant.

Representative VanSant brought **HB 369**, jointly sponsored by Senator Blevins & Representatives Atkins, Buckworth, B. Ennis, Ewing, Fallon, Hall-Long, Lee, Maier, Mulrooney, Plant, Schwartzkopf & Thornburg & Senators Amick, Henry, Sorenson & Still, before the House for consideration.

**HB 369** - AN ACT TO AMEND TITLES 11 AND 16 OF THE DELAWARE CODE RELATING TO TONGUE SPLITTING. (2/3 bill)

Representative VanSant introduced and brought **HA 1 to HB 369** before the House for consideration. Representative VanSant made a comment. **HA 1** was adopted by voice vote.

Representatives VanSant, Wagner, Reynolds, Houghton, B. Ennis & DiPinto made comments.

The roll call on **HB 369 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 369 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Valihura.

Representative Valihura brought **HB 454**, jointly sponsored by Representative Caulk & Senator Vaughn & Senator Venables & Representatives Atkins, Booth, Buckworth, Carey, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, Hall-Long, Hocker, Hudson, Lee, Maier, Mulrooney, Smith, Spence & Thornburg & Senators Bunting, Simpson & Still, before the House for consideration.

**HB 454** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COUNTY TAXES AND HISTORIC FARM STRUCTURES.

Representative Caulk brought **HA 1 to HB 454** before the House for consideration. Representative Caulk made comments. **HA 1** was adopted by voice vote.

Representative Valihura made comments.

The roll call on **HB 454 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

Therefore, having received a constitutional majority, **HB 454 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Caulk.

Representative Caulk brought **HB 467**, jointly sponsored by Senator Bunting & Representatives Atkins, Booth, Buckworth, Carey, Ewing, Fallon, Hocker, Lee, Quillen, Stone, Thornburg, Wagner, B. Ennis, Hall-Long & Schwartzkopf & Senators Adams, Cook, Vaughn, Venables, Bonini, Simpson & Still, before the House for consideration.

**HB 467** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO FARM TRUCKS AND OTHER FARM VEHICLES. (2/3 bill)

Representative Caulk made comments.

The roll call on **HB 467** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

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

**HB 467** was sent to the Senate for concurrence.

Representative Gilligan requested and was granted personal privilege of the floor to make comments.

Representative Wagner made an announcement.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich brought **SB 282**, jointly sponsored by Senator McBride & Senators Sokola, Cloutier, Peterson, Amick & Still & Representatives Booth, Keeley, Oberle, Lofink, Cathcart, Atkins, Wagner, Spence, B. Ennis, Viola & Gilligan, before the House for consideration.

**SB 282** - AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE DELAWARE PROFESSIONAL ENGINEERS ACT.

Representatives Ulbrich & Valihura made comments.

The roll call on **SB 282** was taken and revealed:

YES: 40.

ABSENT: Representative Quillen - 1.

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

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

**SB 265** – MCDOWELL & REPRESENTATIVE MAIER & SENATORS BLEVINS, CLOUTIER, CONNOR, HENRY, SOKOLA & SORENSON & REPRESENTATIVES BUCKWORTH, FALLON, GEORGE, HALL-LONG, HUDSON, KEELEY, MULROONEY, OBERLE, ULBRICH, VALIHURA, VANSANT, VIOLA & WAGNER- An Act to Amend Title 29 of the Delaware Code Relating to the Department of Services for Children, Youth and Their Families.

**SB 221** – SORENSON & SENATOR VAUGHN & REPRESENTATIVE LEE – An Act to Amend Title 11 of the Delaware Code Relating to the International Transfer of Prisoners.

**HB 435** – DIPINTO & SENATOR MCDOWELL & REPRESENTATIVES D. ENNIS, LAVELLE, OBERLE, ROY, VALIHURA, B. ENNIS, HALL-LONG, KEELEY, MULROONEY & VIOLA & SENATORS BLEVINS, BUNTING, DELUCA, SOKOLA & VENABLES - An Act to Amend Title 29 of the Delaware Code Relating to State Procurement.

**SB 271** – HENRY & SENATORS SOKOLA, SIMPSON, COPELAND, CLOUTIER, CONNOR & SORENSON & REPRESENTATIVES REYNOLDS & MIRO – An Act to Amend Title 14 of the Delaware Code Relating to Public Attendance of Homeless Children and Unaccompanied Youth.

**SB 270** – SOKOLA & SENATORS HENRY & COPELAND & REPRESENTATIVE REYNOLDS – An Act to Amend Chapter 34, Title 14, Delaware Code Relating to Speech/Language Pathologist Incentive Loans.

**SS 1/SB 272** – VAUGHN & REPRESENTATIVES WAGNER & VALIHURA – An Act to Amend Title 8 of the Delaware Code Relating to the General Corporation Law. (2/3 bill)

Representative Smith requested that **SB 271** be removed from **Consent Agenda D**.

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

YES: 40.

ABSENT: Representative Quillen - 1.

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

**SB 265, SB 221, SB 270 & SS 1/SB 272** were returned to the Senate and **HB 435** was sent to the Senate for concurrence.

Representative Valihura made comments.

Representative Smith brought **SB 271**, sponsored by Senator Henry & Senator Sokola & Senators Simpson, Copeland, Cloutier, Connor & Sorenson & Representatives Reynolds & Miro, before the House for consideration.

**SB 271** - AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO PUBLIC ATTENDANCE OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH.

Representative Smith moved to place **SB 271** on the Speaker's Table. The motion was seconded by Representative Buckworth and adopted by voice vote.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **SB 56 w/SA 1**, jointly sponsored by Senator Henry & Senators Blevins, Marshall, Peterson, Amick, Bonini, Cloutier & Sorenson & Representative Keeley, before the House for consideration.

**SB 56 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVING PRIVILEGES FOR PERSONS CONVICTED OF DRUG OFFENSES.**

Representative Hudson introduced and brought **HA 1 to SB 56** before the House for consideration. Representative Hudson made comments. **HA 1** was adopted by voice vote. Representative Hudson made comments.

The roll call on **SB 56 w/SA 1 & HA 1** was taken and revealed:

YES: 38.

NO: Representative Oberle - 1.

ABSENT: Representatives Quillen & Williams - 2.

Therefore, having received a constitutional majority, **SB 56 w/SA 1 & HA 1** was returned to the Senate for concurrence on **HA 1**.

The Majority Leader moved to recess at 5:52 p.m. for the purpose of changing the recording tape.

The House reconvened at 6:15 p.m. with Representative Boulden as Acting Speaker.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **SB 228**, jointly sponsored by Senator Adams & Senator Vaughn, before the House for consideration.

**SB 228 - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE CONCERNING THE APPOINTMENT OF JUDGES.**

Representative Wagner made comments.

The roll call on **SB 228** was taken and revealed:

YES: 39.

ABSENT: Representatives Gilligan & Quillen - 2.

Therefore, having received a constitutional majority, **SB 228** was returned to the Senate.

Representative Smith deferred to Representative Ewing.

Representative Ewing made an announcement.

Representative Smith deferred to Representative Ewing.

Representative Ewing moved to lift **SB 165 w/SA 1, 2 & 4 & HA 1** from the Speaker's Table. The motion was seconded by Representative B. Ennis and adopted by voice vote.

Representative Ewing brought **SB 165 w/SA 1, 2 & 4 & HA 1**, sponsored by Senator Still & cosponsored by Representative Buckworth, before the House for consideration.

**SB 165 - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO UNLAWFUL USE OF SOUND DEVICES. (2/3 bill)**

Representative Ewing made comments.

Representative Schwartzkopf requested that **HA 2 to SB 165** be stricken.

Representative Schwartzkopf brought **HA 3 to SB 165**, jointly sponsored by Representative Buckworth, before the House for consideration. Representative Schwartzkopf made comments. **HA 3** was adopted by voice vote. Representatives Oberle & Lee made comments. Representative Williams introduced and brought **HA 4 to SB 165** before the House for consideration. Representative Williams made comments. **HA 4** was adopted by voice vote. Representatives George, Ewing, Lavelle, Schwartzkopf & Miro made comments.

The roll call on **SB 165 w/SA 1, 2 & 4 & HA 1, 3 & 4** was taken and revealed:

YES: 38.

ABSENT: Representatives Gilligan, Lavelle & Quillen - 3.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **SB 165 w/SA 1, 2 & 4 & HA 1, 3 & 4** was returned to the Senate for concurrence on **HA 3 & 4**.

Representative Smith deferred to Representative Maier.

Representative Maier brought **HB 373**, jointly sponsored by Senator Blevins & Representative Valihura & Representatives B. Ennis, Hudson, Stone, Ulbrich & VanSant & Senators Henry, Sokola & Sorenson, before the House for consideration.

**HB 373 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO NURSING FACILITIES AND SIMILAR FACILITIES AND HOME-BASED AND COMMUNITY-BASED SERVICES. (F/N)**

Representative Maier brought **HA 1 to HB 373** before the House for consideration. Representative Maier made a comment. Representative Maier deferred to Representative DiPinto. Representative DiPinto made comments. **HA 1** was adopted by voice vote. Representative Maier introduced and brought **HA 2 to HB 373** before the House for consideration. Representative Maier made comments. **HA 2** was adopted by voice vote. Representative Maier made comments.

The roll call on **HB 373 w/HA 1 & 2** was taken and revealed:

YES: 39.

ABSENT: Representatives Gilligan & Quillen - 2.

Therefore, having received a constitutional majority, **HB 373 w/HA 1 & 2** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Valihura. Representative Valihura made comments.

Representative Smith deferred to Representative Lee.

Representative Lee brought **HB 448**, jointly sponsored by Senator Henry, before the House for consideration.

**HB 448 - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO FIRE SAFETY. (2/3 bill)**

Representative Lee introduced and brought **HA 1 to HB 448** before the House for consideration.

Representative Lee made a comment. **HA 1** was adopted by voice vote.

Representative Lee made comments.

The roll call on **HB 448 w/HA 1** was taken and revealed:

YES: 39.

ABSENT: Representatives Gilligan & Quillen - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 448 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 415**, jointly sponsored by Representative Lee & Senator Blevins & Senator Simpson & Senator Vaughn & Representatives Buckworth, Carey, Caulk, DiPinto, D. Ennis, Ewing, George, Gilligan, Hall-Long, Hocker, Houghton, Hudson, Keeley, Lofink, Miro, Mulrooney, Plant, Schwartzkopf, Spence, Thornburg, VanSant, Viola, Wagner, Williams before the House for consideration.

**HB 415 - AN ACT TO AMEND CHAPTER 67 OF TITLE 16 OF THE DELAWARE CODE PERTAINING TO AMBULANCE SERVICE. (2/3 bill)**

Representatives B. Ennis, Oberle & Ewing made comments.

The roll call on **HB 415** was taken and revealed:

YES: 39.

ABSENT: Representatives Gilligan & Quillen - 2.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 415** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schwartzkopf.

Representative Smith moved to suspend the rules which interfere with action on **HB 481**. The motion was properly seconded and adopted by voice vote.

Representative Schwartzkopf brought **HB 481**, jointly sponsored by Senator Henry & Representatives Carey, DiPinto, B. Ennis, D. Ennis, Ewing, Fallon, George, Hall-Long, Houghton, Hudson, Maier, Mulrooney, Plant, Reynolds, VanSant, Viola & Williams, before the House for consideration.

**HB 481 - AN ACT TO AMEND CHAPTER 48 OF TITLE 21 OF THE DELAWARE CODE RELATING TO CHILD SAFETY RESTRAINTS.**

Representative Schwartzkopf made comments.

The roll call on **HB 481** was taken and revealed:

YES: 37.

ABSENT: Representatives Caulk, D. Ennis, Gilligan & Quillen - 4.

Therefore, having received a constitutional majority, **HB 481** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Booth.

Representative Booth made an announcement.

Representative Smith deferred to Representative Hocker.

Representative Hocker requested that **HJR 28** be stricken.

The Majority Leader moved to recess for dinner at 6:55 p.m.

The House reconvened at 7:35 p.m. with Representative Ulbrich as Acting Speaker.

Representative Smith deferred to Representative Lee.

Representative Lee brought **SB 278**, jointly sponsored by Senator Bunting & Senator Sorenson & Representatives Spence, DiPinto, Buckworth, Keeley, B. Ennis & Williams, before the House for consideration.

**SB 278 - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE COMPENSATION OF THE BOARD OF PAROLE. (F/N)**

Representative Lee made comments.

The roll call on **SB 278** was taken and revealed:

YES: 36.

ABSENT: Representatives Buckworth, Caulk, Ewing, Gilligan & Quillen - 5.

Therefore, having received a constitutional majority, **SB 278** was returned to the Senate.

Representative Smith deferred to Representative Hudson.

Representative Hudson brought **HB 464**, jointly sponsored by Senator Sokola, before the House for consideration.

**HB 464** - AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO RULES OF THE ROAD.

Representatives Hudson & Miro made comments.

The roll call on **HB 464** was taken and revealed:

YES: 34.

ABSENT: Representatives Buckworth, Caulk, D. Ennis, Ewing, Gilligan, Lofink & Quillen - 7.

Therefore, having received a constitutional majority, **HB 464** was sent to the Senate for concurrence.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto brought **HB 434**, jointly sponsored by Senator McDowell & Representatives D. Ennis, Lavelle, Oberle, Roy, Valihura, B. Ennis, Hall-Long, Keeley, Mulrooney & Viola & Senators Blevins, Bunting, Cook, DeLuca, Sokola & Venables, before the House for consideration.

**HB 434** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ENERGY ADVISORY COUNCIL, ENERGY PLANNING AND CABINET COMMITTEE ON ENERGY. (F/N)

Representative DiPinto made comments.

The roll call on **HB 434** was taken and revealed:

YES: 35.

ABSENT: Representatives Buckworth, Caulk, Ewing, Gilligan, Lavelle & Quillen - 6.

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

Representative George introduced **HB 488**, jointly sponsored by Representative Keeley & Representative Plant & Senator Henry & Representatives Reynolds & Viola & Senators McDowell, Peterson, Simpson, Sokola & Sorenson.

**HB 488** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO CRIMES AND THE DEATH PENALTY.

Madame Acting Speaker assigned **HB 488** to the Judiciary Committee.

Representative Lavelle introduced **HB 491**, jointly sponsored by Representative Valihura & Senator Bunting & Senator Copeland.

**HB 491** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO QUORUM PROVISIONS FOR COUNTY GOVERNMENTS.

Madame Acting Speaker assigned **HB 491** to the Housing & Community Affairs Committee.

Representative Booth introduced **HB 492**, jointly sponsored by Senator McDowell.

**HB 492** - AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE REGARDING THE UNIFORM CONTROLLED SUBSTANCES ACT.

Madame Acting Speaker assigned **HB 492** to the Health & Human Development Committee.

Representative Carey introduced **HB 494**, jointly sponsored by Senator Bunting & Representatives Atkins, Booth, Caulk & B. Ennis.

**HB 494** - AN ACT TO AMEND TITLE 7 RELATING TO TAX DITCHES.

Madame Acting Speaker assigned **HB 494** to the Natural Resources & Environmental Management Committee.

Representatives Maier & Smith made announcements.

The Majority Leader moved to recess to the call of the Chair at 7:59 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:04 p.m. on June 16, 2004.

Representative Smith deferred to Representative Carey.

Representative Carey requested that **HB 494** be stricken.

Representatives Carey & Booth made announcements.

Representative Carey introduced **HB 499**, jointly sponsored by Senator Bunting & Representatives Atkins, Booth, Caulk, Hocker & B. Ennis.

**HB 499** - AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO TAX DITCHES.

Mr. Acting Speaker assigned **HB 499** to the Natural Resources & Environmental Management Committee.

Representative DiPinto made an announcement.

Representative Smith deferred to Representative Stone. Representative Stone made an announcement.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence reassigned **HB 474** to the Judiciary Committee & **HB 477** to the Transportation Committee.

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.

**37th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session**  
**June 16, 2004**

The Chief Clerk called the roll:

Members Present: 37.

Members Absent: Representatives Boulden, Cathcart, B. Ennis & Lofink – 4.

A prayer was offered by Representative Deborah D. Hudson, Twelfth Representative District.

Mr. Speaker Spence led those present in the 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 - BOULDEN; REPRESENTATIVE VALIHURA - TRANSPORTATION - An Act to Amend Chapter 18, Title 2 of the Delaware Code Relating to Public Carriers. (3/5 bill)**

**HB 487 - STONE & SENATOR BLEVINS - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Automobile Insurance and Driver Exclusion.**

**HB 489 - MAIER & REPRESENTATIVE OBERLE & SENATOR BLEVINS & REPRESENTATIVES BUCKWORTH, CAREY, CATHCART, DIPINTO, D. ENNIS, EWING, HUDSON, MIRO, STONE, VALIHURA, GILLIGAN, B. ENNIS, GEORGE, HALL-LONG, KEELEY, MULROONEY, PLANT & SENATORS ADAMS, HENRY, MARSHALL, PETERSON, SOKOLA, SORENSON, CLOUTIER, CONNOR, SIMPSON - JUDICIARY - An Act to Amend Chapter 85, Title 11 of the Delaware Code Relating to Adult Abuse Registry Checks.**

**HB 490 - ULBRICH & SENATOR MCBRIDE; REPRESENTATIVES HUDSON, SCHWARTZKOPF, VALIHURA, VIOLA; SENATORS BONINI, COPELAND, PETERSON, SOKOLA - POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY - An Act to Amend Title 16 and Title 24 of the Delaware Code Relating to the Board of Plumbing Examiners and Basic Plumbing Principles. (2/3 bill)**

**HB 493 - BOOTH & SENATOR SIMPSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Subchapter II of Chapter 1, Title 16, Delaware Code and Part IX, Chapter 94, Title 16, Delaware Code Pertaining to Home-Based Services for the Elderly.**

**HB 495 - STONE & REPRESENTATIVE GILLIGAN & SENATOR STILL & SENATOR MCDOWELL - ECONOMIC DEVELOPMENT/BANKING & INSURANCE - An Act to Amend Title 18 of the Delaware Code Relating to Unfair Practices in the Insurance Business.**

**HB 496 - DIPINTO & SENATOR MARSHALL & SENATOR HENRY; REPRESENTATIVES EWING, HUDSON, REYNOLDS, VALIHURA, GILLIGAN, HOUGHTON - HOUSE ADMINISTRATION - An Act to Amend the Laws of Delaware, as Amended, Amending the City of Wilmington Home Rule Charter, 74 Delaware Laws, Chapter 193, Relating to the Functions, Powers and Duties of the Department of Public Works and Property Owner Requirements and Responsibilities.**

**HB 497 - WAGNER; REPRESENTATIVES BUCKWORTH, EWING, MAIER, B. ENNIS - JUDICIARY - An Act to Amend Title 10 of the Delaware Code Relating to Personal Actions.**

**HA 1 to HB 107 - BOOTH - Placed with the Bill.**

**HA 2 to HB 234 - HOCKER - Placed with the Bill.**

**HA 1 to HA 1 to HB 388 - ULBRICH - Placed with the Bill.**

**HJR 31 - MAIER & SENATOR HENRY; REPRESENTATIVE MIRO; SENATOR PETERSON - HEALTH & HUMAN DEVELOPMENT - Re-establishing the 211 Task Force for the Purpose of Furthering the Implementation of a 211 Initiative in Delaware.**

**SB 154 - MARSHALL & REPRESENTATIVE LOFINK - LABOR - An Act to Amend Title 19 of the Delaware Code Relating to Discrimination In Employment. (2/3 bill)**

**SB 209 w/SA 1 - HENRY & REPRESENTATIVE KEELEY; SENATOR MARSHALL & REPRESENTATIVES GEORGE, HALL-LONG, PLANT - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 29 of the Delaware Code to Establish a Sterile Needle and Syringe Exchange Pilot Program to Prevent Aids and Other Diseases.**

**SB 283 w/SA 1 - VAUGHN & REPRESENTATIVE B. ENNIS - AGRICULTURE - An Act to Amend Title 3 of the Delaware Code Relating to Nuisance Plants.**

**SB 293 - VAUGHN & REPRESENTATIVE DIPINTO; SENATORS COOK, BUNTING, HENRY, CLOUTIER, AMICK; REPRESENTATIVES FALLON, D. ENNIS, HOUGHTON, BUCKWORTH, WILLIAMS - APPROPRIATIONS - An Act to Amend Title 29 Chapter 63 Relating to the Budget Commission.**

**SB 304 w/SA 1 - BLEVINS & REPRESENTATIVE MIRO; SENATORS HENRY, PETERSON, COPELAND, SOKOLA; REPRESENTATIVES HALL-LONG, HUDSON, KEELEY, REYNOLDS - HOUSE ADMINISTRATION - An Act to Amend Title 15 of the Delaware Code Relating to Disclosure of Contributions.**

**SB 306 - MCDOWELL & REPRESENTATIVE DIPINTO; SENATORS BLEVINS, HENRY, PETERSON, SOKOLA; REPRESENTATIVES BUCKWORTH, B. ENNIS, D. ENNIS, KEELEY, MULROONEY, ROY, VALIHURA, VIOLA - APPROPRIATIONS - An Act to Amend Title 16 of the Delaware Code Relating to County and Municipal Building, Plumbing, Electrical and Other Codes for Energy Conservation.**

**SB 315 w/SA 1 - VAUGHN & REPRESENTATIVE B. ENNIS - LABOR - An Act to Amend Title 29 of the Delaware Code Relating to Contracting.**

**SB 321** - MCDOWELL & REPRESENTATIVE DIPINTO; SENATORS BLEVINS, CLOUTIER, COOK, DELUCA, SOKOLA, VAUGHN, VENABLES; REPRESENTATIVES ATKINS, BOOTH, CAREY, CAULK, B. ENNIS, D. ENNIS, HALL-LONG, HOCKER, KEELEY, LAVELLE, MULROONEY, OBERLE, QUILLEN, ROY, VIOLA - TRANSPORTATION - An Act to Amend Titles 6, 7, 16, 29 and 30 of the Delaware Code Relating to Diesel and Biodiesel Fuel.

**SS 1 for SB 322** - MCDOWELL; SENATORS BLEVINS, CLOUTIER, COPELAND, HENRY, MARSHALL, PETERSON; REPRESENTATIVES B. ENNIS, D. ENNIS, GEORGE, KEELEY, LAVELLE, MULROONEY, ROY, VANSANT, VIOLA - APPROPRIATIONS - An Act to Amend Title 29 of the Delaware Code Relating to the Energy Performance Contracting Act.

**HA 1 to SB 166** - STONE - Placed with the Bill.

Representative Smith requested and was granted personal privilege of the floor to make comments.

Representative Gilligan requested that he be marked present.

Representative Quillen introduced a guest.

Representative George requested that she be marked present.

Representative Ewing requested and was granted personal privilege of the floor to introduce guests.

Representative Smith deferred to Representative Thornburg.

Representative Thornburg introduced and brought **HR 82**, jointly sponsored by Representative Quillen & Representative Wagner on behalf of All Representatives, before the House for consideration.

**HR 82** - RECOGNIZING DONNA SNELL, HOUSE OF REPRESENTATIVES FORMER READING CLERK, BILL CLERK, BILL PREP CLERK AND SUPPORT STAFF ON HER RETIREMENT AFTER 18 YEARS OF PUBLIC SERVICE IN THE GENERAL ASSEMBLY.

WHEREAS, Donna Snell has dedicated eighteen (18) years to the Delaware House of Representatives, where she served as Reading Clerk, Bill Clerk, Bill Prep Clerk and support staff between January 1985 and June 2003; and

WHEREAS, Donna Snell had an uncanny ability to relate to all people and personalities in the Legislature with her bright smile and her cheerful attitude; and

WHEREAS, Donna fulfilled her duties with bipartisanship, as she respected and treated all Legislators the same, serving all members of the House and Senate equally; and

WHEREAS, Donna was an active and contributing member for many years to the State Republican Committee, in which she served in a number of capacities, including the 29th Representative District Chairwoman and Party Delegate to Republican State Conventions; and

WHEREAS, Donna has committed her time to political efforts at the Kent County level, working as Secretary and Office Manager during the tenures of three (3) County Republican Chairmen; and

WHEREAS, volunteering for community efforts has been an important part of Donna's life, including serving as a Girl Scout leader, Board President for the Harvest Years Senior Center, a leader at her local church, and a member of the Junior Board of Kent General Hospital; and

WHEREAS, Donna, a school bus driver for school districts in Kent County for many years, takes great pride in the number of students she has transported and mentored over the years, including a former Delaware State Police Superintendent.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 142nd General Assembly of the State of Delaware that Donna Snell, former Reading Clerk, Bill Clerk, Bill Prep Clerk and support staff for the House of Representatives, be recognized for her eighteen (18) years of public service.

BE IT FURTHER RESOLVED that the House of Representatives bid a fond farewell to Donna Snell and extend their wishes for the best of luck to her as she enjoys her retirement.

BE IT FURTHER RESOLVED that Donna Snell will surely be missed as playing a significant role in carrying out the apparently seamless daily functions of the House of Representatives.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be sent to Donna Snell.

Representative Thornburg made comments.

Representative Thornburg requested and was granted privilege of the floor for herself and Representative Quillen to present a House Tribute to Donna Snell.

**HR 82** was adopted by voice vote.

Representatives Wagner and Fallon requested that they be marked present.

Representative Smith brought the following prefiled **Consent Calendar #25** before the House for consideration.

**HR 80** – SPENCE – Requesting the Department of Administrative Services to Continue the Current Lease that Absalom Jones Community Center Has with Dave Tiberi Youth Center Incorporated.

**HR 81** – ROY & REPRESENTATIVE MAIER – Mourning the Death of H. Kenneth Powell, Former Mayor of Oakland Park, Florida.

**SCR 39** – MCBRIDE & REPRESENTATIVE SPENCE – Commending Delaware State Dental Society on the Achievements of Its First Annual Give Kids a Smile Program.

**SCR 40** – PETERSON & SENATORS HENRY, SOKOLA & VENABLES & REPRESENTATIVES SPENCE, GILLIGAN & KEELEY – Creating a Task Force to Examine the Prevalence of Lyme Disease in this State and to Make Recommendations for the Prevention of Lyme



Disease and for Educational Programs to Raise Awareness About the Long-Term Effects of Misdiagnosis of Lyme Disease.

Representative Smith requested that **HR 80** be removed from **Consent Calendar #25**.

**Consent Calendar #25** was adopted by voice vote and **HR 81** was declared passed and **SCR 39 & SCR 40** were returned to the Senate.

Representative Smith deferred to Representative Maier.

Representative Maier requested and was granted privilege of the floor for herself and Representative Roy to present a House Memoriam to Representative Robert S. Powell for his brother H. Kenneth Powell.

Representative Oberle requested and was granted personal privilege of the floor to make comments. Representatives D. Ennis, Oberle & Booth made comments. Representatives Viola & Ulbrich requested that they be marked present. Representative Miro requested that **HB 393** be stricken. Mr. Speaker Spence requested that **HR 80** be stricken.

Representative Plant requested and was granted personal privilege of the floor to introduce a guest.

Mr. Speaker Spence made comments.

The Majority Leader moved to recess for committee meetings and to the call of the Chair at 2:38 p.m.

Pursuant to a procedure authorized by Speaker Terry R. Spence, the following Members were marked present by the Chief Clerk after the House recessed at 2:38 p.m.: Representatives Lavelle, Reynolds & Valihura.

Mr. Acting Speaker Quillen called the House to order at 2:12 p.m. on June 17, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 321, SB 283 w/SA 1, SB 293, SB 315 w/SA 1, SS 1 for SB 322, SB 297 w/SA 1, SB 314 w/SA 1, SB 323, SB 324, SB 325 w/SA 2, SB 304 w/SA 1 & SB 306** and requests the concurrence of the House; **HB 187 w/SA 3** and is returning same to the House; **SB 310** and requests the concurrence of the House; **HB 400 w/HA 1 & SA 3** and is returning same to the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Pete Schwartzkopf, do hereby request that my name be removed as cosponsor of **SB 22**.

Date: June 9, 2004

Signed: Peter C. Schwartzkopf

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

**APPROPRIATIONS: HB 418 - 4F,1M; HB 457 - 5F; HB 466 - 5M; HB 482 - 5M; SB 99 w/SA 1 - 5M.**

**CORRECTIONS: HB 483 - 1F,7M.**

**EDUCATION: HB 342 - 7M; HCR 78 - 7M; SB 235 - 7M; SS 1/SB 275 w/SA 1 - 7M.**

**HEALTH & HUMAN DEVELOPMENT: HB 469 - 6M; HB 480 - 5M; HB 485 - 6M; SB 277 - 6M; SB 279 w/SA 1 - 6M.**

**HOUSE ADMINISTRATION: HB 451 - 4M; HB 453 - 4M; HB 456 - 4M; HB 472 - 4M; SB 202 w/SA 1 - 4M; SB 267 - 4M; SB 281 - 4M.**

**HOUSING & COMMUNITY AFFAIRS: HB 491 - 5M; SB 309 w/SA 1 - 5M.**

**JUDICIARY: HB 149 - 7M; HB 460 - 6M; HB 488 - 1F,3M,2U; SB 166 w/SA 2 - 6M; SB 295 - 6M; SB 312 - 6M.**

**JUDICIARY: HB 474 - 5M.**

**PUBLIC SAFETY: HB 439 - 7M; HB 475 - 7M; SB 218 w/SA 1 - 7M; SB 237 - 7M.**

**REVENUE & FINANCE: HB 315 - 5M.**

Mr. Acting Speaker assigned **HB 149 & HB 460** to the Appropriations Committee.

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.

#### **38th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session June 17, 2004**

The Chief Clerk called the roll:

Members Present: 41.

A prayer was offered by Representative Gerald A. Buckworth, Thirty-Fourth Representative District.

Mr. Acting Speaker led those present in the 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 498 - EWING & SENATOR HENRY - PUBLIC SAFETY - An Act to Amend Title 21 of the Delaware Code Relating to License Plates and Fees.**

**HB 500 - CATHCART & SENATOR BLEVINS & REPRESENTATIVE OBERLE & SENATOR SOKOLA; SENATORS CONNOR & SORENSON - HEALTH & HUMAN DEVELOPMENT - An Act to Amend Title 16 of the Delaware Code Relating to Health and Safety. (2/3 bill)**

**HB 501 - DIPINTO & SENATOR MCDOWELL; REPRESENTATIVE HUDSON; SENATOR SORENSON - REVENUE & FINANCE - An Act to Amend Title 30 of the Delaware Code Relating to the Historic Preservation Tax Credit.**

**HA 4 to HB 351** - WAGNER - Placed with the Bill.

**SB 297 w/SA 1** - MCBRIDE & SENATOR ADAMS; SENATORS DELUCA, VAUGHN, BONINI; REPRESENTATIVE VIOLA - LABOR - An Act to Affirmatively Re-establish and Continue the Functions of the Unemployment Insurance Appeal Board.

**SB 310** - SOKOLA & REPRESENTATIVE VALIHURA - HOUSING & COMMUNITY AFFAIRS - An Act to Amend Title 31 of the Delaware Code Relating to Housing and the Delaware State Housing Authority.

**SB 314 w/SA 1** - HENRY & SENATOR ADAMS & REPRESENTATIVE EWING; SENATORS VAUGHN, AMICK, STILL; REPRESENTATIVES SPENCE, LEE, ATKINS, BUCKWORTH, B. ENNIS, GEORGE, KEELEY, THORNBURG, VANSANT, WILLIAMS, GILLIGAN, SCHWARTZKOPF - PUBLIC SAFETY - An Act to Amend Title 11 of the Delaware Code Relating to the Council on Police Training.

**SB 323** - BUNTING & REPRESENTATIVE HOCKER - HOUSE ADMINISTRATION - An Act to Amend Chapter 59, Volume 63, Laws of Delaware as Amended, Entitled "An Act to Incorporate the Town of Dewey Beach" To Approve an Amendment of Section 10(b) of the Charter of the Town of Dewey Beach, Delaware Entitled "Manner of Holding Elections" to Provide for Voter Eligibility in Municipal Elections to Certain Trustees of Trusts to Which Real Estate Located Within the Town Has Been Conveyed. (2/3 bill)

**SB 324** - BUNTING & REPRESENTATIVE HOCKER - HOUSE ADMINISTRATION - An Act to Amend Chapter 59, Volume 63, Laws of Delaware as Amended, Entitled "An Act to Incorporate the Town of Dewey Beach" to Approve an Amendment of Section 10(a) of the Charter of the Town of Dewey Beach, Delaware Entitled "Manner of Holding Elections" to Provide for a Voter Registration Procedure for Municipal Elections. (2/3 bill)

**SB 325 w/SA 2** - ADAMS & REPRESENTATIVE CAREY - HOUSE ADMINISTRATION - An Act to Amend an Act Being Chapter 326, Volume 71, Laws of Delaware, as Amended, Entitled "An Act to Reincorporate the Town of Milton", the Charter of the Relating to Its Name and Impact Fees. (2/3 bill)

Representative Smith deferred to Representative Fallon.

Representative Fallon introduced guests.

Representative Smith deferred to Representative Maier.

Representative Maier introduced and brought **HCR 81**, jointly sponsored by Senator Blevins & Senator Henry & cosponsored by Senators Cloutier & Connor, before the House for consideration.

**HCR 81** - RECOGNIZING THE MULTIPLE BARRIERS AND UNMET NEEDS OF GRANDPARENTS AND OTHER RELATIVE CAREGIVERS AND THE CHILDREN THEY ARE RAISING.

Representative Maier introduced guests.

**HCR 81** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Maier.

Representative Maier introduced and brought **HCR 82**, jointly sponsored by Representative Wagner & Senator Blevins & Senator Sorenson & Representatives Fallon, Hudson, Stone, Thornburg, Ulbrich, George, Hall-Long, Keeley & Plant, before the House for consideration.

**HCR 82** - RECOGNIZING SUNDAY, JUNE 20, 2004 AS FATHER'S DAY IN DELAWARE AND COMMENDING ALL FATHERS FOR THEIR SUPPORT IN THEIR CHILDREN'S LIVES.

Representative Maier made comments.

**HCR 82** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith requested and was granted personal privilege of the floor to make comments.

Representative Smith deferred to Representative Lofink.

Representative Lofink introduced **HB 506**, jointly sponsored by Representative Oberle & Senator Marshall.

**HB 506** - AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO WORKERS' COMPENSATION.

Mr. Acting Speaker assigned **HB 506** to the Labor Committee.

Representative Hall-Long requested that she be marked present.

Representative Smith deferred to Representative George.

Representative George introduced guests.

Representative George requested and was granted privilege of the floor for members of Girl Scout Troops 874 & 68 who announced their names for the record.

The Majority Leader moved to recess for caucus at 2:30 p.m.

The House reconvened at 4:20 pm. with Representative Boulden as Acting Speaker.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 298 w/SA 1 & 2**, **SB 328 & SS 2 for SB 296** and requests the concurrence of the House; **HCR 81** and is returning same to the House; **HB 128** and is returning same to the House; **SB 245 w/SA 1**, **SB 300 w/SA 1 & SB 302 w/SA 2** and requests the concurrence of the House; **HB 379**, **HB 399 w/HA 1 & HB 411 w/HA 1** and is returning same to the House.

June 17, 2004

Dear Chief Clerk,  
Please disregard my unfavorable Labor Committee vote on **SB 22**.

Thank you  
Pam Maier

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

**NATURAL RESOURCES & ENVIRONMENTAL MANAGEMENT: HB 473 - 6M; HB 499 - 6M; SB 211 - 6M.**

Representative Smith deferred to Representative Fallon

Representative Fallon introduced and brought **HCR 83**, jointly sponsored by Representative Reynolds & Representative Gilligan on behalf of All Representatives & Senator Adams & Senator Sorenson on behalf of All Senators, before the House for consideration.

**HCR 83 - HONORING THE YOUNG MEN FROM ACROSS THE STATE OF DELAWARE PARTICIPATING IN THE 2004 SESSION OF DELAWARE'S BOYS' STATE.**

Representative Fallon made a comment.

**HCR 83** was adopted by voice vote and was sent to the Senate for concurrence.

Representative Smith deferred to Representative Fallon.

Representative Fallon brought **HB 482**, jointly sponsored by Senator Adams, before the House for consideration.

**HB 482 - AN ACT TO AUTHORIZE AND APPROVE THE TRANSFER OF CERTAIN REAL PROPERTY FROM THE SEAFORD SCHOOL DISTRICT TO MRS. HELEN J. GROVES.**

Representative Fallon made comments.

The roll call on **HB 482** was taken and revealed:

YES: 37.

ABSENT: Representatives Keeley, Lee, Spence & Viola - 4.

Therefore, having received a constitutional majority, **HB 482** was sent to the Senate for concurrence.

Representatives D. Ennis, Gilligan, Lavelle, Plant, Reynolds, Ulbrich, Williams, Boulden, Miro and Cathcart requested that they be marked present during the roll call.

Representative Smith deferred to Representative Lavelle.

Representative Lavelle brought **HB 491**, jointly sponsored by Representative Valihura & Senator Bunting & Senator Copeland, before the House for consideration.

**HB 491 - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO QUORUM PROVISIONS FOR COUNTY GOVERNMENTS.**

Representatives Lavelle & Gilligan made comments.

The roll call on **HB 491** was taken and revealed:

YES: 38.

ABSENT: Representatives Fallon, Lee & Viola - 3.

Therefore, having received a constitutional majority, **HB 491** was sent to the Senate for concurrence.

Representative Keeley requested that she be marked present during the roll call.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 427**, jointly sponsored by Representative Lofink & Senator DeLuca & Senator Amick & Senator Connor & Representatives Cathcart, D. Ennis, Miro, Reynolds, Valihura, B. Ennis, Plant & Viola & Senator Henry, before the House for consideration.

**HB 427 - AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS, ROADS AND BRIDGES.**

Representative Oberle made comments.

The roll call on **HB 427** was taken and revealed:

YES: 39.

ABSENT: Representatives Fallon & Lee - 2.

Therefore, having received a constitutional majority, **HB 427** was sent to the Senate for concurrence.

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

Mr. Acting Speaker Boulden appointed Representative Quillen as Acting Speaker.

Representative Smith brought **Consent Agenda F** before the House for concurrence on Senate Amendments.

**HS 1/HB 22 w/SA 1 - WAGNER & SENATOR VAUGHN - An Act to Amend Title 21 of the Delaware Code Relating to Rules of the Road and Drivers' Licenses.**

**HB 135 w/HA 1 & SA 1 & 2 - WAGNER & SENATOR BLEVINS; REPRESENTATIVE THORNBURG - An Act to Amend Title 16 of the Delaware Code Relating to Designer Drugs or Other Controlled Substances. (F/N)**

**HB 208 w/HA 1 & SA 3 - ULBRICH & SENATOR MCBRIDE & REPRESENTATIVES HUDSON, VALIHURA, SCHWARTZKOPF & VIOLA & SENATORS PETERSON, SOKOLA & COPELAND - An Act to Amend Title 24 of the Delaware Code Relating to the Board of Massage and Bodywork.**

**HB 400 w/HA 1 & SA 3 - VALIHURA & SENATOR BLEVINS & SENATOR HENRY & SENATOR CLOUTIER & SENATOR COPELAND & SENATOR SORENSON & REPRESENTATIVE**

SMITH & REPRESENTATIVE LAVELLE & REPRESENTATIVE LAVELLE & REPRESENTATIVE STONE & REPRESENTATIVE GEORGE & REPRESENTATIVES CATHCART, CAULK, DIPINTO, D. ENNIS, FALLON, HUDSON, MAIER, SCHWARTZKOPF & SPENCE & SENATOR COPELAND – An Act to Amend Title 15 of the Delaware Code Relating to Primary Elections.

Representative Smith requested that **HB 400 w/HA 1 & SA 3** be removed from **Consent Agenda F**. The roll call on **Consent Agenda F** was taken and revealed:  
YES: 38.

ABSENT: Representatives Fallon, Lee & Williams - 3.

Therefore, having received a constitutional majority, **HS 1 for HB 22 w/SA 1, HB 135 w/HA 1 & SA 1 & 2 & HB 208 w/HA 1 & SA 3** were sent to the Governor.

Representative Smith brought **HB 400 w/HA 1 & SA 3**, jointly sponsored by Representative Valihura & Senator Blevins & Senator Henry & Senator Cloutier & Senator Copeland & Senator Sorenson & Representative Lavelle & Representative Stone & Representative George & Representatives Cathcart, Caulk, DiPinto, D. Ennis, Fallon, Hudson, Maier, Schwartzkopf & Spence & Senators Bunting & Sokola & cosponsored by Senators Bunting, Marshall, McDowell & Peterson, before the House for concurrence on **SA 3**.

**HB 400 - AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS.**

The roll call on **HB 400 w/HA 1 & SA 3** was taken and revealed:

YES: 38.

NOT VOTING: Representative Keeley - 1.

ABSENT: Representatives Fallon & Lee - 2.

Therefore, having received a constitutional majority, **HB 400 w/HA 1 & SA 3** was sent to the Governor.

Representative Smith brought **Consent Agenda G**, which requires a two-thirds vote, before the House for consideration.

**HB 402 – ATKINS & SENATOR SOKOLA & REPRESENTATIVES SPENCE, BUCKWORTH, CAREY, CATHCART, CAULK, EWING, B. ENNIS & WILLIAMS & SENATORS COOK & SIMPSON – An Act to Amend Title 18 of the Delaware Code Relating to Certain Insurance and Refunds of Unearned Premiums.**

**SB 260 – HENRY & REPRESENTATIVE BUCKWORTH & SENATORS PETERSON, SOKOLA & VENABLES & REPRESENTATIVES EWING, KEELEY, OBERLE & SPENCE – An Act to Amend Titles 6 and 21 of the Delaware Code Relating to Air Bag Safety. (2/3 bill)**

**HB 381 – QUILLEN & SENATOR STILL & REPRESENTATIVES BUCKWORTH, STONE & WAGNER – An Act to Amend Title 9 of the Delaware Code Relating to Kent County Sewer Districts.**

**HB 453 – DIPINTO & SENATOR MCDOWELL & SENATOR HENRY & SENATOR SORENSON & REPRESENTATIVES SPENCE, BOOTH, BOULDEN, BUCKWORTH, D. ENNIS, EWING, HUDSON, MAIER, MIRO, OBERLE, ULBRICH, VLAHURA, WAGNER, B. ENNIS, HALL-LONG, HOUGHTON & PLANT – An Act to Amend Chapter 4, Title 29 of the Delaware Code Relating to Buildings and Grounds, to Promote Culture and the Arts in State Buildings. (F/N)**

**HCR 77 – LAVELLE & SENATOR COPELAND & REPRESENTATIVES HUDSON, STONE, ULBRICH & WAGNER & SENATORS STILL & BONINI – Establishing the New Castle County Government Improvement Task Force to Review the Structure, Operations, and Expenditures of New Castle County Government and Recommend Improvements Thereto.**

**HB 451 – HOCKER & SENATOR BUNTING – An Act to Amend the Charter of the Town of Bethany, Chapter 295, Volume 65, Laws of Delaware, as Amended, to Provide for Quarterly Supplemental Assessments. (2/3 bill)**

**HB 456 – CATHCART – An Act to Amend an Act Entitled “An Act to Reincorporate the Town of Odessa “Being Chapter 141, Volume 68, Laws of Delaware, as Amended, Relating to Vacancy Procedures and Charter Changes.**

**SB 281 – BUNTING & REPRESENTATIVE ATKINS - An Amendment to an Act Being Chapter 138, Volume 68, Laws of Delaware, as Amended, Entitled “An Act to Incorporate the Town of Dagsboro”, to Amend Section 28 (PP) by Striking Said Subsection and Substituting in Lieu Thereof Additional Authority to Borrow Amounts in Anticipation of Revenue. (2/3 bill)**

Representative Smith requested that **HCR 77** be removed from Consent Agenda G.

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

YES: 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority of at least two-thirds Members of the House, **HB 402, HB 381, HB 453, HB 451 & HB 456** were sent to the Senate for concurrence and **SB 260 & SB 281** were returned to the Senate.

Representative Smith moved to place **HCR 77** on the Speaker's Table. The motion was properly seconded and adopted by voice vote.

Representative Smith deferred to Representative Spence.

Representative Spence introduced and brought **HR 85**, jointly sponsored by Representative Smith & Representative Lee on behalf of All Representatives, before the House for consideration.

**HR 85 - DESIGNATING JUNE 17, 2004 AS THE "G. ROBERT QUILLEN HONORARY SPEAKER DAY".**

WHEREAS, G. Robert Quillen, affectionately known to all as "Bobby", was first elected to the State House in 1966, the earliest initial term-of-office of any currently serving State Legislator; and

WHEREAS, G. Robert Quillen served three consecutive terms in the Delaware House of Representatives before he left office in 1972, only to return a decade later to serve eleven more terms; and

WHEREAS, during the 142nd General Assembly, Representative G. Robert Quillen has left his seat on the House floor to serve as Acting Speaker more than any other Representative; and

WHEREAS, we gather to honor Representative G. Robert Quillen on this day, June 17, 2004 (or June 17, 2006, if Representative Quillen's Constitutional Amendment extending the terms of State Representatives an additional two years is successful), for his outstanding service as Acting Speaker throughout the many years; and

WHEREAS, no one can bring the House of Representatives to order faster than Representative G. Robert Quillen, at times instructing the Chief Clerk to please call the roll when he is the only Representative in the Chamber; and

WHEREAS, it can be argued that in the history of the Delaware General Assembly no one has quite the savior-faire at wielding the gavel to restore order on the House floor as Representative G. Robert Quillen, when serving as Acting Speaker; and

WHEREAS, Representative G. Robert Quillen has been known to interrupt the most impassioned speech, right at the pinnacle moment, to tell a colleague to quiet it down or get out of the Chamber; and

WHEREAS, when more than one colleague is being a bit loud in their side conversations, Representative G. Robert Quillen, with gavel in hand but no socks on his feet, will then threaten to clear the whole Chamber; and

WHEREAS, if you are a Representative who stepped outside the Chamber during a roll-call vote when Representative G. Robert Quillen is at the podium, chances are great that you will be marked absent, because unlike the Reverend Billy Graham, Representative G. Robert Quillen is not willing to wait; and

WHEREAS, the members and staff of the Delaware House of Representatives would like to thank Representative G. Robert Quillen for his willingness to ride the gavel all those many times, as it has often resulted in early adjournments.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 142nd General Assembly of the State of Delaware that we hereby designate June 17, 2004, as the G. Robert Quillen Honorary Speaker Day, and thank Representative Quillen for all of his many years of service, both on and off the Speaker's podium.

BE IT FURTHER RESOLVED that a suitably prepared copy of this Resolution be presented to Representative G. Robert Quillen on June 17, 2004.

Representatives Spence, Smith, Lee, Gilligan & VanSant presented a gift to Mr. Speaker Quillen. Representatives Spence, Oberle, Ewing, Gilligan, Carey & Keeley made comments.

**HR 85** was adopted by voice vote.

Representative Smith deferred to Representative Hocker.

Representative Hocker brought **HJR 30**, jointly sponsored by Senator Bunting & Representatives Smith, Lee, Atkins, Ewing & Schwartzkopf & Senator Venables, before the House for consideration.

**HJR 30 - CALLING UPON THE DELAWARE DEPARTMENT OF TRANSPORTATION TO UNDERTAKE THE PLANNING PROCESS FOR A NEW EAST-WEST LIMITED ACCESS HIGHWAY AS AN ALTERNATIVE TO THE PRESENT ROUTE THROUGH SUSSEX COUNTY.**

Representatives Hocker & Valihura made comments.

The roll call on **HJR 30** was taken and revealed:

YES: 37.

NO: Representatives Caulk, Ewing, Valihura - 3.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, **HJR 30** was sent to the Senate for concurrence.

Representative Smith deferred to Representative DiPinto.

Representative DiPinto brought **SB 99 w/SA 1**, sponsored by Senator McBride & Senator Adams & Senator Bunting & Representative Spence & Senators Simpson, Venables, Still & Sorenson & Representatives Ewing, Schwartzkopf, Carey, Lee, Hocker, Fallon, Hudson, Hall-Long, Lavelle, VanSant, Roy, Booth, Atkins, Ulbrich, Houghton, Miro & Valihura, before the House for consideration.

**SB 99 - AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE TO PROVIDE FOR REGULATION OF WASTEWATER UTILITIES BY THE PUBLIC SERVICE COMMISSION. (F/N)**

Representative DiPinto made comments.

The roll call on **SB 99 w/SA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, **SB 99 w/SA 1** was returned to the Senate.

Representatives Valihura & Stone requested and were granted personal privilege of the floor to introduce guests.

Representative Smith deferred to Representative Roy.

Representative Roy brought **HB 468**, jointly sponsored by Senator Sokola & Representatives Boulden, Hudson, Miro, Quillen, Houghton, Plant, Viola & Williams & Senators Blevins, McBride, Bonini & Copeland, before the House for consideration.

**HB 468** - AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO PROHIBITION OF SALES OF ALCOHOLIC BEVERAGES.

Representative Valihura made comments.

The roll call on **HB 468** was taken and revealed:

YES: 25.

NO: Representatives Atkins, Booth, Buckworth, Carey, Caulk, B. Ennis, Ewing, Hocker, Lavelle, Lee, Maier, Smith, Stone & Valihura - 14.

NOT VOTING: Representative D. Ennis - 1.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, **HB 468** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Stone.

Representative Stone brought **HB 455**, jointly sponsored by Representative Maier & Representative Valihura & Senator Blevins & Senator Cook, before the House for consideration.

**HB 455** - AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO CONVERSION TRANSACTIONS OF NOT-FOR-PROFIT ENTITIES.

Representative Stone deferred to Representative Valihura.

Representative Keeley requested and was granted personal privilege of the floor to introduce a guest.

Representative Valihura introduced and brought **HA 1** to **HB 455** before the House for consideration. Representative Valihura made a comment. **HA 1** was adopted by voice vote.

Representative Stone made comments.

The roll call on **HB 455 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, **HB 455 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Miro.

Representative Miro brought **HB 474**, jointly sponsored by Senator DeLuca & Representative Mulrooney & Representatives Boulden, Hocker, Lavelle, Roy & Viola & Senators McDowell & Peterson, before the House for consideration.

**HB 474** - AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO DISHONORED CHECKS, DRAFTS OR ORDERS.

Representative Miro made comments.

The roll call on **HB 474** was taken and revealed:

YES: 39.

ABSENT: Representatives Fallon & Hudson - 2.

Therefore, having received a constitutional majority, **HB 474** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hocker.

Representative Hocker brought **HB 430**, jointly sponsored by Senator Adams & Representative D. Ennis & Representatives Atkins, Boulden, DiPinto, Miro, Quillen, Thornburg, Hudson, Smith & Oberle & Senators Venables, Copeland, Sorenson & Simpson, before the House for consideration.

**HB 430** - AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO WORKERS COMPENSATION.

Representatives Hocker & D. Ennis made comments.

The roll call on **HB 430** was taken and revealed:

YES: 39.

ABSENT: Representatives D. Ennis & Fallon - 2.

Therefore, having received a constitutional majority, **HB 430** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Oberle.

Representative Oberle brought **HB 445**, jointly sponsored by Representative Spence & Senator Blevins, before the House for consideration.

**HB 445** - AN ACT DIRECTING THE BOARD OF PENSION TRUSTEES TO REPAY THE PENSION CONTRIBUTION OF FORMER STATE POLICEMAN FRANCIS R. SPENCE. (F/N)

Representatives Oberle & Wagner made comments.

The roll call on **HB 445** was taken and revealed:

YES: 38.

ABSENT: Representatives Fallon, Hudson & Valihura - 3.

Therefore, having received a constitutional majority, **HB 445** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Schwartzkopf.

Representative Schwartzkopf brought **HB 442**, jointly sponsored by Senator Henry, before the House for consideration.

**HB 442** - AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO IDENTITY THEFT. (F/N)

Representative Schwartzkopf made comments. Representative Lavelle introduced and brought **HA 1 to HB 442** before the House for consideration. Representatives Lavelle & Schwartzkopf made comments. **HA 1** was adopted by voice vote.

The roll call on **HB 442 w/HA 1** was taken and revealed:

YES: 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, **HB 442 w/HA 1** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hocker.

Representative Hocker brought **HB 449**, jointly sponsored by Senator Bunting, before the House for consideration.

**HB 449** - AN ACT TO AMEND CHAPTER 1 OF TITLE 26 OF THE DELAWARE CODE RELATING TO THE PUBLIC SERVICE COMMISSION AND CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.

Representative Hocker made comments.

The roll call on **HB 449** was taken and revealed:

YES: 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, **HB 449** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Wagner.

Representative Wagner brought **SB 312**, jointly sponsored by Senator Adams & Senators Cook & Vaughn & Representatives Ewing & DiPinto, before the House for consideration.

**SB 312** - AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE TO INCREASE THE NUMBER OF JUSTICES OF THE PEACE IN SUSSEX COUNTY. (F/N)

Representative Wagner made comments.

The roll call on **SB 312** was taken and revealed:

YES: 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, **SB 312** was returned to the Senate.

Representative Smith deferred to Representative Keeley.

Representative Keeley brought **HB 220**, jointly sponsored by Representative George & Representatives Carey, D. Ennis, Ewing, Hall-Long, Hocker, Houghton, Mulrooney & Quillen & Senator Henry, before the House for consideration.

**HB 220** - AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OBSCENITY.

Representative Keeley requested that **HA 1 to HB 220** be stricken.

Representative Keeley introduced and brought **HA 2 to HB 220** before the House for consideration.

Representative Keeley made a comment. **HA 2** was adopted by voice vote. Representative Keeley made comments.

The roll call on **HB 220 w/HA 2** was taken and revealed:

YES: 40.

ABSENT: Representative Fallon - 1.

Therefore, having received a constitutional majority, **HB 220 w/HA 2** was sent to the Senate for concurrence.

Representative Smith deferred to Representative B. Ennis.

Representative B. Ennis brought **HB 452**, jointly sponsored by Representative Wagner & Senator Vaughn & Representatives Ewing, Lee, Schwartzkopf & VanSant, before the House for consideration.

**HB 452** - AN ACT TO AMEND CHAPTER 59 OF TITLE 29 OF THE DELAWARE CODE RELATING TO LEAVE REGULATIONS FOR EXEMPT POSITIONS.

Representative B. Ennis made comments.

The roll call on **HB 452** was taken and revealed:

YES: 39.

ABSENT: Representatives Fallon & Viola - 2.

Therefore, having received a constitutional majority, **HB 452** was sent to the Senate for concurrence.

Representative Smith deferred to Representative Hocker.

Representative Hocker brought **HB 423**, jointly sponsored by Senator Bunting & Representative Schwartzkopf, before the House for consideration.

**HB 423** - AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO SUSSEX COUNTY GOVERNMENT AND ADMINISTRATION.

Representative Hocker introduced and brought **HA 1 to HB 423** before the House for consideration. Representative Hocker made a comment. **HA 1** was adopted by voice vote. Representatives Hocker & Gilligan made comments.

The roll call on **HB 423 w/HA 1** was taken and revealed:

YES: 33.

NO: Representatives Caulk, B. Ennis, Ewing, Lee, Thornburg & Williams - 6.

ABSENT: Representatives Fallon & Plant - 2.

Therefore, having received a constitutional majority, **HB 423 w/HA 1** was sent to the Senate for concurrence.

Representatives Hocker & Gilligan made comments.

Representative Smith deferred to Representative Ulbrich.

Representative Ulbrich requested that action on **HB 388** be Deferred to a Day Certain, Tuesday, June 22, 2004.

Representative Smith deferred to Representative Booth.

Representative Booth requested that **HB 493** be stricken.

Representative Smith deferred to Representative Keeley.

Representative Keeley requested that **HB 336** be stricken.

Representative Lavelle introduced and brought **HR 87**, jointly sponsored by Representative Valihura & Representative Hudson, before the House for consideration.

**HR 87 - EXTENDING THE PROTECTION AND OVERSIGHT INCORPORATED IN THE EMERGENCY RESOLUTIONS PASSED IN JUNE 2004 BY PREVIOUS ORDINANCE UNTIL JANUARY 15, 2005.**

Representatives Lavelle & Gilligan made comments.

**HR 87** was adopted by voice vote.

Representative Roy made an announcement.

Mr. Speaker Spence resumed the Chair.

Mr. Speaker Spence reassigned **HB 493** to the Labor Committee and **SB 297** to the Policy Analysis & Government Accountability Committee. Mr. Speaker Spence assigned **HB 446** to the Appropriations Committee.

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

POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY: **HB 484 - 5M; HB 490 - 5M; SS 2 for SB 86 - 5M.**

TRANSPORTATION: **HB 477 - 5M.**

VETERANS AFFAIRS: **SB 186 - 4F,5M.**

The Majority Leader moved to recess to the call of the Chair at 6:20 p.m.

Mr. Acting Speaker Quillen called the House to order at 2:10 p.m. on June 22, 2004.

The Reading Clerk read the following communications into the record:

The Senate wishes to inform the House that it has passed **SB 252, SB 307 w/SA 1, SB 311, SB 326, SB 327, SB 335 & SB 337** and requests the concurrence of the House; **HB 63 w/HA 1, HB 69, HB 294 w/SA 1, HB 326, HB 374, HB 377, HB 378 w/SA 1, HS 1 for HB 408, HB 416, HB 421 & HB 437** and is returning same to the House.

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, Terry R. Spence, do hereby request that my name be removed as cosponsor of **HB 488**.

Date: June 17, 2004

Signed: Terry R. Spence

#### WITHDRAWAL OF SPONSORSHIP REQUEST

I, David Ennis, do hereby request that my name be removed as a cosponsor of **HB 488**.

Date: June 17, 2004

Signed: David H. Ennis

The Majority Whip moved to adjourn at 2:11 p.m., thereby ending the current legislative day. The House reconvened at 2:12 p.m.

### **39th LEGISLATIVE DAY – 142nd GENERAL ASSEMBLY - Second Session June 22, 2004**

The Chief Clerk called the roll:

Members Present: 40.

Member Absent: Representative Roy – 1.

A prayer was offered by Representative John C. Atkins, Forty-First Representative District.

Mr. Acting Speaker led those present in the 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 502 - MULROONEY & SENATOR MCBRIDE - JUDICIARY - An Act to Amend Title 11 of the Delaware Code Relating to Prostitution.**

**HB 504 - ATKINS & SENATOR SIMPSON & SENATOR BUNTING - HOUSE ADMINISTRATION - An Act to Amend Title 25 of the Delaware Code Relating to Property.**